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SHIPPING AND MARITIME LEGISLATION
(25 YEARS OF ACHIEVEMENTS)

BY

MOHAMED MOUFFOK

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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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.

My kind regards are directed to my colleagues and friends.

Finally, I would like to dedicate this modest paper to my wife and my daughters who suffered from my absence.

A B S T R A C T

Being neither an economist nor a lawyer but a seaman having a modest administrative experience in the marine field, my project will not involve any development of a new theory or formula but will be a general description of Algeria, its social, economic and legislative system, its shipping and also an inventory and analysis of its maritime legislation with a particular emphasis on the safety aspects.

I intended to tackle this subject of shipping and shipping legislation in Algeria for the following reasons:

- I noticed during my study at the World Maritime University that not many people knew much about my country.
- I think that it is impossible to dissert on shipping and safety without discussing economy and legislation. Because shipping is considered as a stage in the chain of production and as the driving force of the economy and the legislation is a condition precedent to maritime development and the effective enforcement of appropriate maritime safety standards.

The ideas developed in this paper are the result of: my personal experience, the knowledge I have gained during my two years course at the aforesaid Institution and the compilation of various documents on shipping, legislation and economics I have read.

CHAPTER I

INTRODUCTION

Looking back into the history of economic development of some countries which are now taking the lead in the world economy, it is interesting to note that these countries, which have been and still are considered as maritime powers, have initially given high priority to trade and shipping over other activities. It is trade and shipping which enabled them, by means of adequate policy and legislation, to gain prosperity and accumulate the necessary capital to start in the eighteenth century the era of industrialisation which completed their economic growth and their dominance of world economy.

Upto World War II international shipping was controlled almost exclusively by the traditional maritime countries, but since then the majority of developing countries, perceiving the economical, social and political significance of shipping, started to establish or expand their merchant fleet.

It is generally assumed that a national fleet can contribute to national welfare by creating income, saving foreign exchange, facilitating trade, contributing to economic independence and national defence. However, the creation or expansion of a merchant fleet cannot be done from "vacuum". There are preliminary prerequisites which must be set up before or developed within the country's development strategy in which shipping is part of; these are:

- The understanding of the many maritime activities that need to be attended to: e.g. building up a large sector of public interest in shipping including industry, traders, ports and generally a public opinion interested in sea.
- The capabilities created through the establishment of appropriate maritime administration to administer its maritime affairs.

A shipping policy of a country refers generally to four elements:

ships, seafarers, cargoes and shipping companies. In executing the shipping policy each country defines the objectives to be achieved. There are overall objectives applicable to all economic sectors such as contribution to the balance of payments, growth of the national income or employment target and specific economic objectives with regard to shipping namely:

- Protection of foreign trade interests.
- Promotion of national carriers in international trade.

In the implementation of shipping policy a government should undertake the following functions:

1. Programming of development, i.e. definition of targets in field of seaborne trade, fleet and ports in relation with the development targets of other sectors of the economy.
2. Creation and development of institutions and organizations such as port authorities, shipping companies, ship building and repairing facilities.
3. Definition of financial and fiscal policy.
4. Labour policy including wages and social security.
5. Training and development of human resources.

It is these functions which contribute directly to maritime development and give the developmental role to the Maritime Administration which has also a regulatory role. The functions, which give the regulatory role to the Maritime Administration, are expected to ensure:

1. Safety of lives, ships and property.
2. Protection of the marine environment.

These functions in turn contribute consequently to development and economic advantages by ensuring:

- Maximum efficiency in the operation of ships,
- creation, development, protection and preservation of national maritime skills,
- conservation of national property,
- reduction of operating costs (maintenance, insurance, etc.),
- avoidance of distress and consequential loss of (or damage to) lives, property, marine resources and heavy expenditure,
- provision of overall impetus to maritime development, and
- projection of the image of the country in very favourable light in the maritime world.

These primary functions of the Maritime Administration which have to be both developmental and regulatory should be embodied within the Merchant Shipping Legislation which is known either as the Merchant Shipping Act or the Maritime Code.

The Maritime Code, adopted to control national maritime activities, regulates, inter alia, the following subjects:

- flag and nationality of the vessel,
- Operation of the register of ships,
- Seaworthiness of the ship, safety of navigation and protection of the marine environment,

- right and duties of the ship master as well as requirements,
- status and conditions of a national shipowner, ship operator, ship's agent and charterer,
- contract of carriage of cargo and passengers,
- supplementary shipping activities such as coastal navigation, pilotage, towage, lighthouse.

The extent to which a Maritime Code is adopted or framed depends upon the degree of maritime activity to which a country is involved or the degree of maritime consciousness of a country.

As shipping is of an international nature, the provision of the Maritime Code have to be clearly and precisely worded according to the national maritime objectives and the international obligations of the country.

As far as my home country, Algeria, is concerned, I can say that despite the huge effort made since 1962 to build a modern industrial nation and the socio-economical progress made in twenty five years of independence a lot of work still remains to be done mainly in matters of rationalisation of the existing means of production in order to improve their effectiveness and efficiency which will lead to the improvement of productivity and the accumulation of capital needed to complete the development program undertaken since then.

The government started this work in 1981 by restructuring all the national enterprises, redefining a new management policy, reviewing the functions of a number of Administrations and reallocating scientifically the human resources. This work, which is still going on, takes into account:

- the development strategy defined in the national charter which is the source of reference for all the actions undertaken or to be undertaken,
- the situation of the world economy,
- the necessity of the improvement of the productivity and quality of products,
- the importance of the maintenance and safety in the production process and in the conservation of the national property.

Such measures which lead to the improvement of effectiveness and efficiency of all the economic operators and the promotion and competitiveness of the national product can be achieved only if accompanied by appropriate coordination and cooperation between the different parties involved.

To develop such coordination and cooperation between the various economic sectors there is need for:

- reviewing, consolidating or adapting the existing legislation to the new needs and circumstances,
- restructuring and redefining the functions of the existing organisations or creating new ones,
- developing the human resources and the existing system of information.

In the domain of legislation which is the only way to implement any policy or decision the government had promulgated a number of laws and regulations such as the Code des Marchés Publics, Code des Douanes, Law on Foreign Trade, Investment Code, Penal Code, General Status of Workers to name only few.

In the maritime field, however, only few laws and regulations have been promulgated and the Algerian Maritime Administration has an important role to play in filling the gap and developing the maritime legislation.

Hoping to bring any possible contribution to my Administration in the difficult task it has to develop the maritime legislation and to give the reader some information about my country. I intend in this paper to:

- highlight the social and economical development achieved, the importance, in the development process, of the Algerian Shipping and its situation.
- evaluate the existing maritime legislation which, to my opinion, is considered with the shipping policy to be the spinal column around which maritime development can be achieved. However, a particular emphasis, will be reserved to the safety aspects of the maritime legislation because of its economical effects in the running of such competitive and capital intensive industry as shipping.

To reach these objectives I have divided my work into seven additional parts devoted respectively to:

- General Aspects of Algeria which I will deal with in Chapter II,
- Shipping in Algeria which I will describe in Chapter III,
- Administration of Marine Affairs which I will deal with in Chapter IV,
- Seafarers' Administration, Education and Training which I will deal with in Chapter V.

- Maritime Legislation which I will expose in Chapter VI,
- The Safety of Navigation under the National Legislation which I will try to analyse in Chapter VII,
- Recommendation for the Development of the Maritime Safety System which I will present in the last chapter.

C H A P T E R I I

GENERAL ASPECTS OF ALGERIA

1. Geography and History:

Algeria is one of the largest countries in Africa - 2.4 million square kilometers - situated in the North, between Morocco and Tunisia, with a Mediterranean coastline of about 1200 kilometers.

Ninety percent (90%) of the Algerian population, estimated at 24 million, live along the Mediterranean Coast on twelve percent (12%) of the land area; 1.6 million Algerians are living in the desert which covers about eighty percent (80%) of the total land and 0.8 million are immigrants. Forty five percent (45%) of the population are urban.

According to the 1977 census, fifty four percent (54%) of the population are under age of eighteen (18). The estimated annual growth rate of the population was 3.2 in 1982.

Nearly all the Algerians are muslim of Arab, Berber or mixed Arab-Berber stock.

The indigenous tribes of Algeria were Berbers, Phoenicians, Romans, Vandals, Byzantines, Arabs, Turks and finally the French invaded the country in 1830 and proceeded to colonize the territory. However, the greatest cultural impact came from the Arabs who brought Islam and the Arabic language.

After one hundred and thirty two years of colonization, during which the Algerian population was taken away from the modern economic life of the colonist, Algeria became independent on July 05th, 1962 and a Democratic and Popular Republic was proclaimed the same year.

2. Government System:

On September 8th, 1963 a Constitution, providing for a presidential regime and a National Assembly, was adopted.

On June 19th, 1965 a "Council of the Revolution" replaced the previous government, the National Assembly was dissolved and the constitution was suspended. After eleven years of rules by decree a new National Charter and a new Constitution, providing for a presidential system of government and a National Popular Assembly, were approved in 1976.

Regarding the governmental organization, Algeria has a centralized government which administers the country but takes its guidance on fundamental policy issues from periodic congress of the unique party F.L.N. (National Front of Liberation) and from the party's Central Committee between congresses.

The 1976 constitution provides in article 1 that the Algerian state is socialist and in article 6 that the National Charter is the fundamental source for the nation's policy and the national laws. It provides also for a division of power: the President is invested with the executive power, the National Popular Assembly with the legislative power, The Supreme Court and the Higher Council of the Magistrature with the judicial power and the political power with the unique Party F.L.N.

Concerning the administrative organisation, Algeria is divided into 48 "Wilayat" (provinces) which are subdivided into "Dairat" (districts) and communes. There are 14 Maritime Wilayat namely from East to West: El-Tarf, Annaba, Skikda, Jijel, Bejaia, Tizi-Ouzou, Boumerdes, Alger, Tipaza, Chlef, Mostaganem, Oran, Temouchent, and Tlemcen.

3. Development Strategy:

At the independence, Algeria inherited an economic infrastructure of colonial type (oriented towards the exportation of raw materials and agricultural products and the importation of manufactured goods) and several problems linked directly to the previous policy of economic dependence maintained by the colonist. The main problems which the country had faced are: illiteracy, unemployment, lack of qualified manpower, lack of capital and economic disequilibrium.

A socialist organisational system has been chosen to overcome this situation and ensure a harmonious social and economic development. According to the National Charter socialism has essentially a triple objective:

- The consolidation of the national independence.
- The establishment of a society freed from the exploitation of human by human.
- The promotion of mankind and his free blossoming.

Development, in Algeria, is considered, essentially, as being the setting up, in a coherent manner and in the frame of a planned policy, of the necessary actions to achieve the triple objective that socialism intend to reach. It is, at first, concieved as a whole, in its bearing as well as in its finality and is associated with the concept of economic Liberation.

The principal orientations and the objectives of the development strategy are stated in the 1976 National Charter amended in 1986 and can be summarized as follows:

Principal Orientations:

- a. The development is a basis and an exigency of the the economic independence and the social progress.
- b. The means of independant development are:
 - to create and develop the sources of accumulation,
 - to ensure the equilibrium of foreign exchange,
 - to ensure the financial independence of the state to consolidate the economical emancipation,
 - to make the national market a trustworthy foundation of the economic development,
 - to expand and diversify the external economical relations to avoid the economic dependence and to consolidate the economic independence.
- c. The socialist development strategy involve the control of the economy by the state and an intensive mobilisation of savings which can be achieved by:
 - the recuperation of the natural resources and the appropriation of the production means by the state,
 - the nationalization of the foreign trade, the wholesale, the banking, the insurance and the transport systems, and all the services related to foreign trade,
 - the integration of the price policy in the planification process to ensure the protection of the citizens' purchase power,
 - the integration of the private sector in the development process,
 - a high degree of austerity and an intensive mobilisation of savings.
- d. The achievement of the objectives should be done through a democratic planification, based on a technical and scientific approach, which must concern all sectors: cultural,

social and economical.

- e. The employment of the work force has to proceed in parallel with the establishment of an equitable and effective wages policy, the organisation of a social protection system of the workers, and an equitable distribution of the development's charges and results.
- f. The promotion of technology and the international cooperation should be considered in the development process. Technology should be adopted to the national needs and circumstances, spread all over the various sectors of the economy and, lead to the promotion and development of scientific research for its own development.

Regarding the international cooperation, the demand for technical assistance has to be considered parallelly with the training of nationals and the economical cooperation must be used in the strict respect of the country's options.

Objectives:

The objectives of the development strategy are:

- a. Modernisation and expansion of the agriculture.
- b. Promotion and development of a global and intensive industry.
- c. Development of the hydraulic resources.
- d. Development of the economic infrastructure including the modernisation and extension of the railway and road network, the port and airport infrastructure, the establishment and expansion of the maritime and air fleet, the

improvement and expansion of the energetic production and distribution system, the combat of pollution and the protection of the environment and finally the modernisation, development and generalisation of the telecommunication system.

- e. Development of the touristic potentialities.
- f. Development of the social and cultural infrastructure.

4. Economy:

According to René Gallisot author of "The North African Economy" the Algerian soil and subsoil contains enormous energetic and mineral resources. Indeed oil, gas, iron ore, phosphate, lead, copper, salt, manganese, mercury, zinc and antimony are extracted and treated, uranium, tungsten and gold do exist but are not yet mined.

The main Algerian products are as follows:

- Agriculture:
Wheat, barley, oats, olives, dates, citrus fruit, vegetables and wine.
- Industry:
Crude oil, natural gas, petrochemicals, refined petroleum products, iron and steel, home appliances, transportation equipment (lorries, buses, wagons, etc.), building materials and equipment, agricultural equipment (tractors, combine harvester, etc.), public works equipment, hydraulic equipment (pumps, valves, etc.), electrical equipment (motors, batteries, etc.) and food processing.
Table 1 in appendix will show some figures of the national production.

As a result of the development strategy, 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 wholesale system, all public utilities and the entire banking and credit systems. One third of the arable farm land is organised into worker-managed state farm. Private sector, which is recognized and integrated in the process of development according to the National Charter, is operating in the following sectors of the economy: agriculture, light industry, retail trade, tourism, artisanal. Under the 1982 investment code, which gives more latitude to domestic private investment, the government determines the extent to which new domestic private investment will be allowed in a given development project and the conditions under which any such investment will be obliged to operate. In April 1982 a new law on private joint ventures with foreign partners was promulgated. This law provides that these joint ventures should exist only for 15 years with the state empowered to buy out the foreign partner almost at will and they are allowed only with appropriate state enterprises which retain the controlling interest.

To achieve the goals stated in the development strategy the government has to initiate development plans, decide on the priorities and define the policy for each plan taking into account the achievement of the previous plan, the situation of world economy, the priorities defined and the sources available.

The first 4 years development plan 1970-1973 emphasized on the establishment of a capital intensive sector involving hydrocarbon, iron and steel, electronical and engineering industries and a nine percent (9%) annual growth rate was achieved.

The second four years development plan 1974-1977 viewed at

laying the foundations of a sound industrial base and also emphasized improved agricultural methods, housing, health, job creation and training. The country's gross domestic product grew by an average annual rate of six point five percent (6.5%) in the 70's reaching 120 billion Algerian Dinars in 1979 and the income per capita in 1979 was about 5700 Dinars. (1 US Dollar = 4.15 Dinars).

After three years of debate on the evaluation of achievements of the previous plans and the reorientation of the investment efforts the first five years plan 1980-1984 was adopted in 1980. The breakdown of investment indicated that more emphasis was to be given to meeting social needs such as health, housing and education, industry remained the basis of the long term strategy. There was, however, a shift from heavy to light industry. Much of the new investment was to go into creating a second industrial axis along the central High Plateaux North of the Sahara. Measures were taken to restructure and decentralize the economy and to liberalise the private sector which accounts for one third of the gross domestic product. Change in priorities was also made on revitalizing the agriculture and improving efficiency and productivity throughout the economy. The overall improvement was reflected in an increased growth in real gross domestic product, which rose by seven point two percent (7.2%) in 1982 and by an estimated seven point three (7.3%) in 1983. The income per capita was in 1982 about 1950 US Dollars.

The second five years plan 1985-1989 put emphasis on diversification of exports, promotion of non-hydrocarbon exports, revitalisation of agriculture; social infrastructure, reorganisation of the economy to improve efficiency and satisfy the local demand. It is expected that the gross domestic product will grow at an annual average rate of six point five percent (6.5%). Due to the drop in oil price, some projects set down in this plan had to be deferred and the government had to

revise the 1986 budget within which the investment was reduced by 25%, however, the initial priorities were respected.

Table 2 in appendix will show the structure of the Algerian economy which is characterized by a heavy dependence on oil and gas exports representing about ninety eight percent (98%) of total exports and accounting for thirty two percent (32%) of the gross domestic product; agriculture, employing thirty percent of the workforce, account only for about six point five percent (6.5%) of the gross domestic product, industry contributes around ten percent (10%) of the gross domestic product; construction for fourteen percent (14%) and transport, commerce and services for twenty three percent (23%).

5. Trade:

Algeria had a consistent foreign trade deficit, with the exception of small surpluses recorded in 1967 and 1968, until the huge increases in petroleum prices in 1973 began to reverse the situation, altering it dramatically by 1974. Exports of petroleum and natural gas have transformed the pattern of Algerian Exports, previously limited to agricultural products and some minerals mainly wine, citrus fruit, date, vegetables, iron ore, phosphates.

Nowadays hydrocarbons account for about ninety eight percent (98%) of total export earnings. Other exports, are counting for about two percent (2%) of total earnings, include vegetables, wine, tobacco, hides and skins, dates and phosphates.

The pattern of imports is characterized by the restrictions imposed on imports of consumer goods. Imports include mainly capital goods, representing about twenty six percent (26%) of total import value, semi-finished products twenty four percent (24%), food stuffs twenty percent (20%), transport equipment twelve percent (12%), raw materials eight percent (8%) and consumer goods about eight percent (8%).

The visible trade account turned from a state of chronic deficit to surplus in 1974, alternating annually between deficit and surplus from then on. Falling revenues from hydrocarbons in 1983 made continued surplus doubtful and obliged the government to review its investment and import policy in order to respect its international financial obligations.

Country's main trade partners, after France, are the Federal Republic of Germany, Italy, The USA, Japan, Spain, Canada, and Brazil. Algeria's economy and trade are heavily involved with OECD countries. It has also a preferential trade agreement with the ECC. However, Algeria aiming to develop South-South trade relations, has signed a number of trade agreements with China, India, Brazil, Argentina, some African countries to name only few.

The statistics on the evolution, in volume over a period of twenty years, of the import and export published by the Ministry of Plan, which are inserted in the following table show that the import had been multiplied by four while the export were multiplied by three during the same period.

Evolution of Import and Export
(Year 1962 = Base 100)

| Year | Import | Export |
|------|--------|--------|
| 1962 | 100 | 100 |
| 1965 | 94 | 137 |
| 1969 | 151 | 251 |
| 1971 | 156 | 218 |
| 1974 | 218 | 268 |
| 1977 | 296 | 272 |
| 1979 | 301 | 347 |
| 1980 | 333 | 293 |
| 1981 | 337 | 282 |
| 1982 | 411 | 308 |

The situation is due to the following reasons:

- The growing need in import of capital goods, semi-finished products and raw materials generated by the execution of the successive development plans.
- The increase in energy consumption and in the absorption rate of natural resources by the national industry built over the years which lead to the reduction of export in volume but not in value. (export of processed or semi-finished products mainly)
- The monopolistic trade policy and the "valorisation" of natural resources policy defined by the government.

In 1985 a surplus of 13.6 billion Algerian Dinar in the balance of trade has been achieved. Export revenues were evaluated at 65.8 billion Algerian Dinar while import amounted to 52.2 billion Algerian Dinar (1 US\$ = 4.70 AD). During the same year hydrocarbon products accounted for 98% of the total export value of which crude oil made up only 26%, condensate 24%, liquified natural gas 23%, liquified petroleum gas 3%, refined products 22%. The imports were made up of raw materials, capital goods and semi-finished products representing 74% of the total value; foodstuffs 21% and consumer goods 5%.

CHAPTER III

SHIPPING INDUSTRY

1. Introduction:

The economic and social development of a country cannot be conceived without the development of the transport sector which is considered by most of the economists as a support and a "motor" of the national economy. In this context, Robert C. Lieb said that: "Development of an adequate transportation system is essential to a nation's economic progress. As an integral part of national production and distribution system, an adequate transportation network is necessary to provide a means of servicing domestic and international markets. This is of primary importance in the early stages of economic development because it promotes an accumulation of capital, which allows the economy to progress from the subsistence level at which most production is consumed locally. Transportation and other government programmes, such as education and health care, necessarily complete for public expenditures, particularly in under-developed countries. There are indications, however, that a balanced approach to expenditures in these areas, rather than a disproportionate concentration of government outlays in one area, leads to a more desirable growth pattern.

In my country this problem was felt early after the independence and a Ministry of Transport was created in 1963 to plan and develop the transportation system. As we have seen in the former section, transport is one of the most important points of the Algerian strategy of development which sets some objectives which cannot be achieved unless an adequate transportation system is built up. Among these objectives we can quote the creation and development of a domestic market, the diversification of our trade relations, the promotion of a global and intensive industry, the regional development, which cannot be achieved without the help of a good transportation system.

Since 1962 many achievements have been made in the field of

transport changing completely the system which existed before. However, due to specific reasons and circumstances, the various mode of transports did not receive the same attention and priority. The railway system was left behind until the second five years plan when a decision was taken to modernise and expand the existing network.

I will not expose in this section the whole transportation system but I will concentrate on the marine sectors.

2. Fleet and Shipping Companies:

2.1 Introduction:

As we have seen previously the establishment and the expansion of the fleet is one of the objectives set up in the development strategy. The reasons for the establishment of a national fleet were clearly stated in the earlier years of independence and are found embodied in some way in the development strategy. They are of political, strategical, economical and social nature. It was considered that the establishment of a fleet will help for the economic independence of the country in the sense that it will facilitate the development and the diversification of its trade relations, ensure the security of its supply and its export capacity. It will help also to provide employment, to minimize, at least, the out flow or to provoke, at worth, an in flow of foreign exchange contributing thus to the balance of payment, and to protect the national economy and commercial imperatives.

Our national fleet was created by decree of December 31, 1963 but in fact its real impulse started only in 1967. During the period of 1963-1967 it was only a formal creation in the sense that the fleet was composed of four ships of 20,000 grt, two received as a grant and two

bought in the second hand market. They were operated in the France Trade only. Since 1967 the development of the fleet started effectively taking into account the following factors:

- the nature of goods to be transported,
- the trade route and ports to be served,
- the employment factor,
- the technology to be used on board,
- the safety standards.

In other words the fleet was developed in accordance with the country's conditions and needs: trade pattern (import and export), lack of repairing facilities, need for employment opportunity, lack of skilled personnel to operate high technology equipment, obligations to comply with the international standards of safety, etc...

The fleet was established and is expanding to serve as a support to the development of the national economy particularly by ensuring in all circumstances the security of the necessary supply in raw materials and capital goods first, but also in consumer goods and by contributing, finally, to the progression and equilibrium of the foreign trade by a participation as large as possible of the fleet in the carriage of the foreign trade.

To meet these requirements the fleet is composed of short sea vessels operating in the coastal trade, the Mediteranean Trade and the West European Trade and deep sea vessels operating in the Asian Trade, the USA Trade, the Latin American Trade and the African Trade.

2.2 Fleet Structure:

The fleet grew steadily, in number and tonnage, from four

ships of 20,000 grt in 1967 to seventy eight vessels of 1,400,000 grt in 1982 and then remained almost stable at that level until 1986 when five super tankers were sold, five small tankers and one general cargo vessel were bought bringing back the number of ships to seventy one and the tonnage to about 800,000 grt.

As hydrocarbon products represent almost ninety eight percent (98%) of our export, the carrying capacity of the Algerian fleet is structured as follows:-

- gas carrier 8
representing forty percent (40%) of total carrying capacity.
- dry cargo carrier 43
for thirty nine percent (39%) of carrying capacity
- product carrier 14
for eighteen percent (18%) of carrying capacity
- crude carrier 01
for two percent (2%) of carrying capacity
- passenger carrier 5
for one percent (1%) of carrying capacity

Table 3 in appendix gives an analysis by type of the fleet at January 1st 1987. From this table we can see that the average age of the fleet is 10.2 years and that almost two third of the fleet have been acquired in a short period of five years between 1977 and 1982.

2.3 Shipping Companies:

Government aid, both financial and legislative, has been the driving force behind the steady growth of the fleet which was operated until 1982 by only three companies

namely the Compagnie Nationale Algerienne de Navigation (CNAN), the Compagnie Algero Lybienne de Transport Maritime (CALTRAM) and the Societe Nationale pour la Reherche, Le Transport, La Transformation et La Commercialisation des Hydrocarbures (SONATRACH). In 1982, the CNAN company, having grown too large and unwieldy to be effective, had been restructured to form two separate companies namely the Societe Nationale de Transport Maritime (CNAN) and the Societe Nationale de Transport Maritime d'Hydrocarbures et de Produits Chimiques (SNTM HYPROC).

Nowadays the SNTM-CNAN is in charge of the transport of goods (dry cargo) and passengers. It operates 50 ships, 35 as liner, 10 as tramp and 5 ferries between France, Spain and Algeria. It has also the monopoly of brokerage, consignment, and acts as shipping agent as well as transit agent. It is a member of two conferences: Maritime Algerie - France (Mediterranee) and Maritime Algerie France (Nord-Manche-Atlantique). Its fleet is composed of 14 general cargo container vessels with an average container capacity of 200 TEU each, 12 conventional general cargo, 12 RO/RO ships, 4 Bulkers, 5 car ferries and 3 tankers for carriage of liquid cargo other than hydrocarbon.

The SNTM-HYPROC is in charge of the transport of hydrocarbon products, gas and chemicals. It has also the monopoly of brokerage, consignment, chartering, transit for hydrocarbons. It operates a fleet of 18 vessels: 7 gas tankers, 5 product tankers, 5 tankers and 1 crude carrier.

The CALTRAM is a joint-venture company operating 5 vessels, 3 registered in Algeria and 2 in Lybia, in the trade between West-Europe, Italy, Lybia and Algeria.

The SONATRACH is in charge of bunkering and oil and gas terminal operations. It operates 5 bunker tankers.

2.4 Fleet Activities:

Algeria has not ratified the UNCTAD Convention on a Code of Conduct of Liner Shipping and the national fleet has to carry fifty percent (50%) of the foreign trade as objective set by the government. The participation of the national fleet in the carriage of the foreign trade had increased over the years but still remains insignificant compared to the total exchange volume. In 1981 the national fleet (vessels registered in Algeria) carried only fourteen percent (14%) of the foreign trade which was evaluated at 61,732,146 tons. If we add the vessels chartered by our companies the ratio of participation of the fleet in the carriage of foreign trade becomes twenty seven percent (27%) during the same year. This ratio varies with the lines desserved and the goods transported. the part of foreign trade transported by the national fleet increased by only one percent (1%) during the first five years plan 1980-1984 during which the target was fixed at thirty percent (30%) by the government.

In the hydrocarbons trade, the national fleet is carrying about twenty seven percent (27%) of the total volume exported. In the grain trade, the Algerian fleet is transporting only eleven point fourty three percent (11.43%) of the total volume imported estimated at 3.5 million tons.

Diagrams 1, 2, 3 in appendix show the part of foreign trade carried by the national fleet and vessels chartered and the evolution of the covering rate of the foreign trade by the fleet.

This situation can be explained by the structure of the fleet itself, the economic difficulties generated by the

decrease in the price of hydrocarbon products which affected the investment capabilities and the quality of management. Indeed between 1982 and 1987 some 10 ships of about 380,000 grt sold were replaced by only five small coastal product tankers and three general cargo container ships of 2,863 grt each. Another reason related to the structure of the fleet is the reduction of the tanker tonnage and the stagnation of the bulk carrier fleet which has been always limited to four or five ships of about 100,000 dwt together.

Regarding the management; I would say that it is not a matter of marketing or operation but mainly a matter of organization and maintenance which limit the participation of the fleet in the carriage of our foreign trade. The lack of means and skilled personnel capable to undertake repairs and maintenance work was the reason why all the repairs and almost all the maintenance work were done outside the country until 1986 where the government decided to create a repair company by joining together the maintenance division of the SNTM-CNAN with an old repair company which was deviated from its naval activity.

2.5 Comments:

To my opinion the increase of the rate of participation of the fleet in the carriage of our foreign trade should be done through the re-organization and expansion of the fleet. In other words the rationalisation work started in 1982 should continue, taking into account the principles of division of labour and specialisation which means that the fleet should be organised into small separate companies dealing each of them with a special trade. This solution which is in line with the decentralisation policy followed by the government, will lead

to the creation of at least four new companies; the first dealing with coastal trade, the second with liner, the third with dry bulk trade and the fourth with passenger. This splitting of the fleet presents the following advantages:

- easy control of the efficiency and effectiveness of each company or ship,
- facilitate the management and the development of each company,
- allow the establishment of a good maintenance and the introduction of the preventive method of maintenance in each company because of the limitation in the number of ships and equipment and the possibility of specialisation of personnel on types of ships and equipment,
- allow an adequate expansion of the national fleet according to the targets and the objectives set up by the government and the markets conditions.

This method of splitting the fleet is not new in shipping but is more common today when a shipowner may own several vessels forming several different companies operating in the same trade or in different trades.

The reason behind this behaviour in addition to what we said earlier is the splitting of risk and liability.

The example of the SNTM-HYPROC created in 1982 by the restructuration of the CNAN is today a proof of the effectiveness of this method. Indeed, nowadays the SNTM-HYPROC, after only five years of activity, had already started its programme of development which

consists in the introduction of the preventive maintenance method, the sale of five super tankers which were in laid up position and the acquisition of five small tankers to be operated in the coastal trade covering thus all the national demand which was before satisfied by foreign shipowner. A study published in our daily newspaper "El Mougahid" of June 2nd 1987 shows all the advantages gained from its organisation in a separate company since 1982.

Concerning the expansion of the fleet I do believe that the first priority has to be given to the acquisition, of coastal traders and bulkers, which will lead to the entire Algerianisation of the cabotage and the increase of the rate of participation in the carriage of dry bulk commodities especially grain which is a strategical commodity.

In relation with the general organization of shipping activities I will recommend the continuation of this process of restructuration which should concern all the activities not only the operation of vessels. I mean that it should lead to the establishment of a number of companies having each of them a specific function: repair companies, operating companies, brokerage, consignment and shipping agent companies, revictualling companies, etc...

3. Port and Port Activities:

3.1 Introduction:

By its geographic location Algeria benefits from good climatic conditions which makes its littoral highly accessible by maritime route in any season and from a previledged position within the Mediterranean Basin

because it is equidistant from Asia and America and has access to the Atlantic Ocean through the Straits of Gibraltar and to the Indian Ocean through the Suez Canal.

Algeria, presently, carries by sea ninety eight percent (98%) of the total volume of its foreign trade.

This shows definitely the importance of the port complex for the operation of the national economy.

Before 1962 there were only three main ports which have been developed for the exportation of raw materials and agricultural products to France. After the independence, a vast port development programme in relation with the economic development plan was initiated by the government. This programme included the expansion of some existing secondary ports, the re-equipment of the main ports and the construction of new facilities. Nowadays there are seven main ports which have a national and international vocation and four secondary ports which have mostly a regional vocation. The main Algerian Ports are from East to West:

a. Annaba:

The port comprises three basins with nearly 4000 meters total quayage. There are 29 berths including a tanker terminal with five berths. In 1984 Annaba handled 5,979,689 tons of cargoes (liquid 10.4%, solid bulk 55.8% and general cargo 33.8%).

b. Skikda:

Comprises 17 berths totalling 2500 meters quayage with 2 berths LNG terminal, 3 berths tanker terminal and RO/RO facilities. In 1984 Skikda handled 18,767,293 tons (90.1% liquid bulk, 2.7% solid bulk and 7.2% general cargo).

- c. Bejaia:
Consists of 23 berths with 3 oil berths, 1 L.P.G. berth and one each dedicated to cereals and minerals. In 1984 Bejaia had a traffic of 8,718,954 tons (76.4% liquid bulk, 5.1% solid bulk and 18.5% general cargo).
- d. Algiers:
Consists of 3 basins with 54 berths totalling 9500 meters of quayage including 3 RO/RO berths, 2 tanker berths, ore and bulk facilities.
In 1984 Algiers had a traffic of 7,256,444 tons (liquid bulk 29.1%, solid bulk 15.9% and general cargo 55%).
- e. Mostaganem:
Specialized in general cargo had in 1984 a traffic of 1,697,033 tons (liquid bulk 3.3%, solid bulk 30.7% and general cargo 66%).
- f. Arzew and Bethioua:
Constitute the principal industrial, petrochemical and hydrocarbon outlet. Accommodation at Arzew comprises over 4500 meters of quay with 20 berths including 3 tanker berths, 2 berths methane terminal, a sealine berth for crude oil and facilities for general cargo.
Bethioua, sub-port of Arzew, is an offshore port with 6 berths LNG terminal, 3 specialised berths to handle crude condensate and an LPG/Ammonia facility.
In 1984 Arzew and Bethioua handled 30,740,449 tons (liquid bulk 99.6%, solid bulk and general cargo 0.4%).
- g. Oran:
Offers 33 berths including 4 RO/RO berths, a tanker

berth, a wine berth and cereals facilities. In 1984 Oran had a traffic of 2,940,169 tons (liquid bulk 19.5%, solid bulk 32.5% and general cargo 48%).

At present time the government is embarking on a major port development programme aimed at alleviating congestion and expanding the existing facilities. This programme includes the construction of:

- a. three container terminals at Algiers, Arzew and Oran,
- b. one iron-ore berth at Annaba,
- c. a new dry dock port at Jenjen, near Jijil;

which will be linked to a new steelwork under construction and will cater for container vessels and other freighters up to 30,000 dwt and ore carriers up to 120,000 dwt.

3.2 Port Organisation:

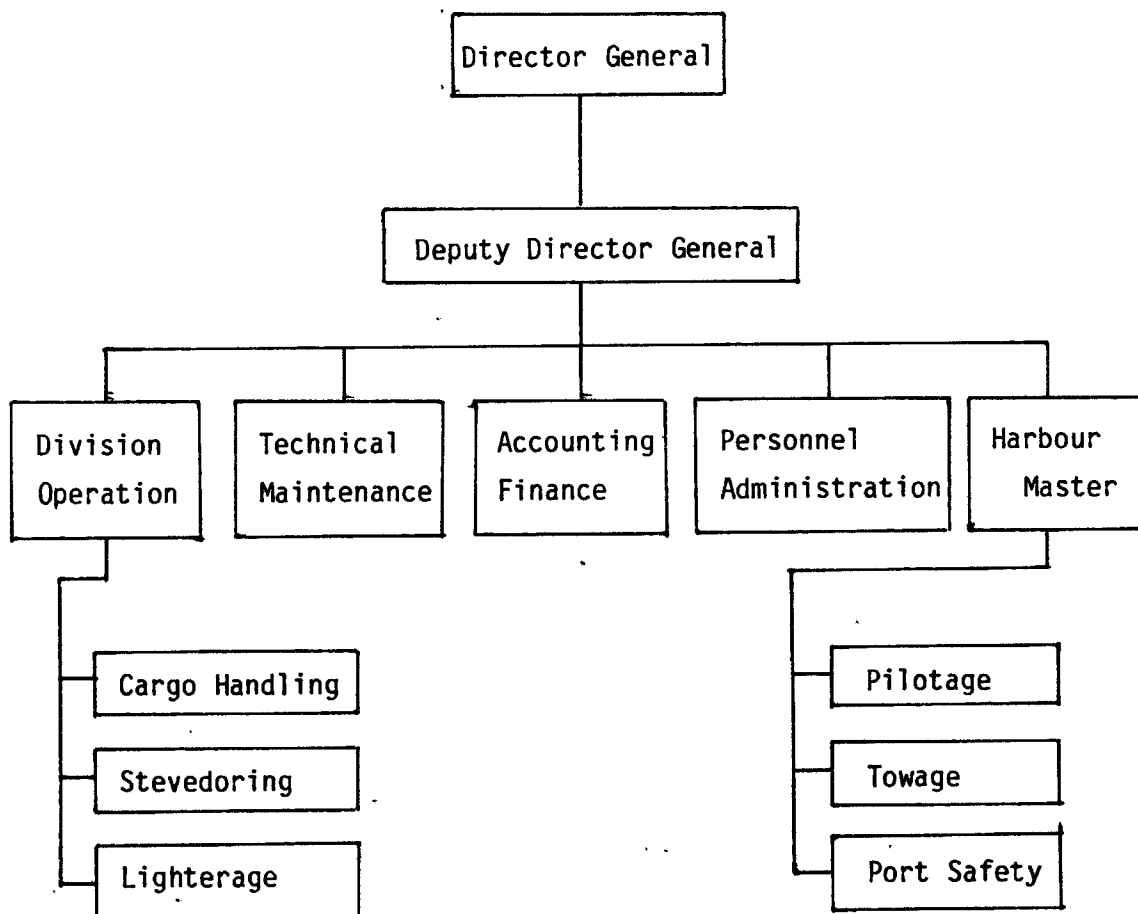
Up to 1982 a National Port Authority, under the Ministry of Transport, was in charge of the management and operation of all the commercial ports. In 1982, following the decision on the restructuration of the national enterprises aimed at improving the efficiency and effectiveness of the state owned companies, The National Port Authority was dissolved and the Algerian Ports were organised in separate enterprises. In 1986 there were some nine Port Enterprises each one of them in charge of the management and operation of a principal port or a secondary port.

The Port Enterprises 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 Ministry of Transport, through the Port Directorate, ensures the control of these enterprises which 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 technologies.

The Port Enterprises collect fees from users of port facilities, port dues, wharfage, berthage, handling charges, pilotage dues, towage charges, etc....

The organization chart of Port Enterprise is as follows:-



3.3 Port Activities:

The non-availability of detailed statistics for the year 1986 obliged me to refer to the year 1984 for the discussion on port activities. But I must assure the reader that the changes which happened between 1984 and 1986 concern only the volume but not the trade pattern. Indeed, due to the world economic situation, the decline of oil and gas prices and consequently the reduction of revenues, the Algerian government had taken in 1986 a decision to cut back significantly on planned spending; decision which had an effect mainly on the volume of traffic in the sense that the priorities remained unchanged.

In 1984, the Algerian ports handled 77,978,406 tons of cargoes. The total traffic increased by four point four percent (4.4%) over 1983. The hydrocarbon products represented seventy three point two percent (73.2%) and the general cargoes twenty six point eight percent (26.8%) of the total of goods handled this year.

In the same year the container traffic (37,626 TEU) and the passenger traffic (655,680 passengers) increased respectively by thirteen point one percent (13.1%) and fifteen percent over the previous year.

3.3.1 Goods Discharged:

22,066,753 tons of goods have been discharged in 1984. Their distribution by type of products was:

| | |
|--|-------|
| - agricultural products | 22.3% |
| - building materials (cement and others) | 18.7% |
| - hydrocarbon products | 17.6% |
| - manufactured goods | 13.5% |

| | |
|-----------------------------|-------|
| - foodstuffs | 11.9% |
| - metallurgical products | 7.6% |
| - solid mineral combustible | 4.9% |
| - chemical products | 2.2% |
| - fertilizers | 0.7% |
| - miscellaneous goods | 0.6% |

With 10,659,623 tons West Europe stood as the first partner and the tonnage originated from this zone represented forty eight point three (48.3%) of the total discharged that year. The rest of the traffic was distributed as follows:

| | |
|---|-------|
| - National Cabotage | 17.2% |
| - North America | 14.1% |
| - Central and South America | 8.1% |
| - East Europe | 6.4% |
| - Mediterranean Countries (excluding France and Italy) | 3.6% |
| - Asia | 1.7% |
| - East and West Africa | 0.3% |
| - Occanie and others | 0.3% |

3.3.2 Goods Loaded:

Composed of ninety five percent (95%) of hydrocarbons products, the tonnage of goods loaded reached in 1984, 55,911,633 tons. The remaining five percent (5%) were distributed as follows:-

| | |
|-------------------------------|------|
| - iron ore and mettalic waste | 2.1% |
| - phosphates and fertilizer | 1.0% |
| - metallurgical products | 0.6% |
| - manufactured goods | 0.5% |
| - agricultural products | 0.3% |
| - foodstuffs | 0.3% |
| - miscellaneous goods | 0.2% |

During the same year (1984) sixty four point eight percent (64.8%) of the total tonnage loaded had West Europe as destination. The remaining thirty five point two percent (35.2%) were distributed over the following zones:

| | |
|---|-------|
| - North America | 23.3% |
| - National Cabotage | 6.8% |
| - East Europe | 2.8% |
| - Central and South America | 0.8% |
| - Asia | 0.7% |
| - Mediterranean Countries (excluding France and Italy) | 0.4% |
| - East and West Africa | 0.3% |
| - Occanie and others | 0.1% |

3.3.3 Traffic Pattern:

The following tables show the 1984 traffic pattern (by region of origin or destination and by type of products).

Traffic of Goods by Region (1984)

| Region | Import (tons) | Export (tons) | Total (tons) | Share (%) |
|-------------------------|-------------------|-------------------|-------------------|--------------|
| West Europe * | 10,659,623 | 36,239,508 | 46,899,131 | 60.2 |
| North America | 3,105,282 | 13,012,172 | 16,117,454 | 20.7 |
| National Cabotage | 3,795,722 | 3,795,722 | 7,591,444 | 9.7 |
| East Europe | 1,423,206 | 1,572,938 | 2,996,144 | 3.8 |
| Central & South America | 1,784,949 | 469,173 | 2,254,122 | 2.9 |
| Mediterranean Countries | 785,574 | 241,292 | 1,026,866 | 1.3 |
| Asia | 373,421 | 391,886 | 765,307 | 1.0 |
| East and West Africa | 78,178 | 151,704 | 229,882 | 0.3 |
| Occanie and others | 60,798 | 37,258 | 98,056 | 0.1 |
| T O T A L | 22,066,753 | 55,911,653 | 77,978,406 | 100.0 |

* France and Italy included in West Europe.

Source: Port Directorate - Ministry of Transport 1984

The conclusions which can be drawn from the above table are the following:

- The traffic pattern by region confirms the great involvement of the Algerian economy with the OECD countries stated earlier in the section related to trade. About eighty percent (80%) of the total traffic of goods were with West Europe and North America.
- A certain unbalance in the traffic appears in some trade especially with the Mediterranean countries, Central and South America, East and West Africa, and Occanie. This unbalance of traffic concerns also

some West European countries like France from which Algeria is importing more than it exports. The equilibrium of trade has been always the preoccupation of the government who is promoting a policy of diversification of the trade relations based on the promotion of the relations South-South.

Traffic of Goods by Products

| Products | IMPORT | | EXPORT | | TOTAL | |
|----------------------------|-----------------|----------------|-----------------|----------------|-----------------|----------------|
| | Tonnage | Share (%) | Tonnage | Share (%) | Tonnage | Share (%) |
| Agricultural products | 4915110 | 22.3 | 151326 | 00.3 | 5066436 | 06.5 |
| Foodstuffs | 2643738 | 11.9 | 143936 | 00.2 | 2787674 | 03.6 |
| Hydrocarbon products | 3887068 | 17.6 | 53155428 | 95.0 | 57042496 | 73.2 |
| Building Material | 4139171 | 18.8 | 4150 | | 4143321 | 05.3 |
| Mineral and metallic waste | 76527 | 00.3 | 1188020 | 02.1 | 1264547 | 01.6 |
| Metallurgical products | 1684113 | 07.6 | 327419 | 00.6 | 2011532 | 02.6 |
| Manufactured goods | 2976121 | 13.6 | 281011 | 00.5 | 3257132 | 04.2 |
| Social mineral combustible | 1089824 | 04.9 | 24925 | | 1114749 | 01.4 |
| Fertilizers and phosphates | 159373 | 00.7 | 562900 | 01.0 | 722273 | 00.9 |
| Chemical products | 495708 | 02.3 | 72538 | 00.1 | 568246 | 00.7 |
| TOTAL | 22066753 | 100.0 | 55911653 | 99.8 | 77978406 | 100.0 |

Source: Port Directorate - Ministry of Transport 1984.

The above table shows us that the traffic pattern of goods handled by the Algerian ports in 1984 was dominated by the hydrocarbon products (73.2% of the total traffic)

and by the import of food and manufactured goods which represented respectively about 10% and 4%. This situation finds its explanation in the fact that Algeria is an oil producing country facing the following problems which are of direct effects upon its traffic pattern:

- a higher demographic rate about 3.2 per year;
- an insufficient agricultural production due to mainly climatic conditions: irregular rainfall;
- the exigency of its development plans which need for their implementation the importation of a great volume of goods which cannot be produced at all or in sufficient quantity by our infant industry.

4. Auxiliary Shipping Industry:

To support the operation of our national fleet and to serve shipping in general the following services are available in Algeria:

4.1 Pilotage:

Compulsory in all Algerian ports, it is organized under the direction of each Port Enterprise.

4.2 Towage:

Is also organized under the control of each Port Enterprise since 1982, before it was the monopoly of the previous "Compagnie Nationale Algerienne de Navigation". Today 31 tugs of which 14 highseas tugs are operated by the various Towing Services.

4.3 Insurance:

All the Algerian vessels are insured at the "Compagnie Algerienne d' Assurance et de Réassurance" (C.A.A.R.) which exercises the state monopoly in this field. This

company is specialised in the transport insurance field: cargo and ships.

4.4 Bunkering:

Is the monopoly of the state owned company "SONATRACH" which has a subsidiary "Division Marine - Aviation" in charge of the refuelling activities in all the Algerian ports and airports.

4.5 Lighthouse:

This activity is taken in charge by the "Service de la Signalisation Maritime" under the control of the Ministry of Public Works.

4.6 Repair Industry:

This industry is almost inexistant. The only facilities available are located in Algiers and composed of two dry docks for small vessels. However in 1986, in view of reducing the cost of repairs and maintenance of the national fleet, the government decided to develop the repair facilities. In this context, a repair company was created in May 26th, 1986 by the merging of the SNTM-CNAN's Maintenance Division and the old repair company, E.R.E.N.A.W.A., which was before deviated from its naval activity to shore activities.

This repair company located in Algiers has at its disposal two dry docks, two berths and about 320 employees which enable it to undertake a wide range of works on hull, machinery, pipes and electronics equipment. A delivery of a floating dock is planned for 1989. From June 1st, 1986 to March 31st 1987 the following works were carried out by this company:

- 23 technical visits of which 21 dry-dockings.
- 7 long interventions on board car ferries.
- 386 short call interventions.

Between June 1st 1986 and February 1987, the company had a turn over of about 20 million Algerian Dinar, representing about one-fifth of the repair and maintenance cost of the SNTM-CNAN for the year 1984 (110 million Algerian Dinar paid in foreign exchange).

4.7 Port Construction:

This activity is taken in charge by the "Societe Nationale des Travaux Maritimes" (SONATRAM), a state owned company responsible for port construction and repairs.

4.8 Other Activities:

Such as shipping agent, transit, brokerage, forwarding, victualling, etc... are the monopoly of the national shipping companies.

4.9 National Council of Maritime Transport Users:

Was created in February 1987. This organization, composed of representatives of nine ministries and of several national companies, is an advisory institution for the discussion and the coordination between all the operators in the maritime transport chain. Its role is to develop the participation of the national fleet in the carriage of our seaborne trade, to preserve the interests of the carriers and the transport users in matters of service quality and prices and, to reduce the national freight bill.

CHAPTER IV

ADMINISTRATION OF MARINE AFFAIRS

In Algeria the administration of marine affairs is under the control of the Ministry of Transport as a leading authority but it involves the assistance of several ministries and services which will be described later.

1. The Maritime Administration

1.1 Introduction:

Before 1962 the organization 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 with its headquarters in Algiers, the capital.

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

The main tasks of this Directorate were the registration of ships and seamen, the inspection of ships (particularly fishing vessels), the control of fishing activities and the establishment of statistics, etc....

At the independence in 1962, to avoid any break-down in the existent system, Algeria passed the same legislation and maintained the same organization except in those matters related to the national sovereignty.

In 1974, the Transport Directorates were established in each "Wilaya" (Province) in accordance with the administrative organization 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.

1.2 Role and Activities:

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 vessels, and secondly, in relation to foreign ships visiting its ports or its territorial waters.

In general terms, the objectives of the Algerian Maritime Administration are to provide the government with an efficient machinery in order to take in charge those functions which are

embodied within the Maritime Code and to meet the nation's international maritime obligations.

The main functions of the Algerian Maritime Administration can be summarized as follows:

- a. Formulation and implementation of the maritime policy and legislation related to:
 - registration of ships and seamen,
 - surveys, inspections and certification of ships,
 - port state control and detention of unseaworthy ships,
 - manning of ships and crew matters,
 - ships' casualty investigation,
 - prevention, control and combat of marine pollution,
 - wrecks,
 - search and rescue,
 - pilotage, towage, port safety,
 - training and certification of seafarers and pilots,
 - training of port officers, and
 - in general all matters related to shipping as a whole.
- b. Discharge the obligations of the government under the international conventions which may be applicable.
- c. Promotion of maritime development including the conducting of studies pertaining to maritime trade and economics, and to management, operation, upkeep and maintenance of the national fleet and ports and the monitoring of freight rates, port tariffs and availability of shipping capacity, and the definition of the master port development plan.

1.3 Organization:

In my country the maritime administration functions are carried out:

- at the central level by the Merchant Marine Directorate and the Ports Directorate under the authority of the Ministry of Transport,
- at the local level by the Local Directorates of Transport of the provinces (Wilaya),
- abroad by the Algerian Consular Authority.

a. The Central Administration:

The Central Administration is composed of:

- The Merchant Directorate
- Port Directorate
- The Central Safety Commission

The Merchant Marine Directorate:

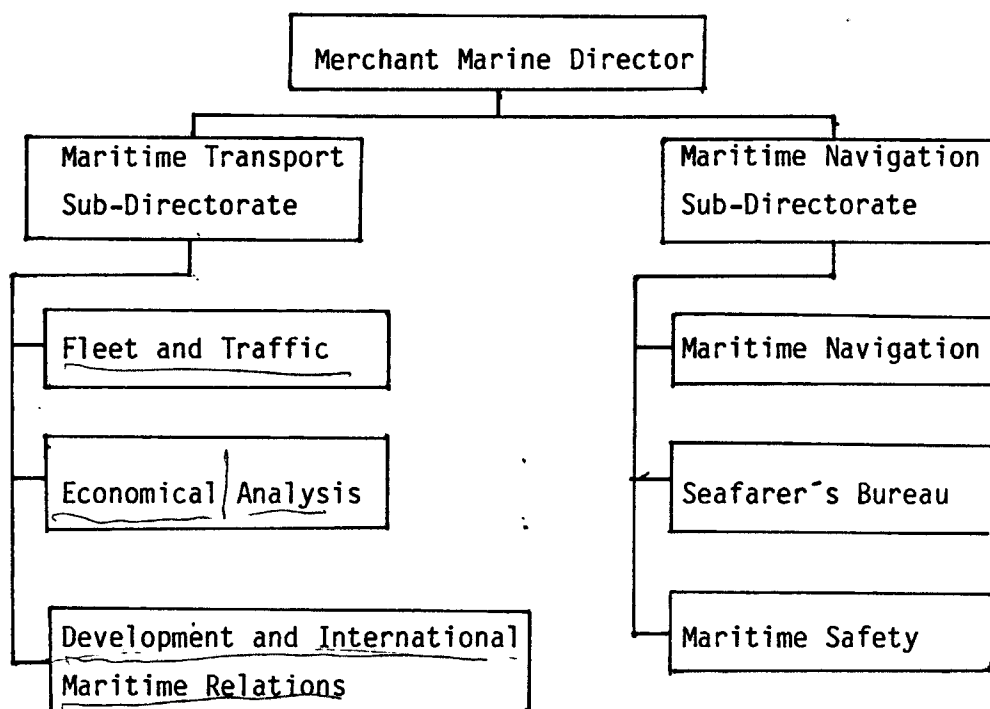
The Merchant Marine Directorate deals with all matters regarding the sea and the coastline.

This authority is competent to elaborate, propose and adopt the principles and rules of the national policy for transportation matters and marine navigation. To reach this aim the Merchant Marine Directorate uses studies, research and participates together with other concerned authorities in the execution of the plans.

The Directorate ensures maritime navigation safety, elaborates and puts into execution the contingency plans against marine pollution, regulates the organization of the littoral and establishes the safety standards for ships and life at sea.

The Merchant Marine Directorate is composed of two sub-directorates: The Maritime Transport Sub-Directorate and

the Maritime Navigation Sub-Directorate. These Sub-Directorates are divided into offices as shown in the following chart:



The Maritime Transport Sub-Directorate is in charge of the:

- elaboration and proposal of elements as regard maritime transport rules and other activities,
- study and proposal of modernization plans regarding maintenance, equipment, and national fleet development, and
- participation in the international activities related to the conventions.

The Maritime Navigation Sub-Directorate is in charge of the:

- elaboration and preparation of the necessary elements relating to the regulation, organization, and control of

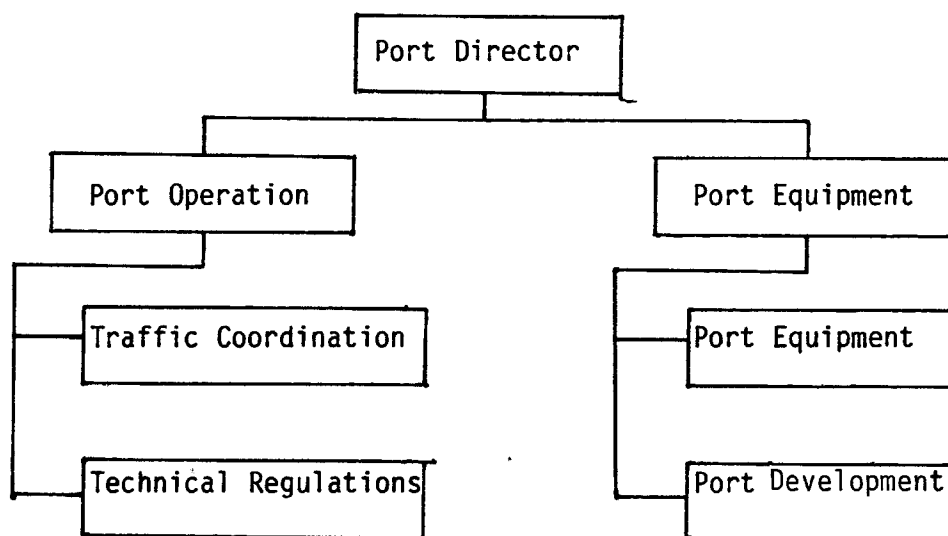
- the use of the sea according to national and international legislation,
- preparation and proposal of all measures relating to the safety of navigation and definition of the standards of the safety of ships and regulation of the maritime traffic system,
 - elaboration, proposal and control of the execution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

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.

This authority is in charge of the study and establishment, in connection with the concerned structures and within the framework of the national territory lay-out plan, of the master port development plan and of the taking care of the coordination of the national port activities.

This Directorate is composed of two Sub-Directorates, Port Operations Sub-Directorate and Port Equipment Sub-Directorate, which are divided into offices as shown in the following chart:



The Port Operation Sub-Directorate is in charge of:

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

The Port Equipment Sub-Directorate is in charge of:

- elaboration and proposal of the headlines of development of the national port 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, operation and maintenance of port superstructures and equipment,

- establishment of the conditions of operation and maintenance of port infrastructures.

The Central Safety Commission:

The Central Safety Commission is presided over either by the Minister of Transport or by his representative who is generally the Director of Merchant Marine.

The 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 Inspections,
- 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 namely:

- National Service of Coast Guard,
- Ministry of Telecommunications,
- Ministry of Health (Doctor of Seamen), and
- The concerned shipowners

b. The Regional Maritime Administration:

The Regional Maritime Administration is composed of:

- The Sub-Directorate of Maritime Navigation, and

- The Local Inspection Commission of Navigation and Maritime Labour.

The Sub-Directorate of Maritime Navigation:

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 organization 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 Directorate of Transport of the provinces.

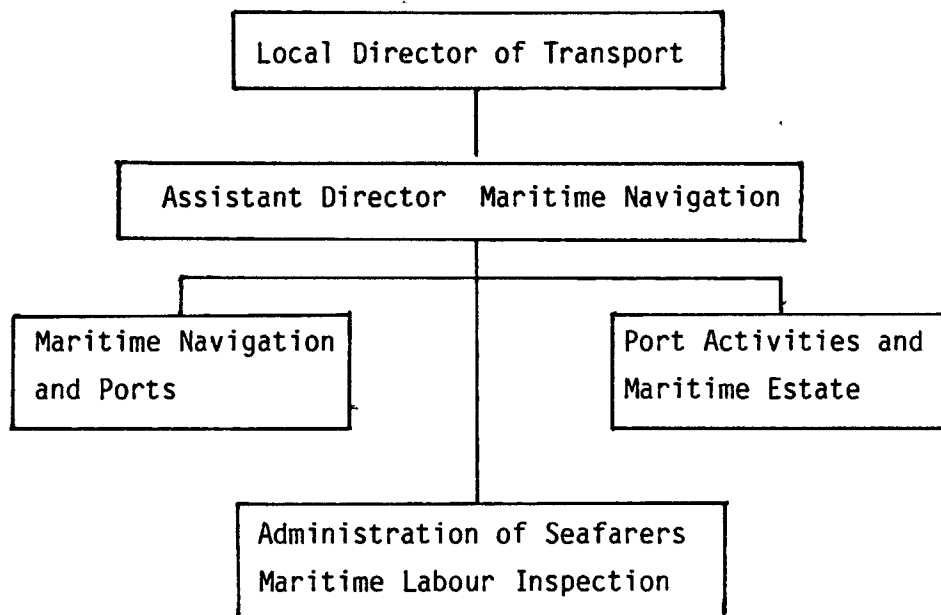
To accomplish their functions, these structures have to obey orders from the Ministry of Transport and from the Ministry of Internal Affairs as responsible for the province (Wilaya), which is in charge of the local administration.

The main functions of the Sub-Directorate of Maritime Navigation are as follows:

- working up and control of the application of the regulations relating to the statute and safety of the ships, the police of navigation and maritime traffic, the safety of port operation, the recruitment conditions and employment of seafarers, and the standards for the exercise of functions on board ships,
- Studying and deciding on all measures designed to rationalize and improve the operation of local ports, and

- exercise of the maritime domain police.

To accomplish its pre-rogatives, the Sub-Directorate of Maritime Navigation is composed of three offices as shows the following chart:



The Local Inspection Commission:

The Local Inspection Commission of Navigation and Maritime Labour is competent within the maritime administration limits of the concerned maritime province (Wilaya).

The commission, created by decision of the Ministry of Transport, is under the authority of the local Director of Transport 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 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 related to the safety of navigation.

The Local Commissions of Inspection, presided over by the Local Director of Transport, consist of the following members:

- 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 Seamen.

2. National Authorities and Services Dealing with Marine Affairs:

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 safety of maritime 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 fulfill the responsibilities of the government over the maritime sectors.

In the case of my country, these structures are:

2.1 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 submarine cables police,
- participate in search and rescue operations,
- contribute to the prevention of marine pollution by oil, and
- contribute to the supervision of the coast in connection with other concerned services.

In order to accomplish its activities the Coast Guard Service is spread over the whole coast, organized into local structures and disposes of a lot of equipment (patrol boat, high speed surface craft, radio installations, etc...) and trained personnel.

2.2 The Ministry of Agriculture and Fisheries:

As we have seen earlier, after the separation of the Ministry of Transport and the Secretariate of State of Transport and 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 fishermen, 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 related to fishing are under the jurisdiction of the Sub-Directorate of Fisheries.

2.3 Other Authorities:

Beside these two authorities which have a direct link with the marine affairs, 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 dealing with taxation

and customs matters; the Ministry of Justice, responsible for commercial laws aspects of the maritime legislation; the Ministry of Health, for the sanitary questions related to ships and seafarers; the Ministry of Telecommunications, which is in charge of the maritime radio stations and the radio equipment inspections and issuance of radio-telecommunication and telegraphy certificates; the Ministry of Environment for the questions relating to marine pollution prevention; the Ministry of Labour for all matters related to the work conditions and 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 her 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 outside the country.

3. 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 for 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 of 1973, these societies are entitled to:

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

4. Comments:

At the end of this chapter relating to the organization of the Administration of Marine Affairs, I may conclude that in spite of the fact that Algeria as other developing countries does not have the necessary experience, the "administrative network" which is in place seems to be sufficient but not efficient.

From the exposé of the structure and attributes of the Maritime Administration and other services concerned with maritime affairs, the following remarks can be made:

- a. The non existence of continued relationships between the Central Administration (Ministry of Transport) and the Local Administration, (Sub-Directorate of Maritime Navigation) in the sense that the latest has only a functional link with the Central Administration.
- b. The terms "participate", "cooperation" and "coordination" are found in almost all the Administrations' functions while there is no well-knit framework of cooperation and coordination between the concerned services dealing with marine affairs.
- c. The Safety Commissions have no permanent character and are

dealing at the same time with inspections and investigation matters.

- d. The structure of the Central Administration (Merchant Marine Directorate) is not to my view well adapted to the activities it has to carry out in the sense that the operational aspect does not appear clearly.

The above mentioned remarks constitute, to my view, the main weaknesses of our maritime administrative system which is suffering also from shortage of trained marine personnel particularly marine surveyors, inspectors and investigators.

C H A P T E R V

**SEAFARERS
ADMINISTRATION, EDUCATION AND TRAINING**

1. SEAFARERS:

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. The reviewing and 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 regulatory requirements in this matter, particularly those related to the training and certification of seafarers.

With the entry into force of the International Convention on Standards of Training, Certification and Watchkeeping, and its near ratification by my country, the personnel certification should keep the attention of the Maritime Administration.

1.1 The Exercise of the Seafaring Profession:

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

To join the seafaring profession all applicants must meet some conditions which are:

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

In addition to these conditions, there are many others related to morality. In fact, inscription in the Register Book of Seamen could be refused to any candidate who:

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

When 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 related to his qualifications and his future functions on board are reported by the local Maritime Administration Authority which keeps the aforesaid information up to date.

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

During the exercise of his profession the seafarer and the shipowner have some reciprocal obligations. The seafarer must also observe a certain number of disciplinary rules. These obligations and disciplinary rules are defined in the Maritime Code.

If the seafarer, during the exercise of his functions does not fulfill the previous conditions anymore, 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.

1.2 Administration of Seafarer:

The administration of seafarer in Algeria involves three

separate entities which act in concert. These are:

a. The Local Maritime Administration:

The Sub-Directorate of Maritime Navigation is responsible for:

- the registration of seamen,
- the issue of the Seafarer's Book,
- the enrolment of the seafarer,
- the up dating of the Seafarer's Book,
- the withdrawal of the Seafarer's Book
- the inspection and visa of the Ship's Crew List.

The withdrawal of the Seafarer's Book and the deprivation of the seafarer to exercise his functions are carried out according to the decisions taken by the local and national Commissions of Discipline which are created according to the provisions of the Maritime Code.

b. The Maritime Health Service:

The Maritime Health Service, which is under the Ministry of Health, is responsible for:

- the definition of the physical standards of aptitudes,
- the periodical medical examinations of seafarers,
- the definition of the minimal daily alimental ration,
- the definition of the system of control of the food, water, as well as all the equipments and places used for the storage, manipulation, preparation and distribution of food.

c. The National Service for the Protection of Seafarer:

The National Service for the Protection of Seafarers is responsible for:

- the social security,
- the family allowances,
- the retiring pension.

1.3 Employment of Seafarer:

The employment of seafarers on board Algerian ship is ruled according to the provisions of the following texts:

- the Maritime Code,
- the General Statute of Workers and all the regulations related to, and applicable to the seafaring conditions.

The employment conditions are the responsibilities of the Ministry of Transport (Maritime Administration) and of the Ministry of Labour.

2. THE GENERAL EDUCATIONAL SYSTEM:

2.1 Introduction:

The Algerian population estimated at 24 million, of which nearly sixty percent (60%) are under the age of eighteen (18), is increasing each year by 800,000 persons (growth rate of the population being 3.2%).

These figures show clearly the burden the government has to assume in educating, feeding and housing this young and inactive population.

Since the Independence, Algeria has always given a high

priority to the education sector considering that the development of human resources is a prerequisite for the building up of a modern and industrialized nation. Indeed, the education sector has been always allocated between twenty percent (20%) and twenty five percent (25%) of the country's budget since then.

Nowadays, the rate of school attendance in the primary is about ninety percent (90%). In 1987, the statistics, given by the responsible ministries in charge of education and training matters, are as follows:-

- 5,611,000 pupils are attending the primary school. Their number has been multiplied by about seven in twenty five years (in 1962 they were only 800,000);
- 100,000 adolescents are attending the secondary school, while they were about 20,000 in 1979/1980;
- More than 200,000 students are attending courses at the different national universities and institutes.

The education system has been always under process of development in terms of capacity, organization, and administration taking into account:

- the principles stated by the National Charter,
- the exigencies of the development strategy,
- the increasing number of pupils and students,
- the rapid changes happening in the technological field,
- the necessity to adapt the educational system to the needs of the industry.

To illustrate this development the following examples can be quoted:

- Algiers has nowadays more colleges than the country had in 1962 (increase in number of colleges from 39 in 1962 to 481 in 1981),
- The total reform of the primary and secondary level which are now technologically oriented,
- The "Arabisation" of almost all the educational system where Arabic was optional until the 70's.

Nowadays there are in Algeria three Ministries dealing with education and training matters:

- The Ministry of Education, responsible for the compulsory basic and secondary education, with a Vice Minister in charge of the general and technical secondary education.
- The Ministry of Labour and Vocational Training responsible for the vocational training.
- The Ministry of Higher Education and Scientific Research responsible for the higher education and the scientific research.

2.2 The Education System:

There are three levels of general education in my country:

a. Fundamental Education:

The fundamental education is compulsory for all the Algerian pupils from the age of six and lasts for nine years. All the basic courses are in Arabic, however in the fourth year they start to learn French language and in their seventh year they begin to learn a second

foreign language chosen among English, Spanish, Italian, German and Russian, but English is more popular. At the end of their nine years compulsory basic education, the adolescent has to pass an exam leading to an "0" Level Certificate (Brevet d'Enseignement Moyen).

b. Secondary Education:

The secondary education is not compulsory, but is a continuity of the fundamental education. It is aiming at giving the adolescent a scientific education both general and technical. It is considered as a preparation for those students wishing either to continue their higher education or to choose a stream of vocational training at the higher level. The secondary education is provided for three years and conducts to the obtention of an "A" level certificate (Baccalaureat) required for the entrance to the University and to some Institutes.

c. Higher Education:

The higher education in Algeria is provided by specialized schools, Institutes or Universities. It is divided into four levels:

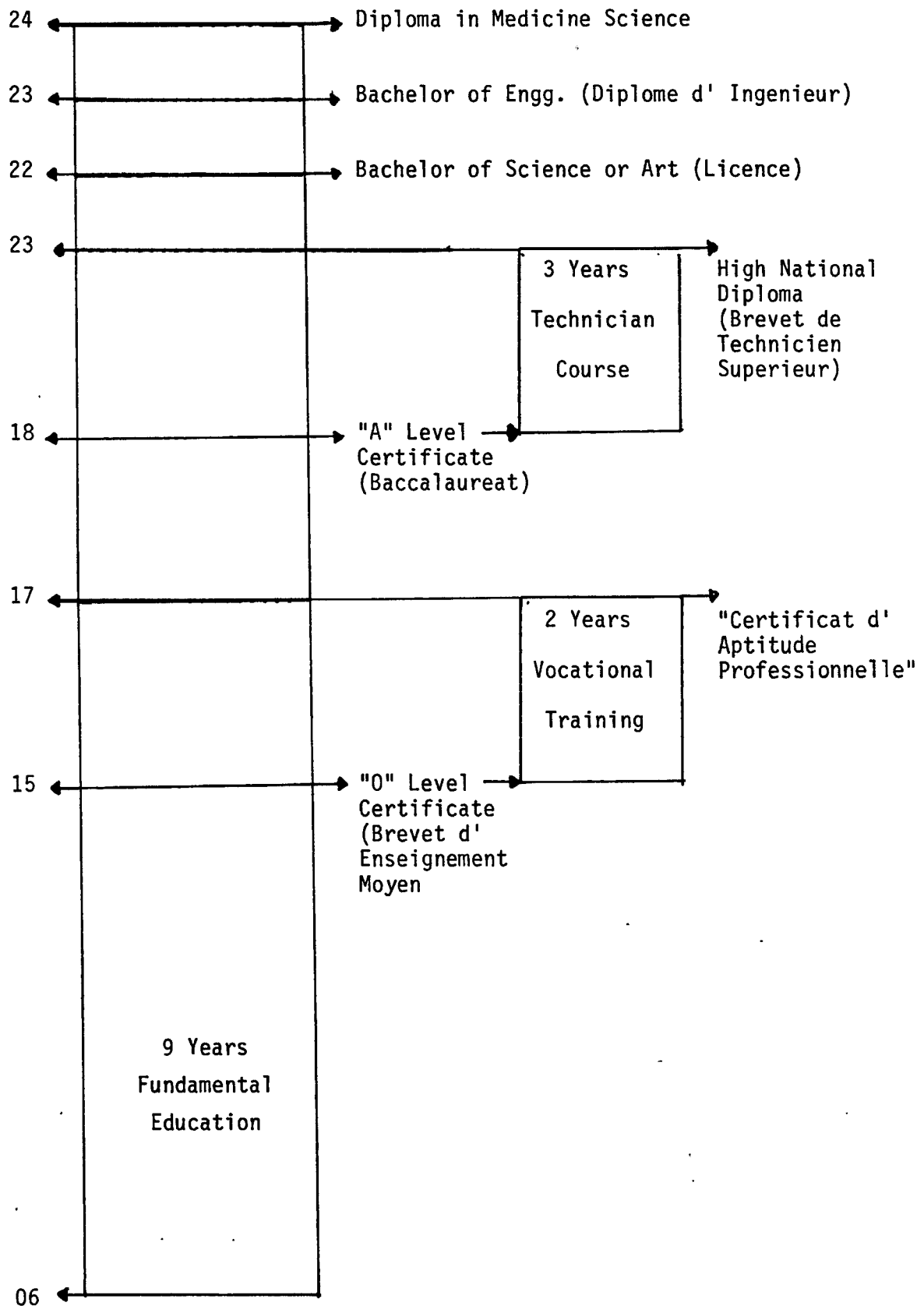
- Technician: This course lasts three years and leads to the award of a High National Diploma (Brevet de Technicien Supérieur).
- Bachelor and Engineer Degrees: These courses last between four and five years and lead to the award of a Bachelor of Science, Art or Engineering.
- Master Degree: This course lasts two years and leads to the award of a Master of Science, Art or Engineering.

- Doctorate Degree: This course lasts three years and leads to a Doctorate Degree.

d. The General Educational Structure:

The general educational structure is shown by the following diagram. The period of military service (Service National) which lasts 2 years is not shown in this diagram because it can be at the age of 18 or deferred to the age of 26.

GENERAL EDUCATIONAL STRUCTURE



3. MARITIME EDUCATION AND TRAINING:

In 1962 when Algeria started its shipping activities, it lacked skilled manpower to man the vessels acquired, training facilities and teachers.

To overcome this situation the government decided at that time to recruit foreign officers for the manning of these vessels and foreign teachers, to reconvert the previous Fishing School of Algiers in a National School of Maritime Navigation aiming at providing training in a shorter time for deck and engine officers, and to send abroad nationals to study nautical and engineering sciences.

In the 70's when the needs for officers increased due to the rapid expansion of the national fleet and when the National School of Maritime Navigation was no more capable to meet the needs of the fleet, it was decided the creation of a High Maritime Institute.

3.1 The High Maritime Institute:

In 1974, the algerian government in cooperation with Canada, established the High Maritime Institute which could not only be able to respond to the needs of the fleet but also to the needs of the whole maritime sector including ports, fisheries and Maritime Administration.

The High Maritime Institute, which is located at 45 kilometers West of Algiers in a small coastal town, Bou Ismail, has the following objectives:

- education and training of navigating officers of the merchant fleet, fisheries and auxiliary services,
- education and training of administrative officials of

the merchant marine, ports, fisheries and Maritime Administration, and

- organization of up dating and refresher courses as well as courses of specialization in the maritime sectors.

The High Maritime Institute disposes of a good infrastructure capable to accommodate up to 450 students, a permanent teaching staff of about 25 of which 6 are foreigners and a part time teaching staff of about 30 lecturers. It disposes also of a satisfactory teaching equipment and aids as well as of a good recreational facilities including cinema of 500 seats, TV rooms, library, cafeteria and several sport fields.

This institution provides courses for:

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

Up to now about 1400 navigating officers, 140 administrators, 150 port officers and 30 pilots have been graduated from this institute.

3.2 Maritime Education and Training System:

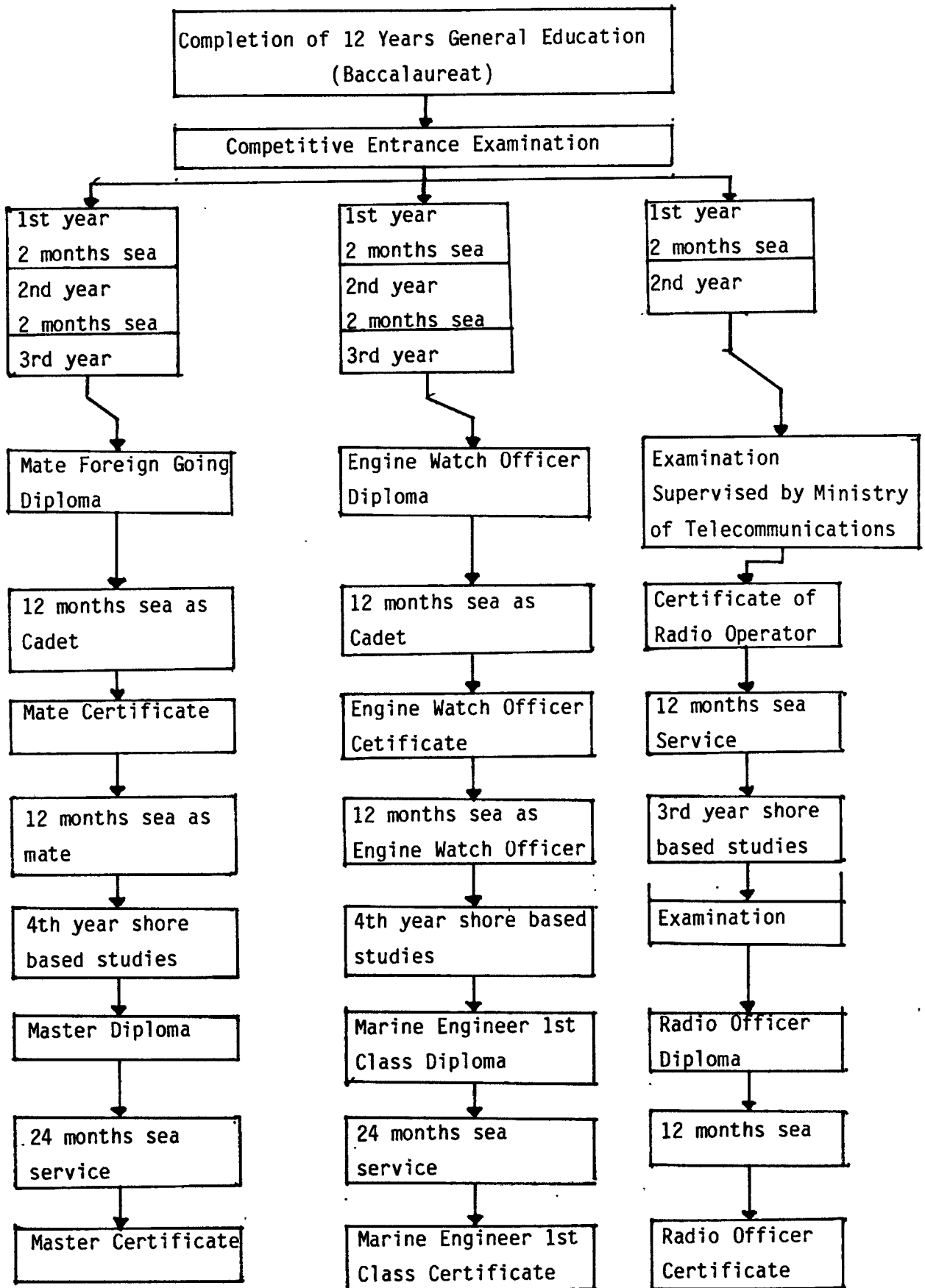
Except for the pilot course which is reserved to officers holding a Master Certificate, the entry requirements for all the other courses are the following:

- holding an "A" Level Certificate in scientific matters (Bachelier Sciences),

- succeed at the entrance examination, and
- to be physically fit.

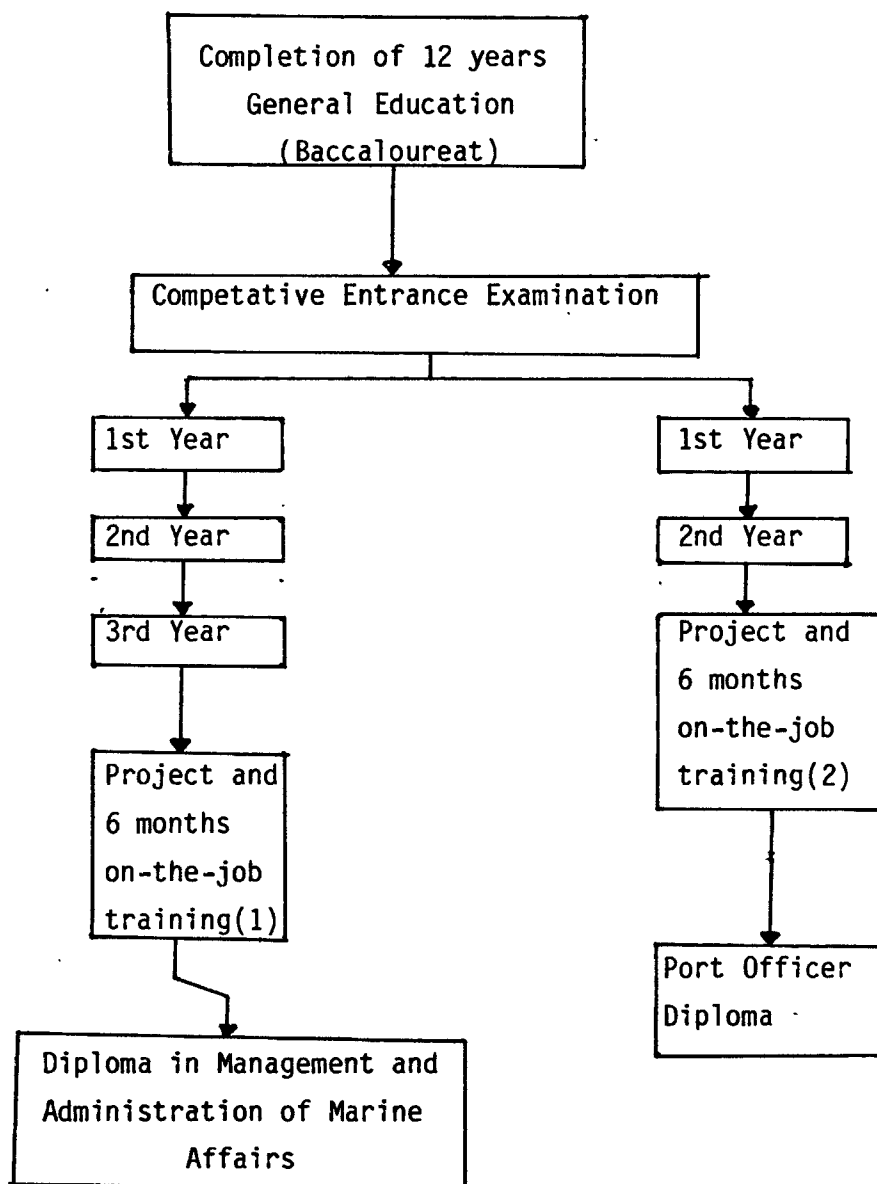
a. Training System for Navigating Officers:

The education and training of Masters, Engineers, and Radio Officers are displayed according to the following diagram:



b. Training System for Shore Personnel:

The education and training of Administrators and Port Officers are displayed according to the following diagram:



1. The on-the-job training of Administrators takes place in the National Maritime Administration or in a foreign Maritime Administration.
2. The on-the-job training of Port Officer takes place in our National Ports.

4. COMMENTS:

Before leaving this subject I would like to point out that the training of officers is presently carried out according to the International Standards of Training except for the examination and certification matters on which I will come back later.

For the ratings, unfortunately there is at present no formal training system available. However, the rating personnel is recruited with a sufficient technical background necessary for the job he will carry on board and then he is trained on board before he has any responsibility.

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

- the non-existence of procedures of consultation between the institutions in charge of training, the Central Maritime Administration and the Shipping Industry,
- the planning of personnel needs is not established,
- the training of marine personnel is not submitted to an effective control and supervision of the Maritime Administration,
- the shortage of qualified maritime teachers and trainers.

CHAPTER VI

MARITIME LEGISLATION

1. INTERNATIONAL MARITIME LAW:

Since ships and cargoes, by nature, travel between countries and spend the time between ports on the high seas where there is no obvious applicable legal system, the law relating to shipping cannot be confined to one country but has to adopt something of international character. Otherwise, wide variations might occur in the practice and behaviour of different courts in different countries.

In the past, this need was recognised by the use of customary codes which were recognised in several countries such as the Rhodian Sea Law which was greatly used by the ancient mediterranean trading cities, the laws of Wisbey and the Hanseatic cities used by the Northern trading cities, and the laws of Oleran which were introduced in the English maritime system in the fifteenth century.

In modern times, in addition to that, the rapid expansion of world seaborne trade, the great technological developments of the shipping industry have created some new problems, such as those related to safety at sea, pollution or containerization, which have called for measures (legal, administrative, technical) to be taken on a global scale and where a great effort of concertation, harmonization and universality was needed. This effort is reflected, today, by the use of a more formal system of international conventions and agreements.

Maritime Law consists of rules designed to co-ordinate the orderly conduct of international maritime commerce, safety of navigation, protection of marine environment and maritime infrastructure. These rules are found in international conventions, national laws and legislation, functional regulations which facilitate operation and decisions of tribunals, courts and arbitrators. The enforcement of these rules, which are agreed on internationally, takes generally place at

the national level which means that every state is responsible for the ships flying its flag.

Therefore it is important first to recognize that maritime law is an international system of law and secondly to ensure that the national maritime legislation is in conformity with international maritime law rules which are derived from four primary sources namely:

a. Comité Maritime International (CMI):

Established in 1896, this private international organization is devoted to the international unification of maritime law. It consists of various national maritime law associations and draws its membership from among shipowners, average adjusters, brokers, insurers, freight forwarders, and maritime lawyers. This organization has produced almost all international maritime conventions on the carriage of goods by sea, collisions, bills of lading, maritime liens and mortgages, salvage and assistance, and liabilities. Meetings are held periodically to develop new draft conventions often, now, in conjunction with the International Maritime Organization and the United Nations conference on Trade and Development.

b. The International Maritime Organization (IMO):

The International Maritime Organization, a specialized agency of the United Nations founded in 1948 and effective since 1958, has been confided with the specific functions related to maritime matters.

The objectives of IMO 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 (organizations) 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 formalation of international conventions and similar multi-lateral 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 IMO.

Like most inter-governmental organizations, 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 organization's activities reflects no more than the wishes and the will of the participating states.

c. The United Nations Conference on Trade and Development (UNCTAD):

The United Nations Conference on Trade and Development was established by the United Nations General Assembly in 1964. It was conceived in response to concerns of developing countries that their economic problems were not being considered or addressed by the United Nations financial institutions.

Its principal functions are the negotiation and adoption of multilateral legal instruments in the field of international trade and the revision of international shipping law through its Committee on Shipping.

In the field of shipping, since its establishment, UNCTAD carried out a certain number of studies where concentration on commercial considerations was of primary importance and developed some international instruments of which:

- The Convention on a Code of Conduct for Liner Conference,
- The United Nations Convention on International Multimodal Transport for Goods,
- The United Nations Convention on Conditions for Registration for Ships.

d. Other International Organizations:

There are other international organizations which are developing international instruments affecting the shipping industry. These are:

- The International Labour Organization which developed a serie of international conventions related to maritime labour and safety,
- The World Health Organization dealing with maritime health matters,
- The International Telecommunications Union dealing with maritime communications,
- The World Meteorological Organization dealing with world weather matters,
- The International Hydrographic Organization dealing with hydrography, charts, etc.
- The United Nations Environment Programme dealing with the environmental protection.

2. THE NATIONAL MARITIME LEGISLATION:

Algeria as a member state in a various international organizations has accepted a certain number of international conventions related to the shipping industry. The list of the international conventions to which Algeria is party will be drawn after having explained the evolution of the legislative system, the source of national law and the process of implementation of international conventions.

2.1 The Legislative System:

Before the Independence the French legal system was in force over the entire Algerian territory with some particularities related to the fact that Algeria was considered by France as a land of settlement.

After the independence in 1962, in order to avoid any legal gap which will be difficult to fill up, the National Assembly voted the law of December 31, 1962 which prolonged the French legislation except those provisions which could be a harm for the internal and external sovereignty of the Algerian State.

In 1965, after the National Assembly was dissolved and the 1963 Constitution was suspended the "Council of Revolution", replacing the previous government, enacted the ordinance 65-182 of July 10, 1965 which was considered, at that time, as a mini constitution. This constitution gave the basis of the Algerian juridical order where power was given to the "Council of Revolution" to enact council order and to control the activities of the government. The government was given the power to enact ordinances and decrees according to the matters to be regulated.

In 1973, the regulation prolonging the French legislation

was abrogated by an ordinance which entered into force in July 5th 1975. The two years delay was intended for the building up of the Algerian law system. A lot of laws presently in force date back to this period.

In 1976 a National Charter and a new Constitution were approved by referendum. Following this a National Popular Assembly was elected.

The Constitution as amended (in 1978) provides in Article 6 that the National Charter as amended (in 1986) is the fundamental source of the nation's policy and of the national laws.

Under the provisions of the Constitution the Government under the control of the President is invested with the executive power (Article 114) and the National Popular Assembly is invested with the legislative power (Article 126).

The National Popular Assembly is competent to elaborate and vote the law but the laws' initiative is shared between the Assembly Members and the President of the Republic who can legislate by ordinance during the Assembly's intersessions and then he submits the laws enacted to the approval of the National Popular Assembly at its first next session.

The international treaties ratified in conformity with the conditions defined by the constitution are considered as law (Article 159).

The domain of law where the National Popular Assembly has to legislate is defined in Article 151 and in some other articles of the Constitution.

The regulatory domain is defined by the constitution as the

domain including all the matters other than those related to the domain of law as well as the acts taken for the application of law (Article 152).

The President of the Republic disposes of the regulatory power.

The evolution of the Algerian legislative system since 1962 can be divided into three periods:

a. Period 1962-1965:

During this period where the 1963 Constitution was applicable there was no defined domain of law and the laws both formal and material were enacted in the form of regulations (decree).

b. Period 1965-1976:

During this period where there was neither a Constitution nor a National Assembly, the law in the formal sense was non-existent. All the laws were material and enacted in the form of ordinances.

c. Period 1976 upto now:

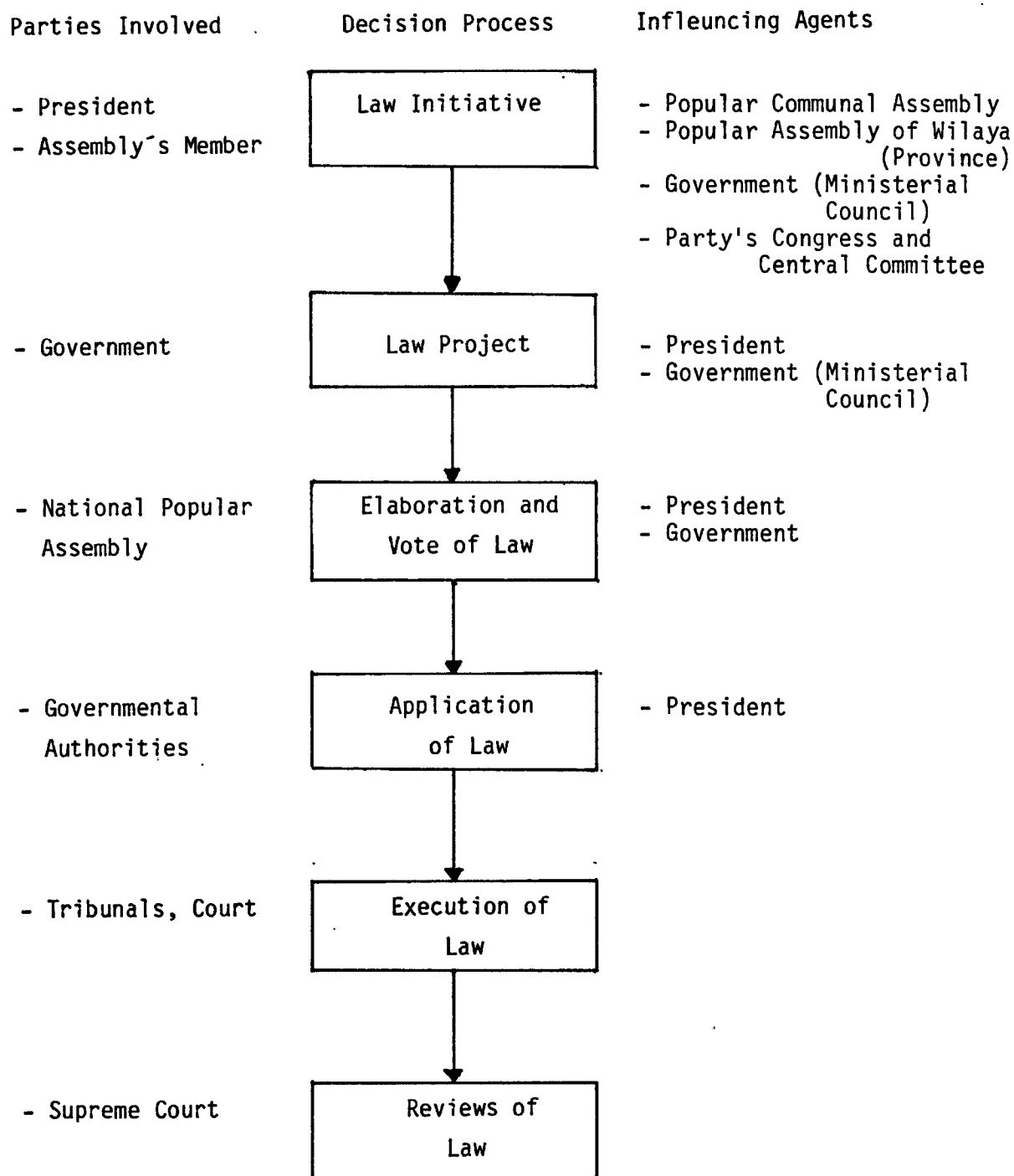
This period is characterized by the existence of a Constitution and a National Popular Assembly, and by the definition of the domain of law (formal law) where the Assembly legislates and of the domain of regulation (material law) where the President of Republic has the power to regulate.

To day, the law is voted by the National Popular Assembly. The application's acts of the law are promulgated in the form of ordinances. The administrative regulations are promulgated in the form of:

- Decree by President of the Republic,

- Order by the Ministers, the Wali (Governors of Provinces) and the Presidents of the Communal Popular Assembly.

Thus, the present process of formulating or implementing any law can be summarized as follows:



As shown in the above diagram, the initiative for the creation of law belongs jointly to the President of the Republic and the Assembly's members. The law project is deposited by the government on the office of the National Popular Assembly which is acting as the basic formulator of Law. Inputs to this law-making process are provided by the Popular Communal Assembly, the Popular Assembly of Wilaya (Province), the Government (Ministerial Council), the Party's Congress and Central Committee, and the President of the Republic.

The implementation of law involves the Ministries and their respective agencies for the application of law, and the judicial system for the execution of law.

The Algerian judicial system is composed of:

a. Tribunal:

There is a tribunal in each Daira (District). The tribunal is composed of two to four sections depending on its importance which are:

- Penal Section,
- Common Law Section,
- Commercial Section, and
- Social Section dealing with labour law.

The commercial and social sections are found only in the important tribunals.

b. Court:

The court constitutes the second degree of jurisdiction. There is a court in each Wilaya (Province). The court is composed of:

- Penal Chamber,
- Civil Chamber competent for the judgements rendered by the social, commercial and common law sections of the tribunal,
- Appeal Chamber of infant,
- Prosecution Chamber.

The three important courts (Algiers, Oran and Constantine) have a fifth chamber: The Administrative Chamber which is competent for the Administrative Law. (Legal dispute between the Administration and individuals).

b. Supreme Court:

The Supreme Court does not constitute a degree of jurisdiction but its role is to regulate the functioning of the tribunals and courts, to unify the jurisprudence, and to look after the respect of law. The Supreme Court is composed of the following Chambers:-

- Civil Law,
- Muslim Law,
- Commercial and Maritime Law,
- Social (Labour Law),
- Criminal Law,
- Administrative Law.

Thus, the maritime disputes are taken in charge by the commercial section of the tribunal or by civil chamber of the court or by the commercial and maritime law chamber of the Supreme Court.

2.2 The Sources of the Algerian Law:

The Algerian Law, in general, comes from the following sources:

- The Constitution,
- The Souman Congress text 1956,
- The Tripoli Programme adopted in 1962,
- The Algiers Charte 1964,
- The Proclamation of June 19, 1965,
- The National Charter 1976,
- The Principles of the Muslim Law and the rules of Muslim Law as secondary source,
- Usage, equity and jurisprudence,
- Acts and Regulations enacted by the National Popular Assembly and the Government,
- International Instruments, and
- to some extent the French Law.

In general terms the Algerian law is influenced by three currents of thought:

- The Muslim current of thought,
- The liberal current of thought, and
- The socialist current of thought.

As regards the maritime law the sources can be summarized as follows:

- Internatinal Maritime Conventions,
- The Maritime Code, and
- Some acts and regulations promulgated by the competent Algerian Authorities.

2.3 International Maritime Conventions Accepted:

2.3.1 Implementation Process:

Before giving the list of international maritime conventions to which my country is party I would like to discuss our process of implementation of

international maritime instruments. From the historical point of view we can discern two periods: the period before the promulgation of the Maritime Code and the period after.

During the first period (1962-1976), all the maritime conventions which have been accepted by my country have been incorporated in the Maritime Code enacted in 1976. The acceptance have been done in the form of decree or ordinance related to the particular conventions.

During the second period (1976-up to now) the international maritime conventions are implemented, after approval of the National Popular Assembly, by the promulgation of a decree referring only to the title of the conventions which becomes itself an integrated part of our maritime legislation.

This method of implementation is used in many countries, but to my opinion it presents some disadvantages from the administrative point of view, particularly when the implementation act is not preceded or followed just after by the appropriate measures which should be taken by the Maritime Administration.

Because of the legal, technical, administrative and financial implications of a maritime convention, a certain number of measures have to be taken prior to its implementation in order to facilitate its enforcement.

If such measures are not taken at the right moment, the door will be open for improvisation when it comes to the enforcement of the convention.

In its present form, the decree by which a convention is implemented shows only that this convention is a national law which has to be enforced by the responsible Ministries (Transport, Justice, etc.). It does not show how the convention should be enforced. By enforcement it should be understood: the definition of national requirements which may be higher than those of the convention, the methods of control, the authorities who will be in charge of the enforcement, the procedures for its enforcement, etc.

In this connection, I think that the best process of implementation of any maritime convention is the one which has been recommended by Professor Vanchiswar of the World Maritime University in his first volume on Establishment and Administration of Marine Affairs in Developing Countries. This process is indicated in the following table:

| | Phase 1 | Phase 2 | Phase 3 |
|--|---|---|---|
| C O N V E N T I O N | a) ratification or accession b) prepare national legislation (Primary and Subsidiary) c) documentation d) prepare executive orders and instructions to officials concerned e) develop adequate Maritime Administration Infrastructure | implementation of National Legislation through the exercising of appropriate functions by officials of the Maritime Administration. | certification of ships and seafarers and issue of clearance to ships to proceed to sea. |

2.3.2 List of Conventions:

At 1st January 1987 my country was party to the following conventions:

Public Maritime Law

Safety:

- a. International Convention for the Safety of Life at Sea, 1948.
- Implemented by decree 63-345 of September 11th, 1963.
- b. International Convention for the Safety of Life at Sea, 1960.
- Implemented by decree 63-345 of September 11th, 1963.
- c. International Convention for the Safety of Life at Sea, 1974 and the 1978 Protocol.
- Implemented by decree 83-510 of August 27th, 1983.
- d. Convention on the International Regulations for Preventing Collisions at Sea, 1972.
- Implemented by decree of October 4th, 1976.
- e. International Convention on Tonnage Measurement of Ships, 1969.
- Implemented by decree of October 4th, 1976.
- f. International Convention on Load Lines, 1966.
- Implemented by decree of October 4th, 1976.
- g. International Convention on Maritime Search and Rescue, 1979.
- Implemented by decree 82-340 of November 13th 1982.

Pollution:

- h. International Convention for the Prevention of Pollution of the Sea by Oil, 1954 as amended.
 - Implemented by decree 63-344 of September 11th 1963.

- i. Convention for the Protection of the Mediterranean Sea from Pollution, Barcelona, 1976.
 - i.1 Protocol related to the Prevention of Pollution of the Mediterranean Sea by Dumping from ships and airoplanes.

 - i.2 Protocol related to the co-operation in matters of combat of Marine Pollution of the Mediterranean Sea by oil or others noxious substances in case of emergency.
 - Implemented by decree 80-14 of January 26th, 1980.

- j. Protocol related to the Protection of the Mediterranean Sea from "Tellurique" Pollution, Athens, 1980.
 - Implemented by decree 82-441 of December 11th 1982.

Navigation:

- k. Convention on the International Maritime Satellite Organization (INMARSAT), 1976.
 - Implemented by decree of July 15th, 1979.

Manning:

The international conventions related to manning and accepted by my country are those prepared by the International Labour Organization (ILO). I will give a list of them, but unfortunately without any indication on the implementation text because the reference book of the Minstry of Transport - Merchant Marine Directorate does not contain any information of that kind.

- l. Convention 56 concerning Sickness Insurance for Seamen, 1936.
- m. Convention 58 fixing the Minimum Age for the Admission of Children to Employment at Sea, 1936.
- n. Convention 68 concerning food and catering for crews on board ship, 1946.
- o. Convention 69 concerning certification of ship's cooks, 1946.
- p. Convention 70 concerning social security of seafarers, 1946.
- q. Convention 71 concerning seafarers' pensions, 1946.
- r. Convention 73 concerning the Medical Examination of seafarers, 1946.
- s. Convention 74 concerning the certification of able seamen, 1946.
- t. Convention 91 concerning vacation holidays with pay for seamen, 1949.
- u. Convention 92 concerning crew accommodation on board ship, 1949.
- v. Convention 108 concerning seafarers' national identity documents, 1958.
- w. Convention 87 concerning freedom of association and protection of the right to organize, 1948.
- x. Convention 98 concerning the right to organize and to bargain collectively, 1949.

Jurisdiction:

- y. Convention on certain rules relating to civil jurisdiction in matters of collision, Brussels 1952.
 - Implemented by decree 64-172 of June 8th, 1964.

Arrest of Ships:

- z. Convention for the unification of certain rules relating to the arrest of sea-going ships, Brussels 1952.
 - Implemented by decree 64-171 of June 8th, 1964.

Private Maritime Law

Limitation of Shipowners Liability:

- a. Convention relating to the limitation of the liability of owners of sea-going ships, Brussels 1957.
 - Implemented by decree 64-174 of June 8th, 1964.

Ship Mortgages and Maritime Liens:

- b. Convention for the unification of certain rules relating to maritime liens and mortgages, Brussels 1926.
 - Implemented by decree 64-72 of March 2nd, 1964.

Carriage of Goods:

- c. Convention for the unification of certain rules relating to bills of lading, Brussels 1924.
 - Implemented by decree 64-71 of March 2nd, 1964

Carriage of Passengers:

- d. Convention for the univication of certain rules of law relating to carriage of passengers by sea, Brussels 1961.

- Implemented by ordinance 73-2 of January 5th, 1973.

- e. Convention for the unification of certain rules of law relating to carriage of passengers luggage by sea, Brussels 1967.

- Implemented by ordinance 73-3 of January 5th, 1973.

Salvage:

- f. Convention for the unification of certain rules of law relating to assistance and salvage at sea, Brussels 1910.

- Implemented by decree 64-70 of March 2nd, 1964.

Pollution:

- g. Convention on civil liability for oil pollution damage; Brussels 1969.

- Implemented by ordinance 72-17 of June 7th, 1972.

- h. Convention on the establishment of an international fund for compensation for oil pollution damage, Brussels 1971.

- Implemented by ordinance 74-55 of May 13th, 1974.

2.4 National Regulations:

The national regulations form with the international maritime conventions accepted and the Maritime Code, which will be dealt with later, the national maritime legislation.

Regulations are the most important tool for the administrator when carrying his work because they are related generally to one specific aspect of maritime administration which they clarify. In other words they are designed to facilitate the implementation of laws or conventions.

In my country, in the field of regulations a lot of work has to be done because many regulations to which the Maritime Code refers have not yet been enacted and this situation is not at all helping the Administrators in the accomplishment of their duties.

The list of the existing regulations is given in the following pages:

| No. | Title | Type of Act | Reference and Date | Official Newspaper Year/No. |
|---|---|-------------|--------------------|-----------------------------|
| MARITIME NAVIGATION & SAFETY | | | | |
| 01 | Regulation on the circulation of commercial fishing, and pleasures vessels. | Decree | 66-40 11-02-66 | 1966/14 |
| 02 | Co-ordination of the combat of sinisters in the ports. | Order | 08-06-67 | 1967/56 |
| 03 | Organization of passage of tankers within Arzew's roads, and creation and limitation of the zones reserved for waiting and forbidden for tankers. | Order | 22-08-68 | 1968/87 |
| 04 | Establishment of the Search and Rescue Service for Airplanes in distress. | Decree | 70-44 02-04-70 | 1970/32 |
| 05 | Organization of the Maritime Pilotage | Ordinance | 71-39 17-06-71 | 1971/52 |
| 06 | Fixing the zone's limits where pilotage is compulsory. | Order | 12-06-72 | 1972/69 |
| 07 | Employment conditions of maritime pilots. | Order | 19.09.77 | 1978/01 |
| 08 | Command's conditions of pleasure motor boat. | Order | 19-09-77 | 1978/01 |
| 09 | Establishment of the Central Safety Commission | Order | 82-07 25-12-82 | 1982/55 |
| 10 | Creation of the Local Inspection Commission for navigation and Maritime Labour. | Order | 25-12-82 | 1982/55 |
| 11 | Particular safety and handling conditions for the access of commercial vessels to Algerian ports. | Order | 01-06-83 | 1983/39 |
| 12 | Safety exercises on board ships | Order | 01-09-83 | 1983/50 |

| No. | Title | Type of Act | Reference and Date | Official Newspaper Year/No. |
|-----|---|-------------|--------------------|-----------------------------|
| 13 | Obligation to signal for Masters of vessels carrying dangerous, hazardous and pollutant goods in case of marine events. | Decree | 83-580 22-10-83 | 1983/44 |
| 14 | Co-ordination of ship's control | Decree | 83-676 19-11-83 | 1983/48 |
| | LEGAL REGIME OF VESSELS | | | |
| 01 | Algerianisation of vessels | Decree | 63-81 05-03-63 | 1963/15 |
| 02 | Procedures of issuance of Algerianisation act to vessels | Order | 17-05-80 | 1980/... |
| 03 | External marks of fishing and pleasure boats. | Order | 08-01-66 | 1966/06 |
| | MARITIME TRANSPORT | | | |
| 01 | Maritime Transport | Ordinance | 65-266 25-10-65 | 1965/... |
| 02 | Monopoly of maritime transport, chartering and handling activities in Algerian ports. | Ordinance | 69-50 17-06-69 | 1969/53 |
| 03 | Reservation of brokerage activities to CNAN in Algerian ports. | Decree | 71-120 13-05-71 | 1971/58 |
| 04 | Modality of implementation of brokerage monopoly by CNAN in Algerian ports. | Order | 11-06-71 | 1971/58 |
| | PORTS AND PORT ACTIVITIES | | | |
| 01 | Organization of stay of goods in ports. | Ordinance | 75-40 17-06-75 | 1975/50 |
| 02 | Creation of Permanent Committee for port programming and co-ordination. | Decree | 75-72 17-06-75 | 1975/50 |

| No. | Title | Type of Act | Reference and Date | Official Newspaper Year/No. |
|-----|--|-------------|--------------------|-----------------------------|
| 03 | Creation of clearance zones out-of-port. | Decree | 75-73 | 1975/50 |
| 04 | Organization of port labour | Order | 17-06-75 | 1975/70 |
| | FISHERIES | | | |
| 01 | General regulation of fisheries | Ordinance | 76-84 23-10-76 | 1976/... |
| | MARINE POLLUTION | | | |
| 01 | Creation of a Water Committee | Decree | 63-266 24-07-63 | 1963/... |
| 02 | Protection of the environment | Ordinance | 83-03 05-02-83 | 1983/06 |
| | SEAFARERS | | | |
| 01 | Definition of the different certificates, licenses and diplomes of the Merchant Marine. | Decree | 68-600 31-10-68 | 1968/97 |
| 02 | Special physical aptitude conditions for the various corps of the Merchant Marine. | Decree | 18-02-71 | 1971/... |
| 03 | Regulation of the embarkment of Algerian Seafarers on board Foreign Vessels. | Order | 06-10-73 | 1973/86 |
| 04 | Titles, Diploma and Certificates of the Merchant Marine. | Decree | 75-86 24-07-75 | 1975/62 |
| 05 | Creation of a Maritime Management and Administration Diploma at the High Maritime Institute. | Decree | 76-86 25-05-76 | 1976/... |
| 06 | Recruitment conditions of Maritime Pilot. | Order | 19-09-77 | 1978/01 |

| No. | Title | Type of Act | Reference and Date | Official Newspaper Year/No. |
|-----|---|-------------|--------------------|-----------------------------|
| 07 | Creation of a Commission of Approbation of Maritime Pilot. | Order | 19-09-77 | 1978/01 |
| 08 | Particular Statute of Maritime Administrators. | Decree | 79-266 24-11-80 | 1980/12 |
| 09 | Organization of the Maritime Education and Training | Decree | 22-297 28-08-82 | 1982/35 |
| 10 | Titles, Diploma and Certificates of the Merchant Marine (modification). | Decree | 83-422 02-07-83 | 1983/28 |
| 11 | Seafarer's Book | Order | 20-07-83 | 1983/40 |
| 12 | Local Maritime Disciplinary Commission. | Order | 29-11-83 | 1983/49 |
| 13 | National Maritime Disciplinary Commission. | Order | 29-11-83 | 1983/49 |
| 14 | Physical Aptitude Conditions for the exercise of seafarer profession. | Order | 01-12-83 | 1983/56 |
| | MARITIME WATERS REGIME | | | |
| 01 | Territorial Waters Limit | Decree | 63-403 12-10-63 | 1963/76 |
| 02 | Base Lines from which the width of the Maritime Zone under national jurisdiction is measured. | Decree | 84-181 04-08-84 | 1984/32 1984/45 |

3. THE MARITIME CODE:

The Algerian Maritime Code came into force, under the Ordinance 76-80, on October 23rd, 1976, fourteen years after the independence. However, it was promulgated at the right time because about seventy five percent (75%) of the national fleet was acquired during the period 1973-1978.

The Maritime Code is the most significant act on which the marine affairs are based in my country. This 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, while the second is divided into seven titles.

3.1 The First Book:

The first book entitled "Maritime Navigation and Seafarers" includes 567 articles grouped into two titles.

- a. The first title "Maritime Navigation", divided into four chapters, includes 383 articles and consists of the public law regulations relating to the administrative organization of maritime navigation including the police and the safety of maritime navigation.

The territorial and administrative organization is defined in Chapter 1.

Chapter 2 is divided into six sections and deals with the legal and administrative regime of ships:

- Section 1 defines the individualisation and nationality of the ship and her definition as well.

- Section 2 concerns the registration and the Register Book.

- Section 3 deals with the property, mortgages and liens. This section resumes the provisions of the 1926 Brussels conventions for the unification of certain rules relating to maritime liens and mortgages to which Algeria is party.

- Section 4 deals with the shipowners' liabilities and resumes the provisions of the 1957 Brussels Convention relating to the limitation of the liability of owners of sea-going ships.

- Section 5 concerns the shipowners' liabilities with regard to damages due to pollution by oil. (Convention on civil liability for oil pollution damage, Brussels 1969).

- Section 6 deals with the arrest of ships according to the convention for the unification of certain rules relating to the arrest of sea-going ships, 1952.

Chapter 3 concerns the police and the safety of maritime navigation. It includes three sections:

- Section 1 is related to the police of maritime navigation including provisions concerning the definition of navigation zones, the pilotage, the navigation titles and ship's documents, and the police of pollution.

- Section 2 concerns the safety of maritime navigation including the definition of safety conditions and inspections.

- Section 3 deals with the safety regulations: (safety documents and police of safety) The provisions of Sections 2 and 3 are in conformity with the international requirements set out by the SOLAS Convention, the Load Lines Convention and the Tonnage Measurement Convention which have been accepted by Algeria.

The fourth chapter is dedicated to those matters related to sea casualties. It consists of four sections:-

- Section 1 concerns collisions and is in conformity with the provisions of the Brussels conventions related to the collisions.
 - Section 2 deals with general average.
 - Sections 3 and 4 concern assistance and salvage. The provisions contained in these sections are in conformity with the 1910 Brussels convention for the unification of certain rules of law relating to assistance and salvage at sea. The regime of wrecked vessels is defined as well in Section 4.
- b. The second title "Seafarers", divided into three chapters, includes 184 articles.

The first chapter deals with the administration of seafarers, the entry requirements and the exercise of the seaman profession, the administrative obligation and the control of ship manning. The provisions contained in this chapter are in conformity with those of the International Labour Organization's conventions which have been accepted by Algeria and have been listed previously.

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, cloths, etc.

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

3.2 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 such as insurance which is regulated by a separate act: The Insurance Code Law 80-07 of August 9th 1980, and the state monopoly on the maritime transport activities (cabotage, brokerage, pilotage, chartering, port handling, etc.).

- a. Title 1 covers the following maritime transport activities: shipowning, brokerage, consignment, and defines the statute of the master as the "Commercial Agent" of the shipowner.
- b. Title 2 concerns the chartering activities. The voyage charter, time charter and bareboat charter are well regulated.

- c. Title 3 looks into the bill of lading and is written in conformity with the convention for the unification of certain rules relating to bills of lading, 1924. In general terms this title is devoted to the carriage of goods by sea.
- d. Title 4 covers the liens over goods.
- e. Title 5 is devoted to the carriage of passengers and their luggage by sea. The provisions contained in this title are in conformity with those of the convention for the unification of certain rules of laws relating to carriage of passengers by sea 1961 and of the convention for the unification of certain rules of law relating to carriage of passengers luggage by sea 1967. This title contains also one chapter dealing with the stow-a-way problems.
- f. Title 6 deals with towage matters. This title contains the principles of law concerning towage. The towage conditions are not defined and has to be defined in a separate act according to article 871.
- g. Title 7 concerns port cargo handling activities.

3.3 Comments:

In general terms, the Algerian Maritime Code could be qualified as traditional and international with regard to the implementation of the international instruments which had been accepted by Algeria before its promulgation.

Concerning the social field and the organization of the shipowning activity, the measures taken are favourable to the seafarers, showing the socialist option of the Algerian Government.

As a primary legislation, the Maritime Code in many of its provisions refers to some acts which have to be promulgated to complete it (subsidiary legislation). Unfortunately, many of these acts have not yet been promulgated, creating, thus, a legal gap which is not facilitating the Administrator's work.

In addition to that, Algeria had accepted a certain number of international maritime conventions after the Maritime Code was promulgated and which are not incorporated in it. Therefore, the up dating of the Maritime Code is to my opinion necessary today.

C H A P T E R V I I

**THE SAFETY OF NAVIGATION
UNDER NATIONAL LEGISLATION**

After having an overview of the national maritime legislation, I will try in this section to highlight some aspects related to the safety of navigation. In doing so I will concentrate mainly on those aspects related to the operational role of the Maritime Administration.

1. REGISTRATION OF SHIPS:

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 by her name, tonnage, port of registry and nationality.

The choice of ship's name belongs to the owner, but the attribution and change of name must be approved by the Maritime Administrative Authority.

The measurement of the ships is carried out by the competent Maritime Administrative Authority according to the requirements of the international conventions to which Algeria is a party and results in the delivery of a tonnage certificate to the owner. An original copy of the tonnage certificate must be deposited at the registration office of the ship.

Each Algerian ship must have a distinctive call sign and fly the Algerian flag.

The port of registry is any Algerian port located within the area of competency of a given local Directorate of Transport.

The right to fly the Algerian flag for any ship is subordinated to the obtaining of the Algerian nationality. To obtain the Algerian Nationality, the ship must be owned for fifty one percent (51%) at least, by physical or moral persons of Algerian nationality and manned by an Algerian crew. The Nationality Act is established by the Maritime Administrative Authority of the port of registry. This act states the name, type, characteristics of the ship, the name of the owner, the port of registry and the other information appearing on the registry of the vessel. This act must be renewed if there is any change of the above indications. A provisional act of nationality, valid until the arrival of the ship to an Algerian port, is issued, under the same conditions, by the Consular Authority for ships acquired abroad. This period must not exceed one year.

By 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 place where the ship was built and the name of the builder,
- name, address or headquarters of the shipowner and name and address of the share holder or share holders with indication of the number of their shares,
- the certificate of property,
- the liens, mortgages and other charges affecting the right of property, and
- the cause for and date of cancellation of registry.

Each modification related to the above mentioned indications must be entered 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.

The cancellation of registration is declared when the ship:

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

For the purpose of 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 commencement 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 Algerian Register Book can be reached by anyone who desires so; it is open to the public.

A ship entered in a foreign register cannot be registered in the Algerian Register before her registration is cancelled from the foreign register.

An Algerian ship cannot be registered in a foreign register before her registration on the Algerian register is cancelled.

The Algerian ships owned by the State, the Local Communities, the public or socialist enterprises cannot be mortgaged.

The acquisition of a new built or a second hand vessel must be declared to the Maritime Administrative Authority of the port of Registry which issues the preliminary authorization.

The transfer of property of an Algerian ships or shares to a foreigner cannot be done without the preliminary authorization of the Maritime Administrative Authority.

2. SHIP SAFETY:

The Algerian Maritime Code provides in Article 222 that "All ships which proceed to sea must be seaworthy, suitably manned and equipped, and fit for the service for which it is intended".

The ship cannot be used for maritime navigation if she did not comply with the stipulated safety conditions related to:

- her construction, rigging and gears, her instruments and board installations, her distress means, life saving appliances and her fire fighting equipment as well;
- her buoyancy, stability and load lines;
- machinery and steering gears;
- manning and professional competency of the crew, and
- the other conditions of safety of navigation and safety of life at sea.

The Algerian ships are built according to the requirements of the international conventions ratified by Algeria and to the rules of the appropriate Classification Society.

2.1 Inspection and Certification of Ships:

The Algerian Maritime Code, which reproduces the provisions of the international conventions for the safety of life at sea and on load lines, provides for three inspections:

2.1.1 Inspections and Survey:

a. 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 of Transport.

This survey consists of:

- a complete inspection of her structure, machinery and equipment, including the outside of the ship's bottom and the inside of the boilers,
- a complete inspection of her radio-electrical installations and equipment,
- a complete inspection of her life saving appliances and fire fighting equipment, 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 (SOLAS and Load Lines) and the national regulations relating to the safety of navigation.

b. The Periodical Survey:

The periodical inspection is done once every year or two years according to the period of validity of the safety certificates in order to ensure that, from the point of view of safety, the ship is maintained in a satisfactory condition and fit for the service for which she is intended, and that she complies with the statutory safety requirements.

This inspection must include a visit of the outside of her bottom.

This inspection is 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 (5) months.

c. 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.

The shipowner is obliged to report these facts in due time to the Maritime Administrative Authority or to the Algerian Consulate when the ship is abroad.

The inspection can be general or partial and is carried out by the Local Safety Commission which has the power, according to the circumstances, either to maintain the safety certificates, or propose the delay of their validity until the repairs are made.

d. Departure Inspection:

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.

2.1.2 Certificates:

Algerian ships, according to her class, must carry on board the following safety documents:

- Navigation Licence that can be issued or renewed every year only if all other safety certificates are valid.
- Passenger Ship Safety Certificate of a validity of one year.
- Cargo Ship Construction Certificate of a validity of one year.
- Load Line Certificate of a validity of five years.
- Cargo Safety Equipment Certificate of a validity of two years.
- Radio-telegraphy and Radio-telephony Certificates of a validity of one year.

The prolongation of the period of validity of any certificate shall not exceed five (5) months.

The Maritime Administrative Authority can issue exemption certificates to ships complying with sufficient safety conditions after due notice of the Local Safety Commission. The period of validity of the Exemption Certificate shall never exceed that of the similar certificate to which it refers.

The certificates are issued in Arabic and French languages.

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

2.1.3 Prosecution:

The Algerian Maritime Code provides in Article 264 that "Any shipowner who does not fulfil the requirements of the Maritime Code related to the safety of navigation is fined from 1000 Algerian Dinars to 10,000 Algerian Dinars".

In Article 165 it is stipulated also that the penalty, reproached to the shipowner or captain who send his vessel or attempt to send his vessel to sea without a safety certificate, can be increased from 10,000 Algerian Dinars to 30,000 Algerian Dinars and three months imprisonment or only one of these two penalties.

3. SEARCH AND RESCUE:

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 life is usually the result.

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

Other than the obligation made to every master of 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 acceptance by my country, a national search and rescue organization is in the process of being established.

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

In fact, within their capacities, 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, patrols and other means.

4. 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 higher than the value of the ship before the accident.

The Maritime Code in its Section IV of Chapter IV of title I of Book I sets some provisions related to maritime wrecks. These are relating to:

- the delay of declaration of maritime wreck to the Maritime Administrative Authority,
- the duties and powers of the Maritime Administrative Authority as regards wrecks and its immunity,
- the notice of wrecks,

- the taking possession of wreck,
- the cancellation of wreck,
- the power to sell wreck,
- the owner's right to wreck,
- the removal of wreck.

Despite the fact that the Maritime Code covers various legal aspects of maritime wrecks the solution to the removal conditions given by this text is not complete.

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 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 Administration tried to solve the problem of 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 opinion ineffective economically. 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.

5. 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 Algerian Maritime Code contains some provisions related to:

- the prevention of pollution (police of pollution Articles 210 to 221);
- the liabilities of shipowners for damages due to oil pollution (Articles 117 to 149).

These provisions of the Maritime Code are in conformity with those of the international convention on Oil Pollution 1954.

Under the national legislation discharge or immersion of any pollutant substance is forbidden within the limit of the Maritime Public Domain.

The legislation provides under which conditions a ship may be allowed to discharge pollutant substances. (Article 214).

Article 216 states that a fine of 50,000 to 500,000 Algerian Dinars and, in case of a second offence, 15 days to 6 months imprisonment and the double of this amount or only one of these two penalties, should be paid by the master or any other person who made the offence.

Except these general provisions related to the prevention of marine pollution, the Maritime Code does not provide for any other procedures or means to prevent, control or combat marine pollution.

In spite of that the decree defining the prerogatives of the Merchant Marine Directorate has 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 Port 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 Service, Ministry of Industry, Ministry of Environment, 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, masters and fishing vessels' operator to report any case of pollution, a ministerial order, as a transitory measure, has been issued in order to:

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

This brigade, which consists of representative of the concerned services, was crated in order to protect our marine environment from substandard ships. Unfortunately, this commission which accomplish the port state control did not and does not work effectively because of its circumstantial character.

6. COMMENTS:

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

- If the general principles of safety of navigation are well defined, the detailed rules governing the safety of navigation are not,

- non-existence of neither procedures nor special structure dealing with the port state control,
- incompleteness of the Maritime Code,
- inefficiency of the present marine casualty investigation system,
- ineffectiveness of the present system of removal of wrecks,
- non-existence of any contingency plan dealing with search and rescue, pollution and other maritime events.
- non-existence of detailed national rules regarding manning of ships, and
- non-existence of national rules and procedures for examination and certification of seafarers.

C H A P T E R V I I I

CONCLUSION AND RECOMMENDATIONS

To end this general survey on the maritime transport in Algeria one should say that the Algerian shipping, as the national economy, after having experienced a period of extensive growth, is experiencing since 1980 a new stage of intensive growth corresponding to an exigency of optimal utilisation of the existing means and to a care of quality.

These exigencies, which aim to improving the productivity and a better work organization, have led, in their application, to an organizational and financial restructuration of all the forms of accumulation of capital in Algeria.

In the field of shipping, the enforcement of these measures have resulted in:

- the split of the previous national shipping company CNAN into two new companies: SNTM/CNAN dealing with transport of passengers and dry cargo and SNTM-HYPROC dealing with transport of hydrocarbon products,
- the redefinition of the prerogatives of the Merchant Marine Directorate,
- the creation of a ship repair company,
- the establishment of a National Council of Maritime Transport Users aiming at improving the participation rate of the national flag in the carriage of our seaborne trade, participating in the definition of measures leading to the reduction of the national freight bill and the improvement of service quality, and
- the definition of a new management policy of the state owned companies which from now will be ruled on a sound commercial basis.

Despite of these measures which have been taken to clean up the economical and financial situation of the national enterprises, the

maritime administration, which has a self evident promotional role in the development of the national shipping activities, has been left as it was some ten years ago.

Indeed, since 1976, date of promulgation of the Maritime Code, there was no major development in any field of maritime administration; but only circumstantial actions have been taken such as the establishment of the safety commissions which to my opinion have to be reviewed because of their ineffectiveness and inefficiency due to their internal organization.

This does not mean that the maritime administration job (inspection, survey, certification, etc.) was not carried out, but it was not and still it is not carried out as well as it should be because of the inadequacy of our Maritime Administration, the insufficiency of means both human and material, and the legal gap of our maritime legislation.

To illustrate what I have just said in the above paragraph, some statistics, related to the detention of Algerian ships for safety reasons in some foreign ports, can be quoted: During the year 1984-1985, in relation with the port state control under the Memorandum of Understanding of Paris, seven Algerian ships out of thirty five inspected were found deficient and thus delayed or detained. This, in terms of percentage of ships involved, has put Algeria at the fifth place among those countries whose ships were found deficient for lack of documents or safety equipment and personnel, to name only a few categories of deficiencies noted.

It goes without saying that such delays for ships, which are not only costly, affect for sure the reputation of the flag carrier, reputation which in the world of shipping business accounts for a large part in the outstanding image of the national flag.

As shipping is a capital intensive industry, highly competitive and of an international character, it is of great importance that the

Maritime Administration, through its promotional, developmental and regulatory role, should help the national flag carrier to establish and preserve a good reputation in this field of business which is at the same time so risky and so needful for the national economy.

This contribution of the Maritime Administration to the development of maritime transport in general and to the expansion of the national fleet in particular can take the form of:

- providing the maritime sector with highly skilled and professional manpower,
- establishing a well-knit safety system,
- refounding the management of the maritime administrative structure, and
- up dating the maritime legislation.

In this context I would like to suggest the following broad recommendations, which I hope, without any pretention on my behalf, will help our Maritime Administration contribute to the health of the Algerian shipping by ensuring safety of lives, ships and property and protection of the marine environment.

1. RESTRUCTURATION OF THE MARITIME NAVIGATION SUB-DIRECTORATE:

As stated earlier, the ship safety inspection is carried out by the Local Safety Comissions and the Control Brigades (Port State Control) and the Marine Casualty Investigation is carried out generally by the Central Safety Commission.

The first disadvantage of this system is the time which should be taken to call the aforesaid commissions or brigades. The second disadvantage is the temporary character which proceeds from their composition. The third disadvantage of the ship

inspection function when carried out at the local level is the lack of personnel.

Ship inspection and investigation functions are functions which must be carried out by professionals (surveyors, inspectors and investigators) belonging to permanent entities within the Central Maritime Administration in order to promote the safety of navigation.

In fact, in Algeria, where the state-owned fleet is more than one million Grt and where the coastline is about 1200 kilometers with several important ports, safety matters have to be well carried out and monitored at a central level.

For this purpose, the present safety system has to be reviewed in order to improve the safe operation of the merchant fleet either flying Algerian or foreign flags. For the operation of the national fleet it will certainly reduce the operational costs and improve the efficiency. For the foreign flag, it will reduce or totally avoid the entry into our ports of any sub-standard ships.

The recommendations proposed should be viewed as a whole. They effect not only the Central Administration level, but also the Local one. In addition to that the legal and technical aspects involved with ship inspection have been taken into account in my proposal related to the restructuration of the present Maritime Navigation Sub-Directorate. At the Local level, the establishment of ship safety centers and the appointment of investigators will be proposed.

1.1 Central Administration Level:

(The new changes proposed will consist mainly of a redistribution of the safety functions in a certain way that there

will be a separation between the regulatory and the operational roles, on the one hand, and that ship safety and investigation should be seen as separate and different functions, on the other hand.

This precaution can be explained by the following reasons:

- To carry out inspection there is a need for having standards, rules and procedures developed by a service other than the inspection service which role is to enforce these standards and rules.
- It is inconceivable that the authority which delivers the certificate will be the same as the one which has to withdraw them in case of casualty.

Having explained this, it is proposed the establishment of three offices (Ship Inspection, Investigation and Training) in addition to the existing ones which will have a technical and regulatory roles.

Thus, the Sub-Directorate of Maritime Navigation, keeping its present prerogatives, will consist of:

- a. The Maritime Navigation Office: which will have three main functions namely:
 - registration of ships,
 - sea use management, and
 - formulation of maritime safety legislation.
- b. The Seafarers Office: which will have the following functions:
 - registration of seamen,
 - employment of seamen,
 - social welfare of seamen.

- c. The Maritime Safety Office: will be the technical arm of the Merchant Marine Directorate as regards safety matters. It will be in charge of the development of standards and technical rules related to the safety of lives, ships and property and the protection of marine environment.
- d. The Ship Inspection Office: whose objectives are to make sure that all ships operating in our ports meet the minimum safety standards. This office will deal with matters such as:
- Maintaining data
 - Issuing certificates
 - Coordinating ship inspection
 - Tonnage measurement
 - Evaluating new concept, etc.

This office should be directly responsible for the ship inspection centers which have to report to it.

- e. The Investigation Office:

The investigators in the field have to report to this office which also will deal with:

- Setting up regulations related to the investigation methods,
- Maintaining data,
- Making recommendations which could help the Maritime Safety Office and the Maritime Navigation Office when developing new standards and new regulations,
- Major accidents or casualties.

f. The Training Office:

This office will be in charge of:

- participating in the development of training programme,
- planning of training needs,
- inspection of training institutions
- maintaining statistics and data related to merchant marine personnel
- conducting examination, and
- issuing certificates of competency

1.2 Local Administration Level:

At this level there should be the establishment of ship safety inspection center in our main ports and the appointment of investigators. These new institutions will come directly under the Maritime Navigation Sub-Directorate within the Central Maritime Administration.

a. Ship Safety Inspection Centers:

Currently, there are only functional relationships between the Central Maritime Administration and the Sub-Directorate of Marine Affairs (Local Administration) which deals with ship safety inspections.

This situation implies a slow circulation of information and no power of control from the Central Administration over the Sub-Directorate at the Local level.

Another disadvantage that could be noted is that the ship inspection function is not as well carried out as it is supposed to be, because of lack of surveyors and the important volume of work which has to be dealt with by the Sub-Directorate.

As far as the ship safety inspection function is concerned, it has to be dealt with by a separate entity run by qualified and experienced surveyors coming directly under the Central Maritime Administration. Ship Safety Inspection Centers have to be created in each maritime district and will deal with inspection related to flag state and port state control.

Certainly Algeria is currently faced with the problem of lack of surveyors, however, qualified and experienced Masters, Chief Engineers and Naval Architects do exist. The solution to the problem of lack of surveyors has to take into account the recruitment, the training and the working conditions of sea-going personnel interested in survey functions.

The only difficulty which could still exist is the absence of means of transport to carry out inspection related to port state control. But, it can be easily solved by laying down a Memorandum of Understanding with the National Coast Guard Service for this purpose.

b. Marine Investigation Casualty:

The promotion of safety of life and ships at sea is the preoccupation of investigators as well. In fact safety has to be based on well organized marine investigation procedures.

Marine investigation is deemed to be an exhaustive, comprehensive inquiry into the cause of a marine casualty or into the conduct of a ship's crew.

To avoid casualties that have happened in the past and to be well prepared in case of any remedy, investigators have to be appointed along our coastline, especially at the most sensitive points.

The investigation of marine casualties is a highly specialized task and can only be carried out effectively by experienced personnel holding certificates of competency as Master Mariners or Chief Engineers.

The investigator at the local level could be in charge of the conducting of the preliminary inquiry and have the following duties:

- to inform the Investigation Office of the Central Maritime Administration of the casualty having occurred within its jurisdiction,
- to hold a preliminary inquiry, when considered necessary, into the marine casualty, and
- to submit the proceedings and report of the preliminary inquiry to the Investigation Office.

The formal investigation, which is a public inquiry to be held in addition to or instead of a preliminary inquiry as may be decided, should be conducted by a commission appointed by the Minister of Transport. This commission should be composed of:

- The Head of the Investigation Office, as president,
- The Coast Guard representative,
- A Maritime Pilot,
- The Shipowner representative,
- The Field Investigator where the casualty has occurred,
- Witnesses.

2. PERSONNEL TRAINING:

As far as personnel and training matters are concerned the following suggestions can be made in order to solve the problem of lack of surveyor and investigators faced by our Maritime Administration and to improve the safe operation of our national fleet.

As regards surveyors and investigators there is a need to upgrade salarywise the position of surveyor and investigator, and to provide them with substantial to cover all the risks and other expenses involved in performing their job. This is the only solution to attract experienced and professional sea-going personnel (Master, Chief Engineer) towards these jobs. Their training can be conducted in cooperation with classification societies or at specialized institutions such as the World Maritime University in Maritime Safety Courses, the Training Institute of Transport Canada, etc.

To improve the safe operation of our national fleet it is necessary to establish training system for the ratings. The training of ratings will help to reduce maintenance costs of our ships and to ensure better safety on board our ships.

In general, I can say that the management of a Maritime Administration requires a personnel having, before all, a maritime background with sufficient sea experience and specialized in various field such as survey, investigation, law, economy, administration, etc. To dispose of such type of officials, the Algerian Maritime Administration has to change its recruitment and training policy in order to attract such type of personnel. These changes have to take into account the fact that, in shipping the quality of service and the productivity, depend at the same time on the quality of the management of the fleet, the ship's operators and the maritime administrative personnel.

3. MARITIME LEGISLATION:

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,
- regulation for preventing collisions at sea,
- navigational warnings regulations,
- life saving appliances rules,
- fire appliances rules,
- muster(s) regulations,
- navigational equipment regulations,
- carriage of nautical publications rules,
- official log-books regulations,
- tonnage regulations,
- radio installations rules,
- crew accommodations rules,
- load lines rules,
- carriage of deck cargo rules,
- carriage of dangerous goods rules,
- carriage of grain rules,
- cargo ship construction and survey regulations,
- local cargo ship safety certificates rules (small ships under 500 GRT)
- passenger ship construction regulations,
- regulations for the examination and certification of marine engineers and deck officers.

In addition to the preparation of the aforesaid legislation, all of the required and appropriate documentation (necessary certificates, forms, etc.) need to be prepared and be available to all concerned services at the same time as the legislation enters into force.

4. POLLUTION PREVENTION AND COMBAT:

Regarding marine pollution, there is no procedures and means to prevent and combat pollution. Only the Coast Guard and the Port 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 Merchant Marine 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 (Material and personnel) of those structures which are under its jurisdiction (Port Authorities, Shipping Companies, etc.) and other government agencies and the petroleum industry, can be brought into operation at any time.

In addition to that, the Maritime Administration has to ascertain from the Port Authorities and the Ministry of Chemical and Petro Chemical Industries that the reception facilities are provided to receive from ships oil residues and chemical cargo residues. These facilities should be located in all our ports.

5. SEARCH AND RESCUE:

Since our country has ratified the Search and Rescue Convention, the Maritime Administration has to ensure that there is the necessary national contingency plan and organization to respond to maritime distress situations.

In this area also, Algeria has to play its role regarding this matter, either on national or regional (which already exists for the Mediterranean) or, bilateral basis, by the establishment of a Search and Rescue Organization 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 the International Maritime Organization, and
- The International Maritime Organization Search and Rescue Manual.

A P P E N D I C E S

TABLE No. 1
NATIONAL PRODUCTION

AGRICULTURE

| | 1980 | 1981 | 1982 |
|------------------------------------|-------|--------|--------|
| Wheat | 1,511 | 1,400† | 1,200† |
| Barley | 794 | 750† | 650* |
| Oats | 110 | 100* | 80* |
| Potatoes | 591 | 600* | 610* |
| Pulses | 53 | 54* | 56* |
| Sugar beets | 49 | 90* | 92* |
| Onions (dry) | 118 | 120* | 123* |
| Tomatoes | 182 | 185* | 190* |
| Grapes | 453* | 400* | 360* |
| Olives | 140* | 100* | 90* |
| Oranges | 281 | 230 | 250* |
| Tangerines and mandarins | 129 | 116 | 130* |
| Dates | 201 | 195 | 207* |
| Water-melons | 172 | 173* | 174* |
| Tobacco | 3 | 3* | 3* |

* FAO estimates. † Unofficial figure.
Source: FAO, *Production Yearbook*.

MINING

| | 1979 | 1980 | 1981 |
|--|---------|---------|----------|
| Coal ('000 metric tons) | 7 | 7 | 7 |
| Iron ore: | | | |
| gross weight ('000 metric tons) | 3,170 | 3,500 | 3,350† |
| metal content ('000 metric tons) | 1,713 | 1,892 | 1,881 |
| Salt ('000 metric tons)* | 165 | 170 | 170 |
| Lead ore (metric tons)† | 2,400 | 1,800 | 3,300 |
| Zinc ore (metric tons)† | 5,000 | 4,100 | 10,900 |
| Copper ore (metric tons)† | 200 | 200 | 200 |
| Mercury (metric tons) | 508 | 842 | 862† |
| Phosphate rock ('000 metric tons) | 1,084 | 1,025 | 916 |
| Crude petroleum ('000 metric tons) | 53,698 | 47,417 | 39,530† |
| Natural gas (terajoules) | 607,643 | 759,140 | 505,200† |

* Estimates of US Bureau of Mines.
† Metal content of concentrates. ‡ Estimate.
Source: UN, mainly *Yearbook of Industrial Statistics*.

INDUSTRY

| | 1979 | 1980 | 1981 | |
|--|-------------------|--------|--------|--------|
| Olive oil (crude) | '000 metric tons | 13 | 19* | 11* |
| Margarine | '000 metric tons | 12.9 | 13.4 | 14.6 |
| Flour | '000 metric tons | 551 | 628 | 694 |
| Raw sugar* | '000 metric tons | 15 | 15 | 15 |
| Wine | '000 hectolitres | 2,710* | 2,840 | 2,700* |
| Beer | '000 hectolitres | 620* | 650* | n.a. |
| Cigarettes† | metric tons | 14,000 | 15,150 | 16,000 |
| Cotton yarn (pure and mixed) | '000 metric tons | 15.0 | 18.3 | n.a. |
| Woven cotton fabrics* | million sq metres | 59 | 61 | n.a. |
| Footwear (excl. rubber) | '000 pairs | 11,286 | 13,268 | 14,533 |
| Nitrogenous fertilizers (a)‡ | '000 metric tons | 42.2 | 20.7 | 23.8* |
| Phosphate fertilizers (b)‡ | '000 metric tons | 96.6* | 53.5* | 30.8* |
| Naphtha | '000 metric tons | 489 | 1,810* | 1,800* |
| Motor spirit (petrol) | '000 metric tons | 1,078 | 1,137 | 1,140 |
| Kerosene* | '000 metric tons | 270 | 45 | 50 |
| Jet fuel* | '000 metric tons | 350 | 370 | 380 |
| Distillate fuel oils | '000 metric tons | 2,130 | 3,645 | 3,650* |
| Residual fuel oils | '000 metric tons | 1,792 | 2,759 | 2,800 |
| Liquefied petroleum gas | '000 metric tons | 806 | 896* | 880* |
| Cement | '000 metric tons | 3,768 | 4,159 | 4,457 |
| Pig-iron | '000 metric tons | 396 | 400 | 430 |
| Crude steel | '000 metric tons | 416 | 534 | 550 |
| Television receivers | '000 | 58 | 75 | 119 |
| Buses and coaches (assembly) | number | 464 | 652 | 577 |
| Lorries (assembly) | number | 6,151 | 6,464 | 5,625 |
| Electric energy* | million kWh | 6,116 | 7,123 | 7,170 |

* Provisional or estimated figures. † Estimates by the US Department of Agriculture.
‡ Production, in terms of (a) nitrogen or (b) phosphoric acid, during 12 months ending 30 June of year stated. Phosphate fertilizers include ground rock phosphate.
Source: mainly UN, *Yearbook of Industrial Statistics*.
1982: Olive oil 9,000 metric tons; Wine 2,300,000 hectolitres (FAO estimate); Nitrogenous fertilizers 23,700 metric tons; Phosphate fertilizers 22,700 metric tons.

TABLE No. 2
ECONOMICAL KEY INDICATORS

| | UNIT | 1981 | 1982 | 1983 | 1984 |
|------------------------------|-------------|--------|--------|--------|--------|
| GROSS DOMESTIC PRODUCT (GDP) | AD bn | 169.4 | 182.3 | 202.0 | 225.4 |
| GDP real growth | % | 1.6 | 5.3 | 7.3 | 4.0 |
| INFLATION | % | 14.1 | 6.7 | 4.6 | 6.6 |
| AGRICULTURAL PRODUCTION | 1975 =100 | 101.4 | 95.0 | 99.6 | 110.5 |
| FOOD PRODUCTION | 1975 =100 | 101.0 | 94.5 | 99.2 | 110.0 |
| OIL PRODUCTION | 1980 =100 | 85.6 | 73.4 | 71.5 | 67.7 |
| IRON ORE PRODUCTION | '000 tonnes | 3423 | 3705 | 3648 | -- |
| EXPORTS | AD m. | 62,837 | 60,448 | 60,722 | 63,764 |
| PETROLEUM | AD m. | 56,041 | 49,478 | 45,334 | 45,793 |
| IMPORTS | AD m. | 48,780 | 49,384 | 49,782 | 51,257 |
| FOODSTUFFS | AD m. | 8399 | 8745 | 9200 | -- |
| CAPITAL GOODS | AD m. | 11,831 | 11,983 | 12,854 | -- |
| CONSUMER GOODS | AD m. | 3193 | 3760 | 3959 | -- |
| BALANCE OF TRADE | USD m. | 4024 | 3620 | 3226 | 3557 |
| CURRENT ACCOUNT | USD m. | 85 | -183 | -86 | 74 |
| DEBT SERVICE RATIO | % | 25.3 | 29.6 | 32.7 | 32.4 |
| EXCHANGE RATE | AD per USD | 4.32 | 4.59 | 4.79 | 4.98 |

SOURCE: The Africa Review 1987 (page 32)

TABLE No. 3

FLEET TYPE ANALYSIS AT 1-1-87

| TYPE | NO. | GRT (tons) | DWT (tons) | CREW | AVERAGE (years) | %SHARE GRT |
|-----------------|-----|---------------|---------------|------|--------------------|---------------|
| DEEPSEA | | | | | | |
| -GAS TANKER | 7 | 428413 | 399459 | 286 | 9.0 | 49.77 |
| -GENERAL CARGO | 10 | 98133 | 144764 | 341 | 9.8 | 11.40 |
| -PRODUCT TANKER | 5 | 88655 | 149178 | 162 | 11.7 | 10.30 |
| -G.C.CONTAINER | 14 | 70321 | 104254 | 410 | 10.7 | 8.17 |
| -BULK CARRIER | 4 | 57494 | 93500 | 138 | 9.0 | 6.68 |
| -CRUDE CARRIER | 1 | 15483 | 22610 | 30 | 16.0 | 1.80 |
| -RO/RO | 2 | 5227 | 6200 | 72 | 9.0 | 0.61 |
| SUB TOTAL | 43 | 763726 | 919965 | 1439 | 9.7 | 88.73 |
| SHORT SEA | | | | | | |
| -FERRY | 5 | 42195 | 11487 | 371 | 16.0 | 4.90 |
| -RO/RO | 11 | 30578 | 34344 | 382 | 10.2 | 3.55 |
| -TANKER | 4 | 8127 | 13826 | 97 | 13.4 | 0.94 |
| -BULK TANKER | 5 | 6602 | 11241 | 50 | 11.5 | 0.77 |
| -GAS TANKER | 1 | 5137 | 5290 | 25 | 20.0 | 0.60 |
| -GENERAL CARGO | 2 | 4383 | 7480 | 40 | 15.8 | 0.51 |
| SUB TOTAL | 28 | 97022 | 83668 | 965 | 13.8 | 11.27 |
| TOTAL | 71 | 860748 | 1003633 | 2404 | 10.2 | 100.00 |

TABLE No. 4
EXTERNAL TRADE

PRINCIPAL COMMODITIES (MILLION A. D.)

| Imports c.i.f. | 1978 | 1979 | 1980 | Exports | 1978 | 1979 | 1980 |
|--|---------------|---------------|---------------|--|---------------|---------------|---------------|
| Foodstuffs and tobacco . . . | 5,034 | 5,143 | 8,008 | Foodstuffs and tobacco . . . | 583 | 430 | 496 |
| Energy and lubricants . . . | 514 | 632 | 1,099 | Energy and lubricants . . . | 23,329 | 37,148 | 51,379 |
| Primary products and raw materials . . . | 1,475 | 1,651 | 2,304 | Primary products and raw materials . . . | 187 | 248 | 217 |
| Semi-finished products . . . | 7,927 | 7,964 | 15,026 | Semi-finished products . . . | 169 | 175 | 266 |
| Capital goods . . . | 14,066 | 12,130 | 10,981 | | | | |
| Consumer goods . . . | 5,053 | 4,547 | 4,046 | | | | |
| Total (incl. others) . . . | 34,439 | 32,378 | 41,545 | Total | 24,283 | 38,011 | 52,428 |

Source: Secrétariat d'Etat au Commerce Extérieur, Algiers.
Total imports (million AD): 48,637 in 1981; 49,384 in 1982.

PRINCIPAL TRADING PARTNERS (million AD)*

| Imports | 1978 | 1979 | 1980 | Exports | 1978 | 1979 | 1980 |
|---------------------------------|---------|----------|-------|---------------------------------|----------|----------|--------|
| Belgium-Luxembourg . . . | 1,395.4 | 2,192.0 | 2,514 | Belgium-Luxembourg . . . | 305.5 | 400.7 | 567 |
| Brazil . . . | 825.4 | 245.4 | 418 | Brazil . . . | 231.8 | 47.9 | 378 |
| Canada . . . | 837.6 | 937.3 | 1,161 | China, People's Republic . . . | 86.1 | 33.3 | 1 |
| France . . . | 6,142.7 | 5,971.1 | 9,253 | France . . . | 2,654.6 | 5,208.8 | 7,630 |
| Germany, Federal Republic . . . | 6,063.4 | 5,862.6 | 5,830 | Germany, Federal Republic . . . | 3,340.0 | 4,354.0 | 5,811 |
| Italy . . . | 3,702.9 | 4,065.5 | 4,994 | Italy . . . | 1,757.2 | 2,313.7 | 2,091 |
| Japan . . . | 3,089.3 | 1,642.3 | 1,705 | Japan . . . | 131.2 | 150.9 | 1,411 |
| Netherlands . . . | 742.6 | 773.2 | 1,140 | Netherlands . . . | 470.9 | 1,090.2 | 2,993 |
| Poland . . . | 185.4 | 200.0 | 192 | Paraguay . . . | 121.2 | 200.0 | n.a. |
| Romania . . . | 498.3 | 469.1 | 192 | Romania . . . | 192.5 | 541.4 | 357 |
| Spain . . . | 1,567.9 | 1,711.9 | 2,245 | Senegal . . . | 84.5 | 98.1 | n.a. |
| Sweden . . . | 425.7 | 411.8 | 488 | Spain . . . | 607.5 | 943.4 | 2,040 |
| Switzerland . . . | 748.3 | 686.1 | 751 | Sweden . . . | 26.0 | 137.1 | 72 |
| USSR . . . | 293.4 | 153.9 | 252 | Switzerland . . . | 72.8 | 217.5 | 60 |
| United Kingdom . . . | 1,104.0 | 1,016.0† | 1,499 | USSR . . . | 227.8 | 220.1 | 359 |
| USA . . . | 2,287.8 | 2,090.7 | 2,889 | United Kingdom . . . | 452.5 | 541.0† | 971 |
| | | | | USA . . . | 12,129.3 | 19,894.7 | 25,783 |

* Imports by country of production; exports by country of consignment.

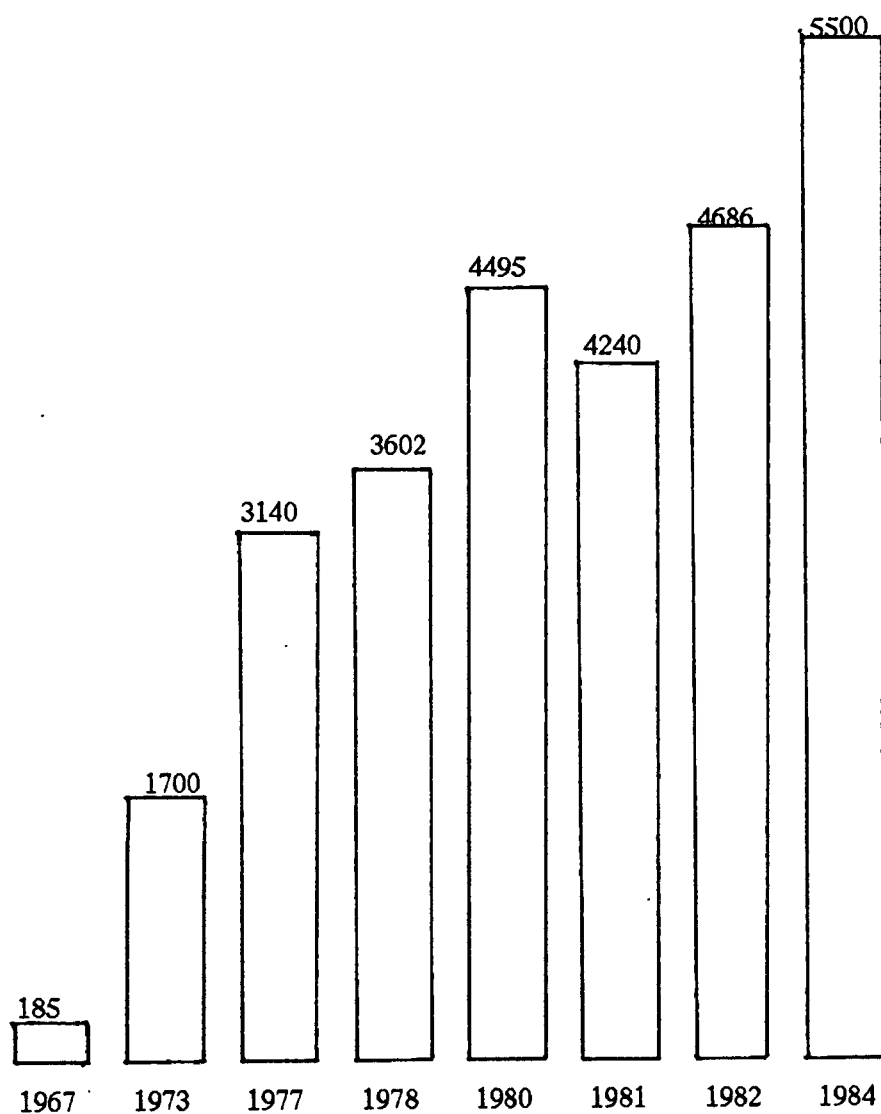
† Provisional figures.

Source: Secrétariat d'Etat au Commerce Extérieur, Algiers.

DIAGRAM No. 1

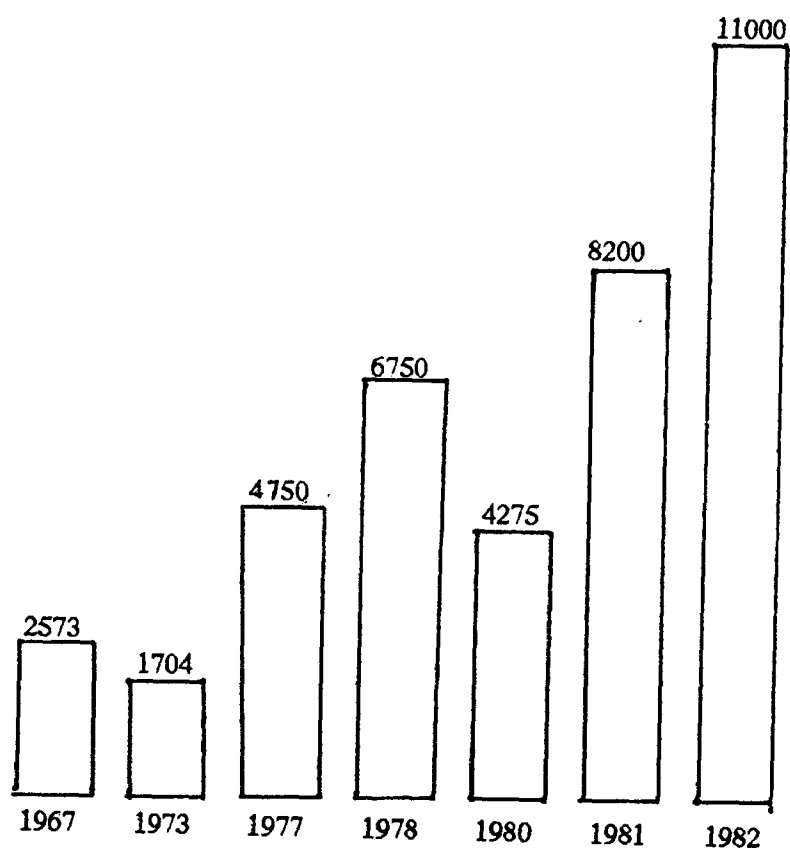
EVOLUTION OF VOLUME OF CARGO TRANSPORTED BY NATIONAL SHIPS

(GENERAL CARGO '000 tons.)



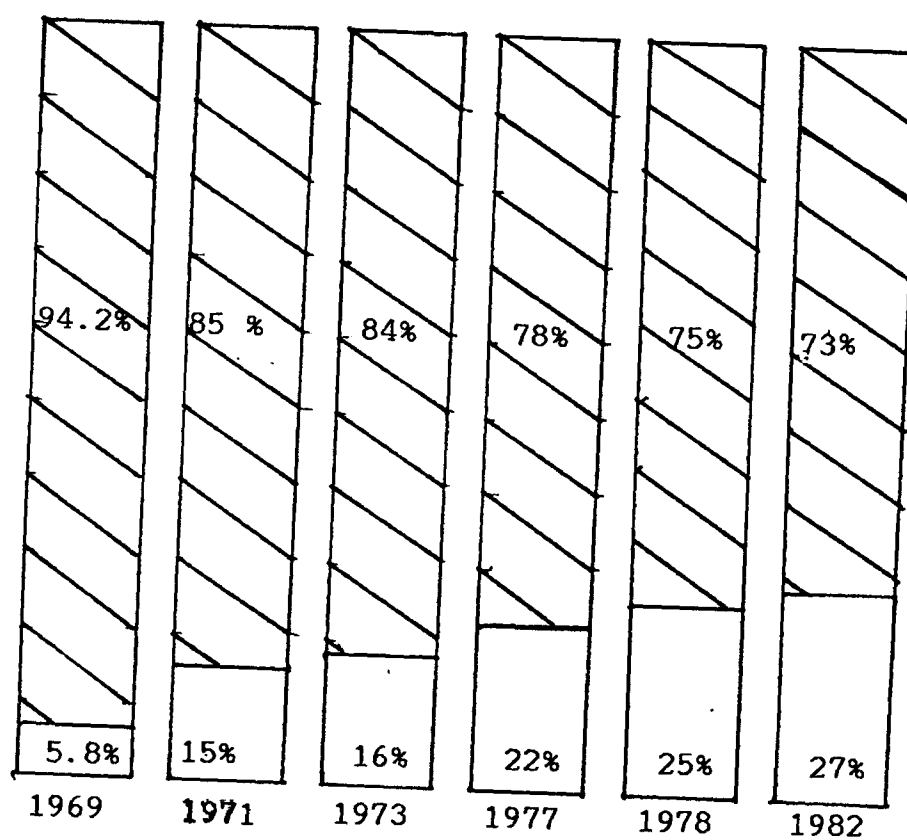
SOURCE: Ministry of Transport 1984

DIAGRAM No. 2
EVOLUTION OF VOLUME OF CARGO TRANSPORTED BY NATIONAL
SHIPS.
(HYDROCARBON PRODUCTS '000 tons)



SOURCE: Ministry of Transport, 1982.

DIAGRAM No. 3
PARTICIPATION RATES OF NATIONAL FLAG AND FOREIGN FLAG IN
THE CARRIAGE OF ALGERIAN SEABORNE TRADE



SOURCE: Ministry of Transport 1982



National Ships + Chartered Ships (National Flag)



Foreign Flag carriers

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B I B L I O G R A P H Y

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- Shipping Economics by Monsef A.A., WMU, 1986-1987

E. NATIONAL LAWS AND REGULATIONS:

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- Charte Nationale 1976 as amended
- Maritime Code 1976