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MARITIME SAFETY ADMINISTRATION, IN IRAN

BY

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A paper submitted to the World Maritime University in partial satisfaction of the requirement of the course on Maritime Safety Administration(Nautical).

The contents of this Paper refelect my own personal views and are not necessarily endorsed by the World Maritime University or the International Maritime Organisation.

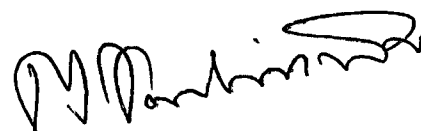
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I wish to thank all those concerned who have helped me to be able to prepare this paper, which I think may be of great use in developing the proper Maritime Safety Administration in my country.

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Volume I

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Chapter I

INTRODUCTION

The political and economical importance of each nations reflected by its foreign trade. The most important factor in any kind of trade is consider as the transportation means. more than 90% of the total world trade are carried by ships, and no nation existed that can continue to its trade without using the shipping as the main tools in one way or another.

During the II World War the nations who had a way to open seas, felt and understood that shipping is not only an economical tools, and it could be more important to the political situation of the country as defence measures as well as economy point of view.

For enabling the country to run its shipping in both sides with maximum efficeincy, it needs a certain standard and legislation to be adopted through the national legislative machinery with certain standard for ships, personnels. But because the shipping in nature used internationally, it can not be done only through the national standard, and there must be international standard accepted by the nations concerned. So it is essential one who is accepted internationally, make the necessary arrangement between the different nations.

In 1958 the IMO borne and could provide certain minimum standard for safety of ships and its personnel, the 1948 SOLAS gave the oppotunity safer shipping and navigation. Many countries ratified the above convention, but very few implement it properly.

Many of these countries found it is a gap that sould be covered, they understood that they need a national machinery to imple-

ment the international standards related to shipping ,so the Maritime Adminstration were found .

"IRAN" with a long coast line at" PERSIAN GULF and OMAN SEA",and " COSPIAN SEA" establish its own maritime administration in 1938 in a very basic form, which was mostly responsible for explotation of the ports.The major trade area was oil,and mostly the Eouropean countries had the benefit of shipping in Iranian water.the national shipping were limited to very small number of crafts without any kind of control from the safety point of view.(The first national shipping company founded in 1967).

The object of a Maritime Adminstration Organization within the framework of a Country's overall maritime activities is to provide the Government with the machinery which would enable it to satisfactorily and efficiently undertake those funotions which are embodied within the country's Merchant Shipping Legislation(National Maritime Laws). These functions would include the implementation of the requirements of International Maritime Safety Conventions,and national rules and regulations framed under the authority of the Merchant Shipping Acts.

In pursuing its activities in the developement of the maritime field,need to have an efficient adminstrative machinery to advise them on the adoption and implimentation of national legislation and other regulations required for developing and operating the maritime programme of their country and for discharging the obligation of the Government under International Conventions which may be applicable.

This machinery can best be provided through a well organised maritime adminstration as afore-mentioned.

Such as Administration will also be responsible,under the gene-

ral direction of Ministry of Road And Transportation for providing and organizing the appropriate facilities for the Survey and Certification of ships and the training, examination and certification of ship's masters, engineers and other maritime personnel.

As a whole, the areas affected within the ambit of maritime administration activities are, the ownership, registration, management, operations, and upkeep and maintenance of national shipping fleets, and also other activities such as shipbuilding, ship repairing, dry-docking, port operations and maritime training.

The operational aspects of maritime administration within context of maritime safety administration take the form of:

- 1) The survey and inspection of ships;
- 2) The issuance of appropriate certificates;
- 3) The conducting of examination for all seafarers (master, officers and crew);
- 4) The registration of seagoing personnel;
- 5) The holding of inquiries/investigation into shipping casualties;
- 6) Marine pollution prevention and control;
- 7) Establishment and maintenance of navigational aids;
- 8) Search and rescue services;
- 9) harbour dredging;
- 10) Hydrographic surveying;
- 11) Maritime radio telecommunications;
- 12) Port control system and lane traffic control;
- 13) The adoption and implementation of International Maritime Conventions among other activities;
- 14) Advice to Government on Maritime Matters.

To improve the Maritime field in the country, it is essential to

change and update its Maritime Administration according to the change of the technologies of shipping, ships construction, marine environmental protection, safe navigation, ports construction and facilities, cargo handling, etc.

To achieve these aims it is strongly recommended by one of the superiors in the Maritime Field, Prof. P.S. Vanchiswar our course professor to study the situation of the existing Maritime Safety Administration, in my home "IRAN" accordingly, I will try to cover the following points in this regard to my best ability and knowledge:

1-Constitutional/statutory position as regards responsibility for Merchant Shipping and Ports.

"PORTS AND SHIPPING ORGANIZATION"

This statute was established in 1938 according to the regulations of "Iranian Ports" under supervision of the Ministry of Economy and Customs, this regulation was approved by the Council of Ministers. According to this regulation, responsibility of this statutory body was as follows:

1-Ships registration and survey.

2-Seafarers registration and documentation.

3-Pilotage of ships.

4-Use of port facilities for loading and discharging of cargoes.

5-Matters of "Quarantine".

6-Tugboats and use of them in the harbours and outside of the harbours.

7-Seamen definition and responsibility.

8-Ports officers and their powers.

-In 1960 an Act passed by Parliament "The Act regarding the estab-

Single Article:

After approval date of this Act, an Organization named "Ports and Shipping Organization" at Ministry of Customs and Monopolies will establish, and as far as their will not be another legal body to do so, its functions under aforesaid Ministry are as follow:

- To manage and exploitation of ports of the country;
- To extend and expand the construction and port's installation and facilities, to provide the communication installations and security and implementation of ports and coastal shipping rules, to supervise expansion of merchant shipping, to register the vessels, to apply the condition of nationality of the ships, to collect the fees and port dues according appendix to the Act.

In 1970 a special regulation approved by the special commissions of the Parliaments, which describe the legal function of the Ports and Shipping Organization (P.S.O.):

Chapter 1-general

Regulation 1-Ports and Shipping Organization which be called Organization in this regulation, has legal character and will run according this regulations.

Regulation 2-The organization is related to the Ministry of Finance and its central offices based in Tehran, it can have an office in each ports according the approval of its High Council. (In 1974 P.S.O. attached to the Ministry of Roads and Transportations.)

Chapter 2-Responsibilities and powers

Regulation 3-Its responsibilities are as follow:

- 1-To manage the merchant function of maritime and ports affairs.
- 2-To establish and construct and expand the merchant maritime and ports constructions and installations and its equipments and necessary revenue operation of them.
- 3-To issue and implement the necessary rules for the merchant maritime and ports and shipping of the country due to the related laws.
- 4-To regulate the conditions of ship's pilotage with approval of High Council.
- 5-To manage loading and discharging of cargoes in the ports.
- 6-To manage the communication systems at sea and land for connection between the ship and ports ,to supply necessary equipment with co-operation of Ministry of P.T.T.
- 7-To supervise on coastal and merchant shipping and its expansion, and to ensure safe navigation.
- 8-To manage and install necessary light system at sea and rivers for safe navigation.
- 9-To register ships and vessels and implementation of the regulation concerned.
- 10-To grant competency certificates to the seafarers and necessary certificates to the ships accordingly.
- 11-To collect the port's taxes and dues and other concerned.
- 12-To implement Iranian maritime code and other responsibilities.
- 13-To fix and implement the fees and condition of use from the installations and equipments of the organization with approval of the High Council.
- 14-To research and study in the port and marine and merchant shipping affairs.

15-To prepare next years schadual and in long run and implementa-
tion of them after approval of the High Council.

16-To study the International Protocols and Treaties regarding the
ports and shipping and Merchant Marine and prepare necessary repor-
ts for the competent authorities.

17-To provide membership of the International Organizations related
to the matters with approval of High Council and ratification of
the Parlements.

18-To participate at the International Conferences and Meeting -
related to matters.

(From sub- paragraph 19-to 25 the last paragraph in this Regulation
is not related to the subject.)

CHAPTER 3- Dignitaries

Regulation 4-P.S.O.dignitaries are as follow:

a-High Council

b-Council of Managers

c-General Manager

Regulation 5-High Council's members are to be Ministry of Finance
and Economy,Ministry of Roads and Transportation,Comondor of Navy,-
General Manager of Plans and Budget(Consultant Minister)or his
Deputies.

Regulation 9-Board of Directors is consist of General Manager of -
P.S.O. and his four Deputies.General Manager will be offered by -
Ministry of Roads and Transportations to the High Council and he
will be Deputy of Minister as well. Other members will be offered
by General Manager and will be approved by the Minister.

Regulation 11-Decision making of the Board based uppon the majority
of the members.

(This chapter is not related to project)

2-Status of present maritime legislation of relevant and proposed changed/ammendments.

In 1964 the first Merchant Shipping Act which is called "Iranian Maritime Code" approved and passed from parliments. This code which I will represent it with all details in another part of this paper, was contained of 194 Articles.

"IRANIAN MARITIME CODE" CHAPTER ONE- NATIONALITY AND
REGISTRATION OF SHIPS

PART ONE-NATIONALITY

Article 1-(1)each seagoing ship which its regitered gross tonnage will be 25 tones or more provided comply with provisions coming below may be registered according this Act and fly National Flag:

a-The ship belongs to Iranian citizen or Iranian company, which at least 51% of shares belongs to Iranian citisen.

b-The ship must be registered according to this chapter.

2-Oil tankers with approval of P.S.O. can be exampeted from this provision for registration.

Article 2-Nationality of Master and officers and the crew:

If it would be required Master and officers and crew may be from foriengers.

The owner of the ship shall train Iranian nationals on his own expences. The training program after approval of the P.S.O. shall be carried out ,but at least within four years after enfocement of this Act, 50% of the crew shall be from national citisen.

Article 3-Maritime training center:

The ministry concerned shall establish a training center in one of the southern port within one year after enforcement of the Act.

Article 4-Power to grant certificate of the nationality:

Ports and shipping organization (P.S.O.) is empowered to grant certificate of the nationality.

Article 5-Any ship which will be constructed in Iran and its tonnage is 25 or more until it is not delivered assumed as an Iranian ship.

Article 6-Cabotage (coastal shipping):

Cabotage is reserved for Iranian ship only unless according to the P.S.O. recommendation, Council of Ministers issue a decree.

Article 7-Change of the nationality:

Any owner that its ship is registered in Iran may change its ship's nationality, according to the regulation which will be prepared according to this Act.

Chapter 2-Preference rights

Chapter 3-Mortgage of ships

Chapter 4- Maritime transportation

Chapter 5-Ship's owners-Limitation of liability

Part 1-General

Part 2 -Limitation of liability of the owners

Chapter 6-Responsibilities of Master and crew

Chapter 7-To give the cargo as security

Chapter 8-Transportation of passengers

Part 1-Limitation of liability of the transporter

Chapter 9-Chartering

Chapter 10-Collision at sea

Chapter 11-Search and rescue, salvage

Chapter 12-Maritime average

Chapter 13-Maritime court

Chapter 14-General regulations

Article 190-Penalties:

In the case of violation of the Articles 2,7,14,17,19,20,21,24,25, 26,27,46,94,146,the competent court may decide for the fine from 1to 2500 golden coin in the case may be.The maximum and minimum fine shall describe at the regulation which the Ministry of Justice and the Ministry of Economy will prepare and shall be approved by the Council of the Ministers.But if the penalty shall be carried out by other regulations, it shall be so.

Article 192-Power to issue the certificates and other necessary documents:

The P.S.O.is empowered to issue and grant any certificates,documents or papers to the ship,Master and the officers and crew which is necessary for implimentation of this Act.

Article 193 -Any necessary regulations for implementation of this Act shall be prepared by the Ministry concerned and after approval of the Council of Ministers will come into force.

Article 194-Any other necessary provisions which is not covered by this Act or in other laws of the country ,will be based upon the International Doctorines.

New Draft LAW

From some years after the existing Code came into force,and because of the suden change in the shipping of the world,it felt - that the existing Code is not suficient any more and it needs to be changed or modified partly or wholely.

After revoulotion occured and caused a lots of changes in any areas ,the new Constitutional Law came into force and it is contained of

different provisions. P.S.O. request IMO to help it for this essential needs. IMO provided a numbers of its own experts in different areas.

The IMO Legal Expert who is a Pakestania national after a period of discussion with different authorities in IRAN suggest a draft to be studied.

According to the Article 44 of Constitutional Law, shipping in general shall be owned or managed by the Government (This Article is not interpreted yet and the only Council of Custodian can do this, and shipping is only one of the subject that shall be discussed, the others are the main industries etc.) In any case the provisions of ownership shall be changed and at least shall be mentioned 100% - Iranian shares.

First, it decided to change some part the Code because of its nature which is more general than the other parts.

This draft is contained of seven chapters, the first chapter is - regarding the registration and provisions of ownership.

During the study and discussion, we looked through the Indian and British Merchant Shipping Acts as samples.

For the registration purpose it is stated roughly so:

Any ship owned 100% by Iranian citizens or legal persons, which is 24 meters in length and above, with self propulsion means can be registered according to this Act. (These provisions are coming in the draft in detail.)

For registration office P.S.O. is empowered to appoint by notification in Gazette in any place or port which needed.

The provision for registration are roughly as follow:

- Application for registration;
- Name of the ship, change of the name;

- Survey and measurement and issuing the certificates;
- The documents which shall be retained by the Registration Office(Registrar);
- Marking and carving provisions and its obligatory parts;
- Right to fly the National flag;
- Legal and illegal use of certificates specially certificate of registry;
- Power to issue certificate of registry;
- Name of Master that shall be endorse on the certificate of registry;
- Necessary evidence of first registry;
- Change of owner/s;
- Provisional registration and its certificate;
- Power of courts to sell the ship;
- Matters of Mortgage of ship or share therein and priority of mortgage;
- Custody of National flag;
- Unlawful use of other flag ;
- Use of National flag and its responsibility by the foreign flag ships;
- Exemption of War Ship or Government owned which are not used in trade from registration;
- Closing and/or cancelling register of ship;
- Discharge of Mortgage;
- Registration of abandon or left ship;
- Power to issue duplicated and/or certified copy of registration certificate;

These were roughly contained of chapter 1 ,in addition to definitions, and preamble of the Act.

Chapter 2 of the draft is about Manning and Certification. The basic reference is the STCW convention. There are three alternative for certification:

1-To issue the service certificate for Naval Officers in the first step, and it will be done in a manner that any qualified officer that wishes to have this certificate shall be fulfill with the requirements to the satisfaction of P.S.O., and these certificate valid only up to five years.

2-Another, is to accept the Certificate of Competency issued by recognised Maritime Authority of such countries which are following the requirements of the convention appropriately, and P.S.O. will is due exact grade which is mentioned for the applicants.

3-This stage is for such applicants that they graduated from a recognised maritime college but they did not go through the examination procedure for many reasons.

The P.S.O. will be empowered to establish the Board of Examiners- that will examine each individual applicants. -The other contents in this chapter are as follow:

-The Board of Inquiry into casualties;

-Provisions of dispossession of mariners from use of certificates and cancelations .

-Chapter 3 of draft is about Safety and its certification. This chapter is based upon SOLAS 1974, LOAD LINE 1966 and TONNAGE MEASUREMENT 1969 conventions.

-IRAN is a party to LOAD LINE 1966 and TONNAGE 1969 and at moment SOLAS 1960 and its intention is to be party to SOLAS 1974, but because it shall be ratified by the MAJLIS (Parlement) it must translated to the Persian both convention and Annexes it will take a long period to pass the formalities.

-Part one of this chapter is about SOLAS :

-Any Safety Certificate issued by or behalf of the party to SOLAS 1974, for international voyage purpose, will be accepted unless there be any doubt regarding the conditions which is mentioned in certificate and the present condition of ship.

-Others:

-Procedure for issuing certificates;

-Validity, Power to issue certificates;

-Renew, Cancellation of certificate;

-Power of survey and inspection;

-Procedure for survey and inspection;

-Obligation of Iranian Ships which shall be surveyed and certified before registration;

-Power to delegate some of authorities to non-Iranian for survey and inspection;

-Local safety certificate for non-seagoing vessels and its procedures;

LOAD LINE:

-Load Line certificate and Local Load Line certificate, acceptance and issuing procedure are similar to SOLAS;

-Tonnage certificate, because Iran is party to 1969 convention it can accept either other certificate or ask for the convention certificate,

-Next part is about POLLUTION and generally based upon 1973/78 convention which Iran is not party to it yet, but it is intended to be,

Other chapters are:

-Salvage and search and rescue;

-Prevention of collision;

- Provision for detention of unsafe ships(unseaworthy);
- Penalties and offences;
- General provisions:
- In this chapter, there are provisions about power of surveyors acting according this Act,power for making regulations,Acts of - ratification of the conventions and some other general provisions will be covered.

3-Present function and activities of the Maritime Administration.

One of the Members of The Board of Director is Deputy in Operation, and he has two department under his responsibility.

Director of Maritime Affairs is leading one of these department,he is responsible for all safety measures and training and certifications.

He has three offices:

- Survey and Registration Office
- Marine Services and Safety of Waterways Office.
- Training and International Relations Office.

Survey and Registration Office is established according to Article 8 of the Code and is a statutory body.

Its responsibilities are as follow:

- Survey and Inspection of ships.
- Registration of ships.
- To issue necessary certificates to the ship itself and its crew,according Article 192 of the Code.
- To study necessary changes of the regulations and related Laws and report the case to competent authority.
- To issue instructions to the port surveyors and registration

offices.

-To study Safety Conventions and its implementations.

Marine Services and Safety of Waterways Office:its responsibilities are as follow:

-Pollution prevention activities.

-To issue Admiralty notice to Mariners.

-To control dredging, bouys, lights and other related activities.

-To adopt necessary circulars to the P.S.O.marine personnel and conditon of their promotion.

-To manage the operation side of radio-communication of P.S.O.

Training and International Relations Office,its responsibilities are as follow:

-To study and propose necessary training for P.S.O. staff and personnel and related formalities.

-To contact and communicate with the internal institutes and International bodies such as IMO.

4-Total number of officers,in particular marine officers in the Maritime Adminstration,Ports field,Post vacant and location of such officers.

a)Head office total no. of officers are 150 and marine officers 25(all these figurs are estimated and may differ but because i did not get any information inthis regard ,so the estimation is used)

b)At ports all together total no. 140 officers and 60 marine officers in five different ports.

5-Qualification and Experience stipulated for the above posts of marine officers.

-Majority of the marine officers are graduated from university with a degree in marine sciences.

6-Statutory duties performed (or required to be performed) by such marine officers.

There is no provisions regarding different officers and their obligation and duties ,and all the references at Code and other existing decrees are to the Organisation itself.

7-Registration of the ships-rules and procedures.

PART 2-Registraion of ship

Article 8-The Central Registration Office shall be established within the P.S.O.

Article 9-Appllication for register:

The owner or his representative shall apply for registration accom-pany with the declaration of ownership and necessary certificate in two copies from the P.S.O.

The owner or representative shall apply for the name of the ship before registration and after aproval shall marked and carved the name on bow and astern and the registry port shall be marked and carved on astern of the ship according the regulations in this regard.Central Registration Office after satisfaction shall register the ship according this Act.

Article 10-Decleration of ownership:

The owner or his representative shall deliver the decleration which must be contained of:

The name of the ship- Machinery H.P.-Hull matirial-Date and place of the built-Dimensions and measurements-No.of the decks-Kind of propultion-Special characterisic if any-Name,Nationality,Residense of the owner/owners and no.of their shares .

Article 11-Certificate of registry:

P.S.O. will issue certificate of registry in 2 opies on approved

forms, and it shall contain of:

Port of registry-Place and date of built-Deck no.-Length, Breadth, and Draft-Tonnage and type of ship-Propulsion means and other specification-Name of the owner/s and Register no.

Article 12-Certificate of registry shall be signed by the owner or his representative and P.S.O., all certificates shall enter in register book and one copy of certificate shall be kept.

Article 13-Registration fees:

Registration fees and other fees are as follow:

a-Registration fees for the ships:

bellow 500 G.R.T. = 3 golden coain (pahlavi)

"	501 to 1000	"	=4	"	"
"	1000 to 1500	"	=5	"	"
"	1501 to 2000	"	=7	"	"
"	2001 to 2500	"	=9	"	"
"	2501 to 3000	"	=11	"	"
"	3001 to 4000	"	=13	"	"
"	4001 to 5000	"	=15	"	"
"	5001 to 6000	"	=17	"	"
"	6001 to 7000	"	=19	"	"
"	7001 to 8000	"	=21	"	"
"	8001 to 9000	"	=23	"	"
"	9001 to 10000	"	=25	"	"
"	10001 and more	"	=30	"	"

b-Re-registration fees are to be 50% of their registration fees.

c-Fees for changing any alteration is to be 1/2 golden coain for each alteration in the characteristic of the ship.

d-Fee for duplicate copy is to be 30% of registration fee of the same ship.

Article 14-Any change in the tonnage of the passenger ships or cargo ships shall be reported to the P.S.O. in writing, such changes shall be entered in the register book and certificate of registry and the second copy accordingly.

Article 15-The ship may register in Iran only if it has proper certificates issued by the P.S.O. or one of the international societies accepted by the P.S.O.

Article 16-Provisional certificate:

Iranian consulate officers after getting P.S.O. permission and according to the certificates issued by one of the international societies mentioned previous Article, will issue provisional certificate to the ship which will be registered in Iran. Maximum duration of such certificate shall be appropriate to the extent of voyage to one of the Iranian ports for registration and at least six months.

One copy of such certificate shall be posted to the Central Registration Office of P.S.O. and original copy shall be delivered to the P.S.O. when the ship arrived for registration.

Article 17-If the ship is not registered on time with regard to the previous Article or the necessary document does not deliver on time, the ship has no right to fly the national flag of Iran and the owner is bound to the Article 190 for his penalty and shall deliver the necessary document. This Article do not effect in case of lost documents.

Article 18-The ship under construction shall register preliminary. The shipyard shall declare all particular and deliver to the P.S.O., and after necessary examination and delivery to the owner such certificate shall return and canceled.

Article 19-If any change in principle characteristic of ship occur-

red, a new declaration shall be made to the P.S.O. or Iranian consulate, which must be contained of the reasons of the change/s, after satisfaction of P.S.O., the certificate will be corrected. And if the applicant has the facts which is approved by one of the International Societies (Article 15), registration office will correct the certificate accordingly.

Article 20-Any order or decision which are issued or will be issued by the competent courts and caused the change of the rights in or over the ship shall be entered in the register book and other documents.

If any responsible officer do any delay in this regard shall be punished according Article 190 of this Act.

If the officer has not done his responsibility with knowledge of the facts, he will be punished to be jailed from six month to at least three years and has to pay expences accordingly.

Article 21-Under following situations the registration and nationality will be withdrawn :

1-If the conditions of registration and the right to fly the flag are no more effected.

2-If the ship is lost or captured by enemy or pirates.

3-If the ship is out of use.

4-If the owner left the ship.

P.S.O. will apply for the case to the maritime court, the certificate shall be delivered to the Registration Office within 30 days or to the consulate officers.

Article 22-If the certificate of registry is lost the owner shall apply for the duplicate copy to the P.S.O.

Article 23-If the owner wishes to change the name of the ship, P.S.O. may approve if satisfied, this change shall be noticed at the

Gazett and one other important papers in Capital for 3 times within one month.

If the ship is in mortgage, acceptance of the mortgagor is necessary and this change does not effect on his rights or the other interest parties.

Article 24-Transaction of the ships:

a- Entry of all transactions regarding the ships which this Act apply, and its rights if it is more than 2 years is mandatory in the country and shall effect by the notary public which are allowed, and if such transaction take place outside the country it shall be carried out by the nearest consulate according the law of the concerned country and be register and informed P.S.O. within 15 days.

b- The responsible department of Ministry of Justice shall have a representative within the P.S.O. and record such transactions in his own book.

c- Sale or transfer of a whole or part of the ship which is registered in Iran either in normal or by order does not change in the nationality of the ship provided comply with Article 1(a) of this Act.

d- All transactions regarding the sale or/and mortgage of the ship shall endorsed on the registration and nationality certificate of the ship.

e- The owner of Iranian ship that mortgaged his ship in Iran or abroad shall not sell the ship before acceptance of mortgagor or discharge of the mortgage. If this transaction occurred without complying aforesaid conditions, the transaction has no legal effect.

f- The authorised notary public or consulate officers in case violation, shall be punished.

(This regulation is approved by the Council of Ministers in 1973.)

Article 25-this is about trasnaction notice in the Gazett.

Article 26-the authorised officers shall be able to investigate any document in any condition,if the Master do hesitate for the purpose he has done an offence according Article 190.

Article 27-If the owner or his representative contradict a statement,he has done an offence according Article 190.

Article 28-Registration of ships and/vessels which this Act does not apply to,shall be done according the regulation which will be approved by the Council of Ministers.

8-Number of "NATIONAL" ships and their particulars.

The National Registered Ships and small crafts;

There are three categouries of vessels:

- 1-Small local craft such as wooden dowes barges and tugs;
- 2-The old ships which mostly used in Persian Gulf area and Indian Ocean and generally are sub-standard ships,but surprised is that most of them could manage to get certificates from C.S.in a way.
- 3-There are 59 sea-going ships belong to I.R.I.S.L.,12 sea-going ships to Irano-Hind,and 11 tankers to N.I.T.C.The capacity of each individual ships and her particular is not in hand,but as far as I know National shipping has about 1.5 million tonnes and the management of the company decided to increase 50% of its capacity and mostly the container ships and bulk carriers.

9-System for surveys and inspections and their particulars.

-P.S.O.deligated authorities to Classification Societies to survey and issue statutory certificates on his behalf in 1964,first to:

- 1-Lloyd's Register of Shipping;
- 2-Bureau Veritas
- 3-Germanisher Lloyd
- 4-Nipon Kaiji Kiakoui

5-Registro Italiano Navale

-This deligation was according Article 15 of existing Code.

In 1974 ,Organization ,delegate authority to two other Classification Societies:

6-American Bureau of Shipping;

7-Det Norske Veritas -Nowadays Lloyd's Register shall be mentioned as the only active society,the others except A.B.S. which because of political reason is not allowed to work and D.N.V.because of lack of intrest,are continiuing their functions weekly through a private citizen company.

But according Article 81 of Constitutional Law which says"Any employment or work permit to foreinger is prohibited",we try to get permission to authorised P.S.O. for deligation some of its responsibility regarding the statutory survey to some of societies as an exception by means of new draf law.

10-System for issue of appropriate survey and inspection certificates.

There is no other system except what mentioned above.

11-System for maintenance of records/plans of national ships.

The central Registration office keep the Register Book and enter the particulars ,the document will keep with other files at head office of P.S.O. among the other files.

12-System of training Government surveyors.

Numbers of Government surveyors have been trained by the different classification societies but there is no planed program except use of advantage of this unique university WMU.

13-Procedure/system for examination and issue of certificates of competency or licence to merchant marine officers.

There is no plan unless the new amendment to the Code be approved

and come in force. So far some certificates issued for naval officers as certificate of service.

14-Rules/system for manning of the national ships.

Except the Article 2 of existing Code there is no other provisions.

15-particulars of present institution for the training of seafaring personnels.

At the moment there is naval college which will use by merchant shipping as well, and it would be ended to a degree in marine sciences or engineering.

16-Number of national ships visiting national ports per annum.

I did not get any information in this regard.

17-The classification societies recognised and delegated with statutory function.

This item mentioned in item no. 9.

18-Details of statutory functions so delegated to the classification societies.

All the statutory functions are delegated as mentioned in item no. 9.

19-Numbers and categories of national sea going personnel.

As far as I am concerned between 60 to 70 officers and they are served as the master and chief mate and other categories. there are a no. of 2000 seamen as well.

20-System for registration of seamen.

-This is a big gap that is not covered nor by the draft law neither by existing code, because in 1972 a set of regulation is approved by the High Council Of Labours which is contained of 24 regulations and is about the condition and actual working time of seamen, over time payment, it is stated that any other essential reference shall

be to the Labour Law in general, and Ministry of Labour and Social Affairs are responsible for implementation of them.

So P.S.O. according its responsibility mentioned that this Organization will covered three parts as follow and request the Ministry concerned to deal with other mentioned subjects or to permit P.S.O. to handle it accordingly;

1-Manning

2-Certifications

3-Grading

Here is translation of above mentioned regulations;

Regulation regarding working time, holidays and vacations, wayges and payment of Fishermen ,seamen and other shis labour 1972

The High Council of Labour approved aset of regulations cotained of 21 regulations as follows:

Reg.1-This regulations applied to all seamen and other labour of the ships;

Chapter 1 -Fishermen

Reg.2-Fishermen are concider as a kind of labour which are engaged in caching fish and other sea living resources either on board of fishing vessels or at shore;

Note-Fishing vessels will be concider as any kind of vessels which are used to catch fish and others in salt water;

Reg.3-Total working time of this group will be 48 hours per week and can only be extended another 24 hours which will concider as extra working time, and the fishermen who are working on board and their voyage will finish less than one week, their daily working time shall concider 8 hours and extra working time can extend 4 hours a day, eating and resting period is not include in their workin hours.

Reg.4-Weekend and other formal vacations shall comply with provisions of Article 14&15 of Labour Law.

Reg.5-Inspite of 30 days work there will consider 2 days as yearly vacations which will be payed by the employer.

Reg.6-Payment and wayges of fishermen shall be according chapter 5 of Labour Law.

Chapter 2 -Seamen and other shis labours

Reg.7-Working time of seamen and othercrew of the ships shall consider 48 hours a week and can be extended to another 24 hours as extra working time relaxation and feedingind period are not consider as working time.

Reg.8-Yearly holidays is one month and can divided,this holidays is consider as holidays in port of employment ,unless there will be another arangemet between two parties.

Reg.9-Provision of Article 14&15 of Labour Law shall apply for their formal vacations and weekends.

Because of nature of their job the holidays which they can not use will be added to the yearly holidays.

Reg.10- Provision of chapter 5 of Labour Law shall apply for their wages and payment except the note of Article 21.

Reg.11-If the ship is in foreign ports and if itis requiered and accepted their wages can be payed by foreign exchange.

Reg.12-If the seaman or other crew is employed for specific voyage and it take longer than agreed period,he has the righth to get extra payment for extra time. But if the period of voyage will be shorter than agreed period,the payment is based upon the agreed period.

Reg.13-The ship employers are obliged to do as followsbut it can not effect on the payment of seamen and other crew of the ship:

1-Crew accomodation shall be satisfactory and healthy;

2-Their food material shall be sufficient and enough;

3-If the ship is in foreign port and the crew can not stay on board, necessary accommodation and food shall be provided in the port, this obligation shall follow in Iranian ports as well except port of employment;

4-When the ship is in foreign ports extra charge for transferring money for their family shall be paid

5-Necessary cure shall be provided

Reg.14-If the place of discharge is not declared in the agreement, - this place can be considered as the port of employment. In any case the employer is to provide necessary arrangement for his return to intended port, and he should be paid according to the international exercise.

Chapter 3-General provision

Reg.15-For any extra working hours the payment shall be 35% of the normal working hour.

Extra working for any fisherman or seaman or others less than 16 years old is prohibited.

Reg.16-Provision regarding the working condition of women and children mentioned in chapter 4 of Labour Law will apply to this regulations.

Reg.17-The agreement for seamen fishermen and other crew shall be on written forms.

Reg.18-Master is considered as representative of the employer (Article 3 of Labour Law)-.

Reg.19-If the Ministry of Labour and Social Affairs provide to do so provision of Reg 9,12,13,14 of this regulations can be extended to the fishermen who are engaged on board of fishing vessels.

Reg.20-If necessary provisions are not covered by this regulations

the reference shall be to the Labour Law, and it is not mentioned in that Law, it will be according to the agreement, and farther if it is not mentioned there, the reference will be to the international common law.

Reg. 21-Implementation of this regulation can not effect on the right of the person whom will apply to.

21-Any sea going ship constructed in the country.

not any so far.

22-Proposal for ratification and implimentation of IMO conventions.

So far "IRAN" is party to following conventions:

- 1-SOLAS 1960 ;
- 2-LOAD LINE 1966 ;
- 3-TONNAGE 1969 ;

There is discussion about ratification of following conventions:

- 1-COLREG 1972;
- 2-STCW 1978;
- 3-SOLAS 1974 & 1978 Protocol to it;
- 4-MARPOL 1973 & 1978 Protocol to it;
- 5-INTERVENTION INTO OIL SPILLING CASUALTIES 1969&1973

And there will be some other discussion regarding these conventions: 1-CLC 1969 and 2-FUND 1971.

23-Procedure/system for conducting inquiries investigation into shipping casualties.

No provision existed.

24-Procedure for detention of unseaworthy ships.

There is no provision but the exercise is so that the port will ask the navy to stop the ship and the master and agent will be informed.

25-Details of any air/sea search and rescue system in existence.

The only thing is in case there would be close co-operation between the relevant authorities.

26-Present system/arrangement for the prevention control/control of marine pollution.

There is no information in this regard so far.

27-Arrangements for navigational charts, notices to mariners and navigational warnings

Any kind of navigational warning will be issued under the international exercise.

28-Rules/system for handling dangerous goods in ports.

No.

29-Number of sea going fishing vessels and system of inspection/licencing.

There has been some, but because of the contract with other countries there were not used in Persian Gulf, and only local fishers with small craft are in the area but they are not sea going, in the Caspian Sea there is a small fleet.

30-Any courses for lifeboat-men, fire-fighting, etc.

Not so far.

FOOTNOTES TO CHAPTER 1:

Extracted from;

"IRANIAN MARITIME CODE" 1964, rules and regulations, published by

DANESH 1971 Tehran (persian copy)

Professor P.S.VANCHISVAR's lectures and Manual ,WMU,Malmoe,83-85

I.M.O. and its influence on the world's shipping

IMO which is known as one of the specialised agency of the U.N.- had and still has the great effort to establish a common standard as the minimum requirement for the safety of the shipping of the world through its committees and sub-committees and with 125 members from developed and developing countries has a great activities among the others.

The first task of IMO is regarded safety at sea in general, for ships seafares and cargoes as well as the environment.

The result of its efforts caused very wide improvement, and leads the shipping of the world to a safer and more reliable output, with lesser cost and cleaner environment.

It is very intersting to know that the conventions did not come as a result of imagination or invention of someone, but it is the result of accidents and catastrophies. For example the international convention of MARPOL 1973/78 which is result of the Torry Canyon accident and caused one of the members to IMO braught the case to the committees, and it was discussed in the sub-committees for a long time and with co-operation of the legal committee ,draft convention prepared and submitted to the general meeting and Assembly.

Unfortunately many of the developing countries does not take part in the discussion, and prefer to take part in general meeting and Assembly which are more formal than technical.

The most important of job will be done at sub-committees and then committees, the members of each will be selected in different manner , baring in mind that IMO is entirely a technical organ and not political.

I.M.O. Meeting

As mentioned above ,the work of evaluation of IMO standard are carried out at the sub-committees and committees .So these meeting are important to take part for developing countries as at the conferences and Assembly meeting is little which can be done to change the course of proposed conventions which may adversely affect the interest of a developing maritime nation.

It is of great importance that the representative of a substantial number of developing countries do participate in the evolution of IMO's standard meeting.

This can only achieved by participation in various session of sub-committees,committees and conferences of IMO.

Such active participation would ensure the following:

- (1)The relevant standards are the "highest practicable",taking due note of situation obtaining in different developing countries,and not the "highest conceivable".
- (2)Wherever and whenever possible alternative to sophistication,which can be met by developing countries by utilising indigenous resources ,skills and system are also provided for.
- (3)The relevant standards do not,even unwittingly tend to prolong indefinitely the dependence external sources,except by choice,if so desired.
- (4)The relevant standards are justifiable on the grounds of safety and/or pollution prevention and not motivated by other consideration.In this connection it deserves to be mentioned that eventhough the history of IMO Meetings/Ses-

sions has been commendable as regards the spirits of compromise and sense of accommodation exhibited by the representative of Governments present, it would not be an exaggeration to state that the nonparticipation by most of the developing countries would have denied to all concerned the benefit of making known their own views and limitations.

(5) The needs of developing countries as regards technical assistance and the attendant funding assistance are not only made known but are recognised by developing countries.

(6) Additional knowledge and experience gained by their officials through discussion and consultations during the Sessions, both formal and informal.

(7) Personal contact are established with their colleagues from other countries, leading to better understanding and co-operations.

Anyhow it is a pity that very few developing countries have been participating in the evaluation of IMO's standard.

FOOTNOTES: Extracted from;

Professor P.S. VANCHISWAR's lectures and Manual, WMU, Malmö, 83-85

Chapter III

Basic maritime problems of the country

The following appears to be the basic problem in the country as regards matters pertaining to the Maritime Administration, particularly the Maritime Safety Administration:

- (1) Out dated maritime legislation (both primary and subsidiary)
- (2) Inadequate infrastructure, as regards organisation and personnel, for ensuring (a) proper standard of maritime safety on board ships and the prevention of pollution from ships which cover not only the ships themselves but also the personnel manning them,
(b) maritime development in general, and
(c) attention to allied maritime matters.
- (3) Shortage (acute shortage in many countries) of maritime officers with the needed qualifications and experience.
- (4) Lack of training facilities for marine officers and seamen.

The relevance of IMO's technical assistance programme and the World Maritime University to developing maritime countries

In order to enable developing maritime countries to overcome the aforesaid problems and to attain the required standards which now generally prevail in world shipping, IMO has for years operated a technical assistance programme which now forms a major part of

the Organisation's activities.

IMO has developed a wide network of technical co-operation and is assisting developing countries in a number of ways. The major areas of technical assistance provided by IMO hitherto could be broadly categorised as follows:

- Maritime Safety matters;
- Maritime Safety Administration;
- Maritime Legislation;
- Maritime Training;
- Safety of Navigation;
- Radio and Navigational Aids;
- Shipyards, Ship building, Ship design & Construction
- Ports and Harbour Technical Administration and Operation;
- Harbour Piloting;
- Marine Pollution matters;
- Facilities of Maritime Traffic;
- Cargoes-Dangerous Goods;
- Effective Implementation of IMO Conventions;

Further IMO has also appreciated the fact that developing countries have a special need for advanced training for their own national in order to take on the various expert maritime tasks themselves and reduce, and eventually eliminate, their dependence of foreign experts; hence the creation of the World Maritime University. In this context I wish to quote some of the expression of the Secretary General of IMO, whose foresighted vision and dedication led to the creation of this unique University:

"Increasing interdependence among countries in a world of

steady technological advance has created an urgent requirement for many more trained and highly qualified people in the field of maritime transport. The most acute shortage of such expertise is in developing countries, resulting both in weakening the links of those countries with the world system of commerce and transport and their excessive dependence on imported experts and at a very high cost. This compelling need for better access to advance technology and greater self-reliance for developing countries has been recognised by the international community in this support for an international center of excellence for advanced training in various aspects of maritime transport. It has given rise to widespread and enthusiastic endorsement by the inter-governmental bodies of the International Maritime Organisation and other international institutions, by many governments of developing and developed countries, and by a variety of organisations engaged in maritime activity for establishment of the World Maritime University in Malmö, Sweden, under auspices of the International Maritime Organisation.

The establishment of the World Maritime University will provide a critical element now missing but necessary for a coherent comprehensive system of training and education - an international center advanced study for high level specialised personnel in developing countries including maritime teachers, surveyors, inspectors, technical managers and maritime administrators".

FOOTNOTES:Extracted from;

Professor P.S.VANCHISWAR's lectures and Manual,WMU,Malmoe,83-85

PREPARATION and ENFORCEMENT of MERCHANT SHIPPING

LEGISLATION (ie. Merchant Shipping Act etc.)

Preparation

While up-to-date Merchant Shipping Legislation is a condition precedent to maritime development and the effective enforcement of appropriate maritime safety standards in the country, such legislation is outdated countries as stated earlier. Therefore this deficiency needs to be rectified as a matter of urgency. Accordingly it is now proposed to elaborate upon the approaches towards the updating of national Merchant Shipping Legislation in the country. The primary objectives of the Merchant Shipping Act needs to be:

- (a) developmental,
- (b) regulatory, and
- (c) conformity with relevant international law/conventions.

Besides the Act needs to be clearly and precisely worded, with effective sanctions and capable of promoting a helpful law-abiding atmosphere .

With these objectives in mind and in order to provide guidelines to those who may be involved in the preparation (or making contributions to such preparation, including advice) of the national Merchant Shipping Bill or Maritime Code it is proposed that the following matters may be included in same as Parts/Chapters/Sections (clauses) in the form of the following suggested arrangement:-

PART_I
PRELIMINARY

1. Short title and Commencement.
2. Objects and Construction.
3. Application of Act.
4. Definitions.

PART_II
ADMINISTRATION

(Appointment of Statutory officials)

5. Director/Director General
6. Marine Department/s and Principal officer/s
7. Survey
8. Radio inspectors
9. Shipping offices and Shipping Masters
10. Seaman Employment office/s.

PART_III

Registration of Ships - Mortgages

Chapter_I - Registration of (IRANIAN) Ships

11. Qualifications for ownership
12. Obligation to register (IRANIAN) ships

Chapter_II - Procedure for registration

13. Ports of registry
14. Appointment of registrars

15. Register book
16. Application for registry
17. Survey and measurement of Ships before registry
18. Marking of ships
19. Evidence on first registry
20. Entry of particulars in register book
21. Documents to be retained by registrar

Chapter III - Certificate of Registry

22. Custody and use of Certificate
23. Power to grant new Certificate
24. Change of Master
25. Change of ownership
26. Delivery of Certificate of ships lost or ceasing
to be (*) ship
27. Provisional Certificate
28. Temporary pass in lieu of Certificate of registry.
29. Voluntary transfer of ships or shares
30. Transmission otherwise than by Voluntary transfer
31. Transfer of ships or share therein by order of Court
32. Registration of transfer
33. Prohibiting transfer

Chapter V - Mortgages

34. Mortgage of ship or share
35. Discharge of mortgage
36. Priority of mortgages

- 37. Status of mortgagee
- 38. Rights of mortgagee
- 39. Mortgage and bankruptcy
- 40. Transfer of mortgage
- 41. Transmission of interest.

Chapter VI - Name of ship

- 42. Ships names
- 43. Change of name
- 44. Offence

Chapter VII

Registration of alterations & registration owner

- 45. Alterations in ship
- 46. Registration of alterations
- 47. Registration anew on change of ownership
- 48. Restrictions on re-registry of abandoned ships.

Chapter VIII - National Character and Flag

- 49. Nationality and Flag
- 50. Unlawful assumption of (*) character
- 51. Concealment of (*), or assumption of foreign character
- 52. National Colours.

Chapter IX - Miscellaneous

- 53. Liabilities of ships not recognised as (IRANIAN) ships
- 54. Proceedings on forfeiture of ships
- 55. Notice of trust not received
- 56. Liability of owners
- 57. Evidence of register book
- 58. Government ships
- 59. Power of Government to make rules.

PART IV

Masters, Officers, Seamen and Apprentices

Chapter I - Manning with Certificated Officers

- 60. Manning with Certificated Officers
- 61. Grades of Certificates of Competency
- 62. Examinations
- 63. Form of Certificates
- 64. Record of orders
- 65. Loss of Certificates
- 66. Production of Certificates
- 67. Power to Cancel or Suspend Certificates
- 68. Recognition of Certificates granted by other Governments
- 69. Power to make regulations for examinations

Chapter II - Seamen and Apprentices

70. Power to classify seamen
71. Duties of Shipping Masters
72. Fees to be paid
73. Assistance for Apprenticeship
74. Special provisions as to apprenticeship
75. Manner in which apprenticeship contract is to be recorded
76. Production of contract of apprenticeship
77. Seamen's Employment Offices
78. Supply or engagement of Seamen in Contravention of Act prohibited
79. Receipt of remuneration from seamen prohibited
80. Prohibition of engagement of unauthorised seamen
81. Agreements with Crew
82. Form and Contents of the Crews agreement
83. Special provisions with regard to Crews agreement
84. Renewal of running agreements
85. Changes in crew to be reported
86. Certificate as to agreement with Crew
87. Copy of agreement to be made accessible to the Crew
88. Alteration in agreement
89. Employment of young persons
90. Medical examination
91. Maintenance of list of young persons
92. Power to make rules prescribing conditions for employment of young persons
93. Discharge of seamen and discharge Certificate
94. Certificate as to work of seamen

95. Discharge and leaving behind of seamen by masters
96. Wages and property of (such) seamen
97. Repatriation of seamen
98. Discharge of seamen on change of ownership
99. Master to deliver account of wages
100. Disrating of seamen
101. Deduction from wages of seamen
102. Payment of wages before Shipping Master
103. Time of payment of wages
104. Settlement of wages
105. Master to give facilities to seamen for remitting wages
106. Decision of questions by Shipping Masters
107. Production of Ship's papers
108. Payment to seamen in foreign currency
109. Allotment notes
110. Commencement and payment of sums allotted
111. Right to recover wages and salvage not to be forfeited
112. Wages not to depend on freight
113. Wages on termination of service by wreck, illness, etc.
114. Wages not to accrue during absence without leave, refusal to
work or imprisonment
115. Compensation to seamen
116. Protection of wages
117. Restrictions on suits for wages
118. Masters's remedy for wages
119. Power to rescind contracts
120. Disputes between seamen and employers
121. Property of deceased seamen
122. Delivery of the property

123. Disposal of unclaimed property of deceased seamen
124. Distressed seamen
125. Mode of providing for return of seamen
126. Receiving distressed seamen on ships
127. Provisions as to taking distressed seamen on ships
128. What shall be evidence of distress
129. Decision of Consular Officer
130. Provisions and water
131. Allowance for short or bad provisions
132. Weights and measures
133. Certificated cook
134. Certain ships to carry medical officers
135. Crew accommodation
136. Inspection by shipping master, etc.
137. Inspection by Master
138. Notice to be given in case of unrepresented seaman
139. Decrees and order passed against serving seaman
140. Modification of law of limitation where seaman is a party
141. Reference in matters of doubt to shipping masters
142. Misconduct endangering life or ship
143. Desertion and absence without leave
144. Power to suspend deserter's Certificate of Discharge
145. Conveyance of deserter or imprisoned seamen on board ship
146. General offences against discipline
147. Smuggling of goods by seamen or apprentices
148. Entry of offences in official log book
149. Report of desertions and absences without leave
150. Entries and certificates of desertion abroad
151. Facilities for proving desertion

- 152. Application of forfeiture and deduction
- 153. Deduction of fines
- 154. Seamen or apprentice not to be enticed to desert
- 155. Stowaways and seamen carried under compulsion
- 156. On change of master, documents to be handed over to successor
- 157. Deserters from foreign ships
- 158. Keeping of official log book
- 159. Entries to be made in official log books
- 160. Offences in respect of official log logs
- 161. Delivery of official log books to shipping masters
- 162. Official log books to be sent to shipping master in case of transfer to ship or loss

PART_V

Passenger Ships (General)

- 163. Power to make regulations for carriage of passengers
- 164. Offences re: Passenger ships
- 165. Ticket for passage.

PART_VI

SAFETY

Chapter_I_-_General

- 166. Definitions
- 167. Rights of Surveyors
- 168. Records of inspections/surveys

Chapter II - Safety and Loadline Conventions

- 169. Powers to make regulations re: Safety and Loadline Conventions
- 170. Notice of Countries.

Chapter III - Construction of ships

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

Chapter IV - Inspection/Survey for safety

- 172. Surveys of Passenger ships
- 173. Initial survey of passenger ships
- 174. Subsequent surveys of passenger ships
- 175. Additional surveys of passenger ships
- 176. Cargo ship safety construction survey
- 177. Life-saving appliances: cargo ships
- 178. Fire-fighting appliances: cargo ships
- 179. Stability information
- 180. Pleasure craft
- 181. Surveyor's duty re: reports.

Chapter V - Safety Regulations

- 182. Powers to make various safety regulations.

Chapter VI - Issue of Certificates

- 183. Certificates to passenger ship or cargo ship
- 184. Local Safety Certificate - Powers to make regulations
- 185. Posting of Certificates
- 186. Certificates by other Governments
- 187. Certificates to non (IRANIAN) ships

Chapter VII - Proceeding to Sea

- 188. Production of Certificates
- 189. (IRANIAN) Ship and Certificates
- 190. Non-Convention ship.

Chapter VIII - General Safety

Precautions & Responsibilities

- 191. Qualifications of crew
- 192. Reporting hazards to navigation
- 193. Distress signals - Powers to make regulations
- 194. Misuse of distress signals
- 195. Obligations to assist in distress
- 196. Reporting of accidents.

Chapter IX - Prevention of Collisions

- 197. Giving helm orders
- 198. Powers to make regulations for preventing collisions at sea
- 199. Observance of collision regulations
- 200. Inspections for enforcing collisions regulations
- 201. Assistance in case of collision

Chapter X - Loadlines & Loading

- 202. Definitions
- 203. Powers to make regulations
- 204. Compliance with regulations
- 205. Submersion of loadlines
- 206. Alteration or defacement of marks
- 207. Loadline certificates
- 208. Renewal of certificates
- 209. Cancellation of certificates
- 210. Periodic loadline surveys
- 211. Certificate to be Surrendered
- 212. Ships without certificate
- 213. Certificate display and entry
- 214. Particulars in crew agreement
- 215. Certificate of foreign ships
- 216. Validity of certificates of foreign ships
- 217. Inspection of foreign ships
- 218. Production of certificate

- 219. Power to make deck cargo regulations
- 220. Offence against regulations
- 221. Defence to coteravention
- 222. Securing compliance.

Chapter_XI-Carriage_of_grain

- 223. Carriage of grain and power to make regulations

Chapter_XII-Dangerous_goods

- 224. Meaning of "dangerous Goods"
- 225. Disposing of dangerous goods
- 226. Forfeiture of dangerous goods
- 227. Powers to make regulations
- 228. Application of provisions.

Chapter_XIII-Unseaworthy_ships

- 229. Sending unseaworthy ship to sea an offence
- 230. Obligation of owner to crew with respect to seaworthiness
- 231. Detention of unseaworthy ships
- 232. Liability for cost ,damages
- 233. Security for costs
- 234. Complaint' liability.

Chapter XIV-Miscellaneous

- 235. Power to make regulations for protection of longshoremen
- 236. Power to exempt.

Part VII

Wreck, Salvage and Shipping Casualty Investigations

Chapter I-Wreck

- 237. Power to apoint Receivers of wreck
- 238. Fees and expences of receiver
- 239. Duties of receiver
- 240. Power of receiver
- 241. Passage over adjoining lands
- 242. Immunity of eceiver
- 243. Obstruction of receiver
- 244. Taking possession of wreck
- 245. Concealment of wreck
- 246. Notice of wreck
- 247. Owner's right to wreck
- 248. Unclaimed wreck
- 249. Discharge of receiver
- 250. Removal of wreck
- 251. Power to sell wreck.

Chapter II-Salvage

- 252. Reasonable salvage entitlement
- 253. Dispute re:salvage
- 254. Amount of salvage
- 255. Costs
- 256. Valuation of property
- 257. Detention of salvaged property
- 258. Disposal of detained property
- 259. Voluntary agreement re:salvage
- 260. Limitation of time.

Chapter III-Shipping Casualties,Inquiries&Investigations

- 261. Shipping casualty and report thereof
- 262. Inquiries into shipping casualties
- 263. Preliminary inquiry
- 264. Formal investigation
- 265. Power of court(or Commissioner)of investigation to inquire into charges
- 266. Power of Government(Minister) to direct inquiry into charges of incompetency or misconduct
- 267. Opportunity to be given to person to make defence
- 268. Power of Court (Commissioner) as to evidence and regulation of proceeding
- 269. Assessors
- 270. Power to arrest witnesses and enter ship
- 271. Power to commit for trial and hand over witnesses

- 272. Report by Court (Commissioner) to Government(minister)
- 273. Power of Court (Commissioner) as to certificates(licences)
- 274. Power of Court (Commissiner) to censure master,mate or engineer
- 275. Power of Court (Commissioner) to remove master and appoint new master
- 276. Delivery of Iranian certificate (licence) cancelled or suspended
- 277. Effect of cancellation or suspension of certificate(licence)
- 278. Suspended certificate (licence) not to be endorsed
- 279. Power of Government (Minister) to cancel or suspend other - certificates
- 280. Re-hearing and appeal
- 281. Power of Government (Minister)

Part_VIII

Limitation_and_Division_of_liability

Chapter_I-Limitation_of_Liability

- 282. Definitions
- 283. Subsequent variation
- 284. Tonnage Rules
- 285. Foreign ship's measurement
- 286. Liability of owners limited
- 287. Power to consolidate claims
- 288. Extention of limitation
- 289. Limitation for dock and harbour owners

290. Release of ship with security.

Chapter II-Division of Liability

291. Division of liability

292. Joint and several liability

293. Right of contribution

294. Extended meaning of owner

Part IX

Penalties and procedure

295. Offences and penalties

296. Procedure

297. Jurisdiction

298. Special provision regarding punishment

299. Offences by companies

300. Deposition to be received in evidence when witness cannot be produced

301. Power to detain foreign ship that has occasioned damage

302. Power to enforce detention of ships

303. Levy of wages etc. by distress of movable property or ship

304. Notice to be given to consular representative of proceedings taken in respect of foreign ship

305. Application of fines

306. Service of documents.

Part_X
Supplemental

- 307. Protection of persons acting under this Act
- 308. Powers of persons authorised to investigate,etc.
- 309. Power to prescribe alternative fitting,etc.
- 310. Exemption of public ships,foreign and Iranian
- 311. General power to exempt
- 312. General power to make rules or regulations
- 313. Provision with respect to rules and regulations
- 314. Power to constitute committees to advise on rules,regulations
 ,andscales of fees
- 315. Removal of difficulties
- 316. Transitional provisions.

Part_XI
Repeats_and_Saving.

Subsidiary Legislation

Having dealt with the preparation of the primary Merchant Shipping Legislation (i.e. the Merchant Shipping Act), it is necessary now to turn to the various rules/regulations (Subsidiary Legislation) that need to be promulgated under the aforesaid primary legislation.

It seems no exaggeration to state that, in view of its very nature, shipping legislation not complemented and intergrated by subsidiary legislation, except for those provisions which are being styled as "self-executing" (in that not requiring for their operation subsidiary or implementing legislation), cannot amount, in practice, to more than simple guidelines for the Maritime Administration.

In this respect, there should be little doubt that until subsidiary legislation is issued and implemented, many provisions of the Merchant Shipping Act cannot operate.

A list of the relatively more important rules /regulations is given below:-

1. Rules for Registration of ships
2. Safety Convention Certificates Rules
3. Regulations for Preventing Collisions at Sea
4. Rules for use of Distress Signals
5. Life Saving Appliances Regulations
6. Fire Appliances Rules
7. Cargo Ship Construction and Survey Regulations (Safety Convention ships)

8. Local Cargo Ship Safety Certificates Rules (Small ships - under 500 GRT)-
9. Crew Accommodation Rules
10. Passenger Ship Construction Regulations
11. Radio installations regulations
12. Regulations for the Carriage of Grain
13. Pilot ladders and hoists regulations
14. Tonnage Regulations
15. Official log-books Regulations
16. Navigational Warnings Regulations
17. Navigational Equipment Regulations
18. Regulations re: Carriage of Nautical Publications
19. Regulations re: Closing of Openings and Watertight Bulkheads
20. Anchor and Chain Cable Rules
21. Musters Regulations
22. Rules for the Carriage of Deck Cargo
23. Rules for the Carriage of Dangerous Goods
24. Rules re: Apprenticeship to Sea Service
25. Medical Scales Regulations
26. Loadline rules
27. Regulations for the Certification of A.B.'s
28. Regulations for the Certification of Skippers and Second Hands of fishing boats
29. Regulations for the Certification of Marine Engineers
30. Regulations for the Certification of Deck Officers.

Documentation

It is important to note that in addition to the preparation of the aforesaid merchant shipping Legislation (both primary and subsidiary), all of the required and appropriate documentation (the necessary certificates, forms, etc) needs to be prepared and be available to all concerned at the same time as the legislation enters into force.

Enforcement

The complementary machineries needed for the enforcement of the Merchant Shipping Legislation are (a) Legal and (b) Administrative.

It is proposed that the problems of the legal machinery required for the enforcement is discussed here and that the Administrative machinery (i.e. Maritime Administration) is dealt with in detail further on. The problem of enforcement of the rules and regulations which establish a legal regime is indeed basic because if the machinery for the enforcement of the law is weak and defective, it clear that necessary respect for law would tend to be undermined and the legal regime would at once face irregularities and illegalities to rectify for which there may be neither sanctions nor remedies. The legal regime, in such circumstances, would tend to wither away. It is, therefore, necessary to examine the instrumentalities for the enforcement of law on which the regime comes to rest. This, in turn, would depend on the nature, extent and limits of the legal regime.

In the context of merchant shipping with which we are con-

cerned here, the subjects and the objects of the law have to be examined. The nation state is the subject of Maritime Law and though the origin and base of merchant shipping lies within the four corners of the territory of a sovereign state which registers ships and gives the flag, it is clear that in its operation merchant shipping is so internationalised that national vessels are more often than not plying in foreign waters and thus getting subjected to foreign national jurisdiction of multifarious states. Apart from the subjects of the regime, even the objects of the law, namely the oceans and the ships, the former by virtue of their universality of location and the latter (ships) by their operation, point to an international regime of merchant shipping as against an exclusively national one. In the circumstances, one would be inclined to look to an international judicial machinery for the enforcement of the law governing merchant shipping.

However, the international community, though capable of producing international laws and regulations, is still not developed to admit a regular compulsory jurisdiction of any court or tribunal in matters maritime or otherwise to give and enforce decisions having international validity. Thus, if a regular international machinery for effective enforcement of the law is ruled out on the ground that it is not yet in sight, one has to fall upon the municipal legal systems of the sovereign maritime states to enforce the laws which constitute the regime of merchant shipping. There would be two difficulties to overcome in this regard. First, Municipal Law and its courts could certainly exercise complete jurisdiction over its own ships and nationals but how could this jurisdiction be enforced on foreign trading ships to give international validity to

the municipal law. Second, how could International Law be enforced by municipal courts? As far as the first difficulty is concerned, the position is as follows: As a state has sovereignty over its own territories only, the legislation of a country is primarily territorial. This leads to the general rule that the laws of a nation apply to all things and acts within its territories including its waters and ships of its flag on high seas and foreign private ships within its territorial waters. This confers jurisdiction on municipal courts of the coastal state even in relation to ships flying foreign flag when in national or territorial waters. This rule of International Law has to be clearly brought out in the national Merchant Shipping Act. It would thus be clear that Municipal Law can be effectively enforced by municipal courts not only in relation to nationals and their ships but also in relation to foreign flag vessels when in national or territorial waters. The municipal judicial mechanism of a littoral state has, therefore, a proper and effective lever for the enforcement of its national law in relation to all those who have dealings with it by way of trade and enter its territorial limits. This furnishes the basis of a competent and effective jurisdiction. The second difficulty, namely that of enforcing International Law through municipal courts, has to be examined to see how this limitation has also been overcome. The proposition that International Law should be implemented through municipal courts would prima facie give the impression that at best there could be piecemeal, partial enforcement only in respect of the states that have only in respect of the states that have ratified and accepted a convention and excluding those states that are not parties to it. As there are bound to be some maritime states not parties to an international convention, there would

appear to be no chance of universality in its application and enforcement. This conclusion, so clear and correct in other spheres of International Law, is, strangely enough, not true of the maritime field because even if states A, B and C are parties to an international convention on merchant shipping and states X, Y and Z are not signatories to it the fact remains that ships of X, Y and Z would have to visit the ports of A, B and C in their shipping operations and this may compel obedience to the law which A, B and C have recognised and adopted. It is because ships operate all over the world, which is so very essential economically and also justified legally on the basis of the recognised principle of freedom of navigation, that they at once furnish the object and become the potent instrumentality for effective enforcement of the international conventions of merchant shipping. It is, of course, true that stipulations in international conventions can empower those states only that are parties to the treaty or to enforce the provisions of the convention through municipal courts. However, when a state enacts Municipal Laws for its own ships as well as for foreign flag visiting its ports, it is not possible for it to discriminate between one flag and another while applying its own laws which happen to incorporate the rules of an international convention. The Municipal Law has to be made applicable to all ships and the distinction for purposes of separate treatment between convention and non-convention ships cannot normally be a part of any national legal system for fear of flag discrimination. In the circumstances, when non-convention ships, i.e. those flying the flag of states not parties to the convention, enter the ports of contracting states, such vessels are quite often expressly subjected to the national law embodying the international convention. Where no penal provi-

sion is made in the national law, it is quite often the practice of the officers of the contracting states to administer a warning to the defaulting non-convention ship to comply with the convention standards and this warning acts as a sanction compelling obedience to the international convention concerned. Let alone the foreign convention ships, this is the position of the ships of the non--contracting countries as well. Thus, even if a state is not party to an international convention, it has willy nilly to comply with the convention regulations to become acceptable to members of the maritime community with whom the non-contracting state has got to trade for reasons of sheer economics if nothing else.

This aspect is so well known and by now so fully recognised and established in maritime circles that several international conventions on merchant shipping specifically provide an article on "control" or "regulation" by virtue of which the contracting states are given powers to enforce the provisions of the convention in respect of "convention ships" visiting their ports. The ratifying states in turn enact municipal legislation applicable to all ships visiting their ports thus enabling national courts to entertain such cases and to exercise jurisdiction by punishing all flags including the foreign flag violating the applicable international conventions. Thus, for example, both the SOLAS conventions of 1960 and 1974 and the Load Line Conventions of 1930 and 1966 provide that the signatory states would have jurisdiction to enforce the law in relation even to foreign flag contracting states thus making it possible for municipal courts to become agencies for enforcing International Law.

It may, therefore, be concluded here that for the regime

of merchant shipping, the enforcement machinery is almost exclusively municipal though the law is largely based on numerous international conventions which find a place in municipal legislation also.

CONCLUSION: In short, the legal regime of merchant shipping is established with the help of a clear and precisely worded law which has effective sanctions, a helpful law-abiding atmosphere and regular municipal courts of law to adjudicate and administer the law.

This is all in addition to the facility provided by the International Court of Justice to whom references are sometimes made when states parties to the dispute agree to invoke its jurisdiction in matters which come within the domain of public International Law.

In addition to the national courts of maritime States and the International Court of Justice when jurisdiction is conferred on it, there is also an effective machinery provided by commercial arbitration which is of profound significance in the maritime field. The commercial shipping channels all point in the direction of arbitration in the event of conflict and it is significant that the decisions by way of arbitral award are invariably respected.

In no field has arbitrations been so effective in settling disputes as it has been in the maritime

field. The method of arbitration by specialised clubs, individuals and agencies is profitably employed to resolve disputes pertaining to maritime matters.

The legal regime of merchant shipping has, therefore, also demonstrated the inherent potentialities which exist for such development in other fields of human activity and in this respect it has an invaluable legal precept to offer to the world at large.

FOOTNOTES:Extracted from;

Professor P.S.VANCHISWAR's lectures and Manual,WMU,Malmoe,83-85

DEVELOPMENT OF MARITIME ADMINISTRATION INFRASTRUCTURE -
OBJECTIVES AND CRITERIA

The vital need and object of a proper Maritime Administration Organisation in the country have been stated earlier.

However, it is considered most desirable to explain same further.

It has been stated that the primary functions of the Maritime Administration are those embodied within the country's Merchant Shipping Act. In turn it has also been stated that the primary objectives of the Merchant Shipping Act of the country need to be:

- (a) developmental,
 - (b) regulatory, and
 - (c) in conformity with the relevant International Law/Conventions.
- Accordingly, the primary functions of the Maritime Administration would also have to be both developmental and regulatory. The developmental functions contribute directly to maritime development and the regulatory functions also contribute to such development and economic advantages consequentially. The developmental functions can take the form of participation in the process of formulating the policy of the Government as regards maritime development and deciding upon the activities to be undertaken in connection with such development. Such functions are essentially contributory to the overall economic policy decisions to be taken by the Government through the Economic, Trade and Planning Ministries and may include:-

- (a) the appropriate analysis/assessment of the most suitable types and numbers of ships required to meet the scale of development planned
- (b) development of the man-power needs of the Shipping Industry
- (c) development of ship-building and ship-repair capabilities
- (d) development of (marine) ancilliary industries
- (e) assessment of the suitability of national ports for the intended ships and proposals for required development/improvement
- (f) development of the (marine) man-power needs of the ports, and
- (g) development of employment opportunities for national seafarers.

The regulatory functions are expected to ensure, in the main, as can be seen from the further contents of this document;

- (a) safety of lives, ships and property, and
- (b) protection of the marine environment.

These in turn are expected to ensure in the context of development and economy:

- (a) maximum efficiency in the operation of ships, with consequential economic advantage
- (b) creation, development, protection and preservation of national maritime skills

- (c) conservation of national property
- (d) reduction in the maintenance costs of ships
- (e) conservation of foreign exchange
- (f) avoidance of disasters and consequential loss of
(or damage to) lives, property, marine resources
and heavy expenditure
- (g) maintenance of marine insurance premia at an
advantageous level
- (h) provision of overall impetus to maritime development,
and
- (i) projection of the image of the country in very
favourable light in the maritime world.

With regard to the other advantages of the regulatory function and their necessity, the further contents of this document shall cover same.

It has stated the aforesaid mainly to stress the vital need of a proper Maritime Administration in the country and to point out that such maritime development shall be truly dependent on and proportionate to the efficiency and effectiveness of the Maritime Administration of the country.

It would be correct to state that in every country there is usually a Ministry that is expected to be responsible for maritime matters. However, in most developing countries maritime matters (shipping) have not had the priorities that they deserve and the concerned Ministries have also to deal with many other non-marine matters due to the simple fact that such matters affect the common man on a

day-to-day basis. For example, it is found to be the practice in many developing maritime countries to make the Ministry responsible for Transport and/or Communications to be responsible for maritime matters. In such cases, the Ministry is naturally pre-occupied with matters pertaining to road transport and the Telephone/Wireless Services.

While the above method of allocation of Government business and the priorities of the common man have to be accepted as realities, the gross inadequacy is that there is a fallacious belief that there is a "Maritime Administration" since there is a Ministry responsible for maritime matters. As stated earlier, there is the vital need to understand fully

- (a) the advantages of maritime development,
- (b) the various roles and functions to be undertaken in connection with maritime affairs, and
- (c) the kinds of professional Officials who are required for the purposes.

In order to draw a clear distinction between such an imprecise generalist Maritime Administration, the expression "Maritime Safety Administration" has been evolved by the International Maritime Organisation, as had been done by many developed countries. The "Maritime Safety Administration" is expected to be the Specialised Executive arm of the Government irrespective of whether it is a developed country or a developing country, as regards all its maritime matters.

It can be argued that (a) the expression "Maritime Safety

Administration" is also a generic expression, and (b) while it is to deal directly with paramount matters relating to maritime safety, it has also additional important roles and functions beyond maritime safety. While it may be possible for the international maritime community to coin an improved expression in due course, the Author is convinced for the present that (a) the expression "Maritime Safety Administration" has begun to be appropriately understood in a number of developing countries, and (b) this Project document would also go a long way in securing such understanding of the country. Accordingly, it is proposed to use this expression further on in this Project and commence examining the infrastructure needed for a national Maritime Safety Administration in the country.

Prior to arriving at conclusions regarding the required Maritime (Safety) Administration infrastructure in "Iran", it is necessary to examine (a) the nature, extent, purposes and implications of the important functions that need to be carried out, and consequently (b) the types of officials required.

1. General Superintendence and Co-ordination

As in any Administration, there is the need for a principal official to assume the responsibility and to exercise the functions of general superintendence and co-ordination of the work of the Maritime Safety Administration as a whole. In view of the primary functions of this Administration, he would also have to be a statutory official duly appointed and appropriately empowered under the Merchant Shipping Act. It is the practice in many countries to designate this

official as "Director General" or "Director".

Such an Official, no doubt, has to be the best among the available. If considered necessary, he needs to be given the opportunities to be highly trained. In this connection the facilities available in the World Maritime University, Malmö, Sweden, can be most useful.

In this context the following statement of Mr Norman Tebbit, United Kingdom's Secretary of State for Trade and Industry, at a recent major Conference - "Managing in Tomorrow's World" - is relevant: "Not just a more highly trained work force, but a highly trained management is a pre-requisite for success".

2. Registration of ships and related functions

Registration of a ship is used as evidence of the right to fly the Flag of the State as well as of the right of ownership and of mortgages. Thus the registration of a ship is very important since it accords nationality to the ship and serves as proof of title. The process of registration involves the observance of the requirements and formalities prescribed under the Merchant Shipping Law and, subject to same, has to result in:

- (i) the registration being effected through appropriate entries being made in the Register Book maintained for the purpose, and
- (ii) a Certificate of Registry being issued.

Similarly, there are Statutory provisions relating to attendant matters such as mortgages, transfer of ownership, change of master, etc.

In order to ensure the compliance with the relevant Statutory provisions and to perform the necessary functions, Registrars of Ships need to be appointed under the Merchant Shipping Act. It has also to be ensured that they are familiar with such Statutory provisions and procedure involved. In order to assist in this connection, the following explanations are offered.

The principle of the exclusive jurisdiction of the Flag State over ships on the high seas makes it necessary that every ship which is lawfully on the high seas should have a nationality, and in order to give ita nationality it should be registered in a nation State.

Articles 91, 93 and 94 of the United Nations Convention on the Law of the Sea are relevant to the question of Registration of Ships. These Articles, reproduced below, lay down the principles of International Law in this connection:-

Article_91

Nationality_of_Ships

1. Every State shall fix the conditions for the grant of its nationality to ships, for the Registration of Ships in its territory, and for the right to fly its Flag. Ships have the nationality of the State whose Flag they are entitled to fly. There must exist a genuine link

between the State and the ship.

2. Every State shall issue to ships which it has granted the right to fly its flag documents to that effect.

Article__92
Status_of_Ships

1. Ships shall sail under the Flag of one State only and, save in exceptional cases expressly provided for in International Treaties or in this Convention, shall be subject to its exclusive jurisdiction on the high seas. A ship may not change its flag during a voyage or while in a port of call, save in the case of a real transfer of ownership or change of registry.
2. A ship which sails under the Flags of two or more States, using them according to convenience, may not claim any of the nationalities in question in respect to any other State, and may be assimilated to a ship without nationality.

Article__93
Ships_flying_the_Flag_of_the_United_Nations,_its_Specialized
Agencies_and_the_International_Atomic_Energy_Agency

The preceding Articles do not prejudice the question of ships employed on the official service of the United Nations, its Specialized Agencies or the International Atomic Energy Agency, flying the Flag of the Organization.

Article 94

Duties of the Flag State

1. Every State shall effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its Flag.
2. In particular every State shall:
 - (a) maintain a Register of Ships containing the names and particulars of ships flying its Flag, except those which are excluded from generally accepted International Regulations on account of their small size; and
 - (b) assume jurisdiction under its internal law over each ship flying its Flag and its master, officers and crew in respect of administrative, technical and social matters concerning the ship.
3. Every State shall take such measures for ships flying its Flag as are necessary to ensure safety at sea with regard, inter alia to:
 - (a) the construction, equipment and seaworthiness of ships
 - (b) the manning of ships, labour conditions and the training of crews, taking into account the applicable international instruments
 - (c) the use of signals, the maintenance of communications and the prevention of collisions.
4. Such measures shall include those necessary to ensure:
 - (a) that each ship, before registration and thereafter at appropriate intervals, is surveyed

by a qualified surveyor of ships, and has on board such charts, nautical Publications and navigational equipment and instruments as are appropriate for the safe navigation of the ship

(b) that each ship is in the charge of a master and officers who possess appropriate qualifications, in particular in seamanship, navigation, communications and marine engineering, and that crew is appropriate in qualification and numbers for the type, size, machinery and equipment of the ship.

(c) that the master, officers and, to the extent appropriate, the crew are fully conversant with, and required to observe the applicable International Regulations concerning the safety of life at sea, the prevention of collisions, the prevention, reduction and control of marine pollution, and the maintenance of communications by radio.

5. In taking the measures called for in Paragraphs 3 and 4 each State is required to conform to generally accepted International Regulations, procedures and practices and to take any steps which may be necessary to secure their observance.
6. A State which has clear grounds to believe that proper jurisdiction and control with respect to a ship have not been exercised may report the facts to the Flag State. Upon receiving such a report, the Flag State shall investigate the matter and, if appropriate, take any action necessary to remedy the situation.
7. Each State shall cause an inquiry to be held by or before a

suitably qualified person or persons into every marine casualty or incident of navigation on the high seas involving a ship flying its Flag and causing loss of life or serious injury to nationals of another State or to the marine environment. The Flag State and the other State shall co-operate in the conduct of any inquiry held by that other State into any such marine casualty or incident of navigation".

While the registration of a ship in a State becomes thus obligatory under the rule of International Law, the Rules and conditions subject to which a ship is registered in a State are governed by the National Shipping Merchant Law of that State. The relevant provisions are expected to be covered by the Merchant Shipping Act of the State (see Part III of the frame-work of the Act indicated earlier) and the Registration Rules promulgated under the Act. (A model of the Registration Rules is provided as one of the attachments).

Obviously, these provisions of the National Law relating to registration of ships are those to be implemented, ensured and enforced by the Maritime Safety Administration as part of its main functions. In order to understand clearly such functions relating to registration of ships, it is considered desirable to explain further important aspects of the aforesaid provisions of Law, making use of the material referred to above, viz, Part III of the frame-work of the Merchant Shipping Act and the model Registration Rules. The main Act contains the essential primary provisions relating to:

- (a) qualifications for ownership
- (b) obligation to register
- (c) procedure for registration
- (d) Certificate of Registry
- (e) transfers and transmissions
- (f) mortgages
- (g) name of ship
- (h) registration of alteration and
registration anew
- (i) national character and flag, and
- (j) attendant miscellaneous matters.

While, as stated earlier, the concerned officials of the Maritime Safety Administration are to implement the law as enacted, it is considered necessary to point out the differences in the policies adopted by various states as regards their stipulations for "the qualifications for ownership", since the senior officials concerned in developing countries have also the role of advising their respective Governments.

As regards the qualifications for ownership, most of the maritime countries stipulate that their ships must be owned by their respective nationals or Companies/Corporations fully owned (or with majority participation) by their nationals. However, there are some countries which do not insist on such strict conditions and which grant registration on relatively easy terms. In such cases, while a ship may be registered in one country and may sail under its flag, here (beneficial) owners may belong to another country, and may have beneficial interest in the whole or the major portion of the ship. This is what has become known as "Open Registry".

Apparent advantages

- i) Encouragement to shipowners to register their ships in that country, thereby increasing the quantum of ships registered.
- ii) Increase in the quantum of Registration and related fees realised.
- iii) More employment opportunities for local seafarers.

Disadvantages

- i) Alleged absence of "genuine link" between the ship and the Flag State.
- ii) Apparent inability of Flag State to exercise proper and direct "control" over its ships, particularly those which do not regularly call at ports of the Flag State. On the other hand "Port State Control" exercised by other countries over such ships, can prove to be very embarrassing to the Flag State and can also be more expensive to the shipowners concerned in the long run, resulting even in change in country of Registry of the ships. In this connection, it may also be borne in mind that there is a marked tendency to treat ships of Flags of Convenience as "suspect" as regards maritime safety standards.
- iii) Likely difficulty in realising the anticipated

fees since the real principals (beneficial owners) are not in the Flag State.

- iv) Apparent lack of credibility as a responsible maritime nation.
- v) Alleged inability to ratify and implement international maritime conventions expeditiously.
- vi) Likely to attract criticism in international fora.
- vii) Likely to be liable for trade union action by international national trade union organisations.

It may be noted that the Registration Rules (see attached model) provide adequate and appropriate details as regards the formalities to be observed/ensured, the documents needed, and the procedures to be followed for the registration of a ship and subsequent transactions, changes, etc. Accordingly the said rules shall enable the officials concerned to carry the necessary functions properly.

3. Surveys, Inspections and Certification of Ships and Certification of Seafarers, etc.

The most vital functions of the Maritime Safety Administration are those intended to ensure the Safety of Life at Sea, the Safety of Navigation and the Protection of the Marine Environment. Such functions take the form of:-

- (i) Various types of periodical surveys/inspections of ships in accordance with the relevant rules/regulations conforming to international standards (Conventions) and national requirements, and the issuance, if justified, one or more of the following certificates to each ship:-
 - (a) Passenger Ship Safety Certificate
 - (b) Cargo Ship Safety Equipment Certificate
 - (c) Cargo Ship Safety Construction Certificate and its supplement
 - (d) Cargo Ship Safety Radiotelegraphy/Radiotelephony Certificate
 - (e) Loadline Certificate
 - (f) Tonnage Certificate
 - (g) International Oil Pollution Prevention Certificate
 - (h) International Pollution Prevention Certificate for the Carriage of noxious liquid substances in bulk
 - (i) Local Cargo Ship Safety Certificate (for non-Convention ships under 500 GRT)
 - (h) Exemption Certificates, where necessary.

- (ii) Intermediate Surveys/Inspections of ships so as to verify that the ships and their equipment continue to be so maintained as to warrant the continued holding of the appropriate Certificate/s
- (iii) Inspections pertaining to Port State Control of foreign ships
- (iv) Inspections and detention of unseaworthy/unsafe ships
- (v) Approval of various plans of new ships under construction
- (vi) Encouraging the development and manufacture of marine equipment indigenously, and approval of such equipment.
- (vii) Co-ordinating the work of those Classification Societies to whom statutory functions have been delegated as regards surveys of national ships
- (viii) Maintenance of technical records of national ships
- (ix) Dealing with requests for "exemptions" from any statutory requirements
- (x) Organising and conducting various examinations for the purpose of granting Certificates of Competency/Proficiency to seafarers
- (xi) Dealing with matters pertaining to "manning" of ships
- (xii) Conducting inquiries/investigations into shipping casualties
- (xiii) Dealing with matters pertaining to prevention/ Con-

trol/Combat of marine pollution

- (xiv) Dealing with matters pertaining to Maritime Search and Rescue
- (xv) Ensuring Safety of fishing vessels and other small craft
- (xvi) Advising on technical matters in general.

In order to enable the aforesaid multifarious and highly skilled functions to be carried out there is the essential need for duly qualified and trained surveyors, examiners and accident investigators to be appointed, keeping in mind that such officials may need to combine the multiple functions to the maximum extent possible.

B. EXAMINATIONS AND CERTIFICATION OF SEAFARERS

The standards of examinations for various grades of seafarers (officers and key ratings) and their appropriate certification in a country are intended to establish and provide proof of the competence of the respective seafarers concerned for the levels at which they have to perform duties/operate on ships. These in turn constitute the first element which determines the standards of safety and efficiency at which the ships of the country are operated. While the human factor as a whole is dominant in the operation of a ship, the professional competence of the aforesaid management/ supervisory personnel would be predominant. In view of the great importance attached to such examinations and the certification of seafarers, all progressive maritime countries have accepted same as a direct responsibility of their respective Governments, through their Mari-

time Safety Administrations. It is also the healthy practice to decide upon the standards and the systems in consultation with the shipping industry, the maritime education authorities and the representatives of the seafarers concerned. Nevertheless, the standards and systems had varied considerably amongst the countries and there were no international standards established until the year 1978. This was indeed an anomalous situation, since (a) shipping is the most international of industries, and (b) the world maritime community had progressed quite far in establishing international safety standards for ships and their equipment. Besides, the standards and systems obtaining in a number of countries, particularly developing countries, have been poor and outdated. However, efforts had commenced by I.M.O. in the year 1960 to rectify the aforesaid unsatisfactory situation and it is to the credit of the World Maritime Community and the I.M.O. that in the year 1978 they adopted through an I.M.O. Conference the "International Conventions on Standards of Training, Certification and Watch-keeping for Seafarers, 1978". It was the first successful attempt to establish global minimum professional standards for seafarers. The Convention prescribes minimum standards which countries are obliged to meet or exceed.

In the majority of established maritime countries, standards are higher than those stipulated in the Convention. In many developing countries, however, the standards need to be raised to meet the requirements.

Since the aforesaid Convention, which is popularly known as the STCW Convention, is the first ever International Maritime

Convention of its kind and, in view of its great importance and implications to developing countries, the salient features of the technical content of same (Annex) are described below briefly.

THE ANNEX

This contains the technical provisions of the conventions. It is divided into 6 Chapters which deal with the following subjects:

- I. General Provisions;
- II. Master-Deck Department;
- III. Engine Department;
- IV. Radio Department;
- V. Special Requirements for Tankers;
- VI. Proficiency in Survival Craft.

Chapter I: General Provisions

This starts with a list of definitions of terms used in the Annex. Regulation I/2 deals with the content of the certificate and the form of an endorsement, as required to be placed on the certificate by Article VI. All certificates must include a translation into English, if that is not the official language of the issuing country.

In some parts of the Annex, relaxations in the requirements are provided for seafarers on ships engaged on nearcoastal voyages; that is to say "voyages in the vicinity of a Party as defined by that Party". Principles governing near-coastal voyages are set out in Regulation I/3.

Regulation I/4 deals with control procedures and elaborates on Article X. Control is limited to checking the certificates of

personnel and assessing the ability of seafarers to maintain convention standards in certain eventualities, such as the ship's involvement in a collision or grounding, the discharge of an illegal substance or erratic or unsafe manoeuvring.

Failure of seafarers, required by the Convention to hold a certificate, to have an appropriate valid certificate or valid dispensation, would, if not corrected, result in the Party carrying out the control having to take steps to ensure that the ship will not sail unless and until these requirements are met to the extent that the danger has been removed.

Chapter II: Master-deck Department

The Chapter establishes the basic principles to be observed in keeping a navigational watch, covering such matters as watch arrangements, fitness for duty, navigation, navigational equipment, navigational duties and responsibilities, the duties of the look-out, navigation with a pilot on board ('... his presence on board does not relieve the master or officer in charge of the watch from their duties...'), and protection of the marine environment.

Candidates for certification as second engineers must have not less than 12 months sea-going experience as engineer officers or assistants. Candidates as chief engineers must have at least 36 months sea-going experience, including at least 12 months as an engineer officer in a position of responsibility while qualified to serve as second engineer officer. They must have attended an approved fire-fighting course and have passed an examination covering subjects listed in an appendix. Regulation III/3 contains similar requirements for ships with main propulsion machinery bet-

ween 750 kW and 3,000 kW. The Chief difference between this and the previous regulation is that the requirement for previous service for candidates as chief engineers is reduced from 36 months to 24. Officers qualified to serve as second engineers on ships of 3,000 kW or more may serve as chief engineers of ships of lesser power, provided that not less than 12 months' approved sea-going service shall have been served as an engineer officer in a position of responsibility. Regulation III/4 contains mandatory minimum requirements for certification of engineer officers in charge of a watch in a traditionally manned engine room or designated duty officers in a periodically unmanned engine room. The minimum age requirement is 18 and candidates must also have not less than three years approved training or education and have completed an adequate period of sea-going service. Candidates must have knowledge of the operation and maintenance of marine machinery, together with a knowledge of watch-keeping routines; main and auxiliary machinery; pumping systems; generating plant safety and emergency procedures; antipollution procedures; and first aid. The next regulation includes requirements to ensure the continued proficiency and up-dating of knowledge for engineer officers. The final regulation in the Chapter (III/6) contains mandatory minimum requirements for ratings forming part of an engine room watch. The minimum age permitted is 16.

Chapter IV: ---Radio Department

Radio Watch-keeping and Maintenance

An explanatory note points out that mandatory provisions relating to radio watch-keeping are set forth in the Radio Regulations, and safety radio watch-keeping and maintenance provisions are included in the Radio Regulations and in SOLAS.

The second element that influences the safe and efficient operation of a ship is its manning structure. This in turn is divisible into two parts, i.e.

(a) certificated manning, and

C. MANNING-OF-SHIPS

(Maritime University).

- we teachers/educators. (This is a further aim of the World
- (v) Ensure the availability of duly qualified and trained mariti-
- be further covered later on).
- training facilities for their seafarers. (This aspect shall
- (iv) Ensure the availability of adequate and appropriate maritime
- of the World Maritime University).
- ners of the appropriate disciplines. (This is one of the aims
- (iii) Ensure the availability of duly qualified and trained exami-
- Safety Administrations.
- examinations, as a part of (or linked to) their Maritime
- (ii) Ensure the necessary infrastructure for the conduct of the
- regulations).
- the purposes are attached as part of the 32 sets of rules/-
- of Seafarers. (Draft rules/regulations with syllabuses, for
- for the conduct of the various examinations and Certification
- (i) Prepare appropriate rules/regulations and detailed syllabuses

they need to attend to the following:

ments and be able to ratify the Convention. In this connection

developing countries need to gear themselves to meet the require-

tent of the STCW Convention, we come now to the question of how

Having described above the salient features of the technical con-

- (b) manning by other members of crew, who need not hold Certificates of Competency.

Let us examine these further.

(a) Certificated Manning:-

This relates to the minimum categories and number of certificated officers required to operate a ship safely and efficiently. The minimum standards of competence to be attained by the Certificated Officers have been

spelt out in the STCW Convention and are further amplified by the national rules/regulations concerned. However, the STCW Convention does not spell out the certificated manning structure, even though there are certificated manning implications in implementing the requirements of that Convention. Therefore, in order to enable developing countries to evolve a suitable minimum certificated manning structure, which would both conform to the requirements of the STCW Convention and suit their national requirements, the following suggestions are made in the form of two sections that may be incorporated in their Merchant Shipping Acts.

- (1) The following classes of ships and vessels (in this part referred to as "ships") must, when going to sea, be provided with officers duly certificated in accordance with this Act, namely:-

- (a) an (IRANIAN) foreign-going ship;
- (b) an (IRANIAN) ship carrying passengers;
- (c) an (IRANIAN) home-trade ship of not less than 200 gross register tons and not carrying passengers;
- (d) a foreign ship carrying passengers to or from (IRAN) that is not provided with certificated officers in accordance with the national laws of the country of registry.

(2) Certificated Officers shall be provided for ships in accordance with the following scale:-

- (a) in every case, a duly certificated master,
- (b) if the ship is over 200 gross register tons but not over 1600 gross register tons and is engaged on:-
 - (1) home trade voyages, at least one deck officer in addition to the master and holding a certificate not lower than mate; or
 - (2) foreign-going voyages, at least two deck officers in addition to the master, one holding a certificate not lower than second mate and the other holding a certificate not lower than third mate.
- (c) If the ship is over 1600 gross register tons and is engaged on:-
 - (1) home-trade voyages, at least two deck officers, in addition to the master, one holding certificate not lower than mate and the other holding a watch-keeping officer's certificate, or

- (2) foreign-going voyages, at least three deck officers, in addition to the master, namely a first mate, a second mate and a third mate, all of whom must be duly certificated.
- (d) If any deck officer is carried in addition to those required by paragraphs (b), (c) or (d) for the purpose of keeping a watch at sea, he must hold a certificate not lower than:-
- (1) watch-keeping officer in the case of a home trade ship,
 - (2) third mate in the case of a foreign-going ship.
- (e) If a ship is over 1000 power (or 750 k.w. shaft power) but not over 4000 horse power (or 3000 kw shaft power) and is engaged on:-
- (1) home trade voyages, at least two engineers, one holding a certificate not lower than second class engineer and the other holding a certificate not lower than third class engineer, or
 - (2) foreign going voyages, at least three engineers, one a first class engineer, one a second class engineer and the other a third class engineer, all duly certificated.
- (f) If the ship is over 4000 horse power (or 3000 kw shaft power) and is engaged on:-
- (1) home trade voyages, at least one first class engineer, one second class engineer and one third class engineer;
 - (2) foreign going voyages, at least one first class

engineer, one second class engineer and two third class engineers.

- (g) If, in addition to those required by paragraph (e) or (f), any engineers are carried for the purpose of keeping a watch in the engine room at sea, they must hold a certificate not lower than third class engineer.

ships under 200 gross register tons, 750 kw and engaged in near (1) The Minister may make regulations with respect to the manning of ships that are:

(a)	under 200 gross register tons;	or
(b)	under 750 kw;	or
(c)	engaged in near coastal voyages.	coastal voyages.

- (2) In making regulations under sub-section (1) the Minister shall have due regard to any international convention governing the manning of ships mentioned in that sub-section.

NOTE:-

The aforesaid suggested sections retain the concept of "home-trade" as obtaining in many countries. However, the sections can be modified as necessary.

Manning by other members of crew (ratings)

This element is important to the country not only because of its importance to safe and efficient operation of ships, but also since it involves the vital matter of "employment" for their national. While on the one hand there is the need for trained seamen (ratings), on the other hand the manning pattern deserves to be such as to provide employment for the maximum possible number of such ratings. Therefore, as regards the national ships of the country, technology related to automation and such labour saving operations needs to be chosen with caution and man-power resources should be utilised to the maximum extent.

It is for this reason that a number of developing countries tend to promote the carriage of a larger number of ratings in their national ships, as compared to the number of ratings in similar ships of developed countries. Thus, while the "quality" of the ratings needs to be ensured through proper training of the ratings, the "size" of the crew on a ship of a developing country would have to be influenced by its national policy regarding the scale of employment required for its seamen (ratings). In this context it has to be appreciated that in the operation of its merchant fleet, a Government (particularly that of a developing country) has responsibilities and interests beyond "safety" and "protection" of the marine environment. Such responsibilities and interests are further enhanced when the developing country concerned is also a supplier of seamen for foreign flag ships (it is not the case for the country yet). Hence the following, approaches adopted

by a few of the successful developing maritime countries, deserve favourable consideration by the other developing maritime countries:-

- (i) Registration of seamen and regulation of their employment. (This subject has also been covered earlier).
- (ii) While enabling powers are assumed under the Merchant Shipping Act concerned for the classification of of seamen (other than officers) into different categories and for the prescription of the minimum manning scale of seamen for different classes of ships, these matters are left for bipartitie agreements between the employers (shipowners/agents) and the employees (seamen - usually through their trade union). However, the indirect influence of the government's politicoal, social and economic philosophies is brought to bear during the process of such agreements, even though the nature, extent and method of exerting such influence may vary from country to country. Nevertheless, the point that has to be noted is that the government of the country would have such a role and its maritime administration in turn would be expected to act as necessary.
- (iii) While promoting the cause of increased manning, every endeavour is made to ensure that
 - (a) the crew wages are realistic and relate to the cost of living and expected standards of living of the seamen concerned in the home, and

(b) the total crew costs per ship are such as to make the operation of the ship viable and be able to withstand international competition.

In this endeavour, it is but natural that external pressures are experienced and have to be dealt with on the basis of national interest and reasonable international views.

D. INQUIRIES AND INVESTIGATIONS INTO SHIPPING CASUALTIES

The main purposes of an inquiry/investigation into a shipping casualty are to

- (a) ascertain the facts,
- (b) obtain all relevant information, and
- (c) determine as precisely as possible the cause/causes of the casualty,

so as to enable the Government (Maritime Safety Administration) to take necessary steps to prevent, as far as practicable, the occurrence of similar casualties in the future. In this connection it is most desirable to adopt a system of inquiry/investigation in two stages, as is done in most Maritime countries. (Chapter III of Part VII of the Framework of the Merchant Shipping Act given earlier, reflects this approach). The aforesaid two stages are described below:-

a. Preliminary Inquiry:-

This inquiry, which can be said to be quasi-judicial in nature, is usually conducted by a responsible official (with the necessary expertise) of the Maritime Safety Administration, duly notified as the proper officer for the purpose under the Merchant Shipping Act. Such an officer needs to be a highly experienced professional officer, duly trained for the purpose, who needs to appreciate fully that he is undertaking a solemn duty, during which he would have to

- (a) show great patience and understanding in examining witnesses, since they are likely to have been through

- a traumatic experience,
- (b) remember to place himself " in the shoes " of the witness when recording his statement, so as to be able to understand the relevant circumstances properly,
 - (c) appreciate the fact that his conclusions/ recommendations may have far-reaching consequences affecting the career/s of the seafarer/s concerned, and, perhaps, the shipowners themselves,
 - (d) distinguish clearly between "error of judgment" and "negligence" as regards his conclusion regarding an act of omission or commission on the part of any seafarer concerned,
 - (e) give the benefit of doubt to the seafarer concerned, remembering the difficulties of seafaring,
 - (f) remember the purpose and objectives of the inquiry, and
 - (g) ensure that the proceedings and the report of the enquiry are such as to be capable of forming a proper basis for the decision of his Government as regards further follow-up action/s, even though it shall remain the prerogative of his superiors to differ with any or all of his conclusions/recommendations, etc. .

The duties of the officer conducting a preliminary inquiry can be classified broadly as follows:-

- (1) to inform the Government (Ministry concerned) of the shipping casualty having occurred within its jurisdiction;

- (2) to hold a preliminary inquiry, when considered necessary, into the shipping casualty, and for this purpose if necessary:-
- (i) to go on board the ship and inspect the same or any part thereof, or any of the machinery, boats, equipment or articles on board thereof, not unnecessarily detaining or delaying her from proceeding on any voyage,
 - (ii) to enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report he is directed to make,
 - (iii) to summon under his hand, require the attendance of all persons as he thinks fit to call before him and examine for such purpose, and require answers or returns as deemed necessary for the purpose,-
 - (iv) to require and enforce the production of all books, papers or documents which he considers important for the purpose,
 - (v) to administer oath, or in lieu thereof, require any person to be examined by him to make and subscribe a declaration of the truth of the statement made by him in his examination;
- (e) to submit the proceedings and report of the preliminary inquiry to the Government (relevant Ministry);
- (f) to make an application to a Court (or Commissioner) empowered under the Merchant Shipping Act, for a Formal

Investigation* into the shipping casualty, if he considers same necessary, and, in any case, if the Government directs him to do do.

(* Formal Investigation is dealt with in some detail further on).

NOTE:-

1. Since many such inquiry officers may not have any legal training or any judicial experience, and since the witnesses themselves may not understand the implications of making statements under "oath", the power to administer oath needs to be controlled by the Maritime Safety Administration through executive orders/ instructions.
2. The power to "summon" witnesses needs to be exercised only if the attendance of any witness cannot be ensured through normal forms of communication. This aspect also needs to be made clear through executive orders/instructions issued by the Maritime Safety Administration.
3. Further, in view of the great importance of the duties to be performed by such officers in connection with the preliminary inquiries and formal investigations, they have to be given detailed written "instructions" by the Maritime Safety Administration.
In order to assist the Maritime Safety

Administration of the country, a draft set of such "instructions" are attached.

4. A preliminary inquiry is for departmental purposes and the report of this inquiry is not made public. In fact, "privilege" has to be claimed as regards production of same, even before Courts of Law. However, the circumstances under which copies of depositions and other relevant documents can be given to interested parties, are covered under the aforesaid "instructions".

b. Formal Investigation

A formal investigation is a public (judicial) inquiry, to be held in addition to or instead of a preliminary inquiry, as may be decided by the Government. It is held by a Court (or Commissioner) empowered under the Merchant Shipping Act, assisted by assessors of the appropriate expertise, drawn by the Court (or Commissioner) from a panel maintained for the purpose by the Maritime Safety Administration.

Usually a formal investigation is ordered by a Government (or the official in charge of the Maritime Safety Administration duly empowered) in any of the following circumstances:-

- (a) if the preliminary inquiry is not considered sufficient;
- (b) if it appears that the shipping casualty has occurred through an avoidable cause;
- (c) if it appears likely to lead to the prevention of

- similar casualties in the future;
- (d) if the said casualty was accompanied by loss of life or property or involved serious damage;
 - (e) if the casualty has given rise to a substantial amount of public attention or to a disturbance of public confidence;
 - (f) if there has been any alleged default or negligence on the part of the master or any officer;
 - (g) if a Certificate of Competency of an officer (including a Master) is likely to be dealt with.

The powers of the Court (Commissioner) conducting a formal investigation, the rules/procedure, etc, and the provision for re-hearing, appeals, etc, are those that flow from the national legislation concerned. While it is naturally not the purpose of this paper to delve into the functions of the aforesaid Court (Commissioner), it is necessary to point out that the role of the Maritime Safety Administration is to assist the Court (Commissioner) in every possible manner. Such assistance would have to cover the following:-

- (i) Appointment of Counsel to represent Government, and thus provide assistance through him.
- (ii) Production of the panel of assessors.
- (iii) Presentation of facts/evidence as available. (The proceedings of the preliminary inquiry can be invaluable for this purpose).
- (iv) Presentation of the list of witnesses.
- (v) Arrangements for the attendance of witnesses.

- (vi) Arrangements for the attendance of any expert witness that may be necessary.
- (vii) Arrangements for the Court (Commissioner) and Assessors to make any visit to any ship or place that is relevant.
- (viii) Any other form of assistance needed by the Court (Commissioner).

NOTE:-

1. Even though the Counsel for the Government is appointed, he will have to be briefed by the nominated official/s of the Maritime Safety Administration and the latter should be present right through the formal investigation.
2. When the report and proceedings of the formal investigation is received, the Maritime Safety Administration needs to examine same and advise the Government as regards further action and/or follow-up action required.

E. CONTINGENCY PLANNING FOR THE COMBAT OF MARINE POLLUTION

The dual roles of the maritime safety administration in the protection of the marine environment are:

(a) the primary role of prevention of marine pollution from ships, and

(b) the participating and/or co-ordinating role of combating marine pollution when it occurs.

(c) above has already been covered under the relevant Surveys, Inspections and Certification of Ships. It is the role under

(b) above which is likely to pose major problems to maritime safety administrations of the country. Depending upon policy and circumstances obtaining in the country, the maritime safety administration may have either a co-ordinating role or a participating role (when another national government agency has the co-ordinating role). In either case, the maritime safety administration needs to ensure that there is the necessary "Contingency Plan" to deal with marine pollution when it occurs in and around the waters of "IRAN" so as to be able to readily harness all available national resources for the purpose. Further, even for any sub-regional or regional co-operation in the combat of marine pollution, the existence of a national contingency plan in each of the countries concerned would have to be a condition precedent. It has to be borne in mind that such co-operation has to result in actual physical co-operation and pooling of resources, through the identification and commitment of all available national resources in each of the countries concerned, through the national contingency plan of each country. While good-will and the necessary agreements in the sub--

region/region are no doubt important, they form the "intent" and contingency planning is the physical "means". In this context it is hardly necessary to point out that, as a follow-up to national contingency planning, sub-regional/ regional co-operation in the combat of marine pollution has to be the logical aim of each of the developing countries in the sub-region/-region, since:

- (a) it ensures pooling of resources and skills
- (b) it harmonises the actions/activities of all the countries concerned through pre-concerted planning.-
- (c) it identifies the nature and extent of actions to be taken by each country in a given situation,
- (d) it is most cost-effective
- (e) it permits concentration of attention on vulnerable areas identified in advance, and
- (f) the pollutants are not concerned with national boundaries.

In order to assist developing the countries in such national contingency planning and to promote sub-regional/regional co-operation, I.M.O. has prepared "manuals" and guidelines which can be readily obtained and used to great advantage. In addition technical assistance can also be provided for the purpose by I.M.O. To sum up, the vital need for such a national contingency plan (however modest), followed up sub-regional/regional plan and arrangements, are those that are being stressed here. In addition to above, the maritime safety administration needs to ascertain from the national port authorities that adequate "reception facilities" are provided to receive from ships oily residues and chemical cargo residues.

F. MARITIME SEARCH AND RESCUE

In this vital area also, depending upon national policy and circumstances obtaining in "IRAN", the maritime safety administration may have either a co-ordinating role or a participating role (when another national government agency has the co-ordinating role). In either case, the maritime safety administration needs to ensure that there is the necessary national "contingency plan" and organisation to respond to maritime distress situations in waters adjacent to the country. In this connection and in connection with enabling adjacent States to co-operate and to provide mutual assistance, the following provide the basis under International Law and the necessary guidelines, respectively:-

- (i) The International Convention on Maritime Search and Rescue, 1979.
- (ii) The Merchant Ship Search and Rescue Manual (MERSAR), created by I.M.O.
- (iii) The I.M.O. Search and Rescue Manual (I.M.O. SAR). In view of the great importance of the aforesaid documents, the following explanations are considered justified.

THE INTERNATIONAL CONVENTION ON MARITIME SEARCH AND RESCUE 1979

The International Convention on Maritime Search and Rescue was adopted on 27 April 1979.

Its main purpose is to facilitate co-operation between States

and those participating in the search and rescue (SAR) operations at sea by establishing an international search and rescue plan.

The desirability of co-operation of this type has been recognised in various Conventions dating right back to the Convention for the Unification of Certain Rules of Law Relating to Assistance and Salvage at Sea, adopted in Brussels in 1910.

In addition, Regulation 15 (titled "Search and Rescue") of Chapter V (on Safety of Navigation) of the Safety of Life at Sea Convention provides that each Contracting Government should undertake "to ensure that any necessary arrangements are made for coast watching and for the rescue of persons in distress at sea round its coasts. These arrangements should include the establishment, operation and maintenance of such maritime safety facilities as are deemed practicable and necessary".

It was upon such lines that I.M.O. undertook, at an early stage during the 70s, to prepare the draft text of a Convention which was finally adopted in 1979.

The technical provisions of the Convention are contained in an Annex consisting of six Chapters.

The first of these is concerned with terms and definitions. The second deals with organisation, including arrangements for the provision and co-ordination of SAR services and facilities, the establishment of rescue co-ordination centres and rescue sub-centres, and the designation of rescue units and their facilities and equipment.

Chapter three (3) covers co-operation between States and co-ordination with aeronautical services. Chapter four (4) is concerned with preparatory measures: these include requirements for information, operating plans or instructions and the preparedness of rescue units.

The most detailed Chapter is Chapter five (5) which outlines operational procedures. The subjects covered in this Chapter include procedures during emergencies, co-ordination when two or more Parties are involved, and the termination and suspension of operations. It also covers on-scene procedures, including the designation of the on-scene commander and the co-ordinator surface search and goes on to describe initial action, search areas and search patterns.

Chapter six (6) deals with ship reporting systems, the objectives of which are to provide up-to-date information on the movements of vessels in areas covered by the systems in order to permit the rapid determination of vessels able to provide assistance and the delineation of the search area. It gives details of operational requirements and types of reports.

The Conference adopted eight Resolutions in addition to the Convention itself.

Resolution 1 urges States to co-ordinate their Search and Rescue (SAR) services and to forward details of their services to I.M.O. It invites I.M.O.:

- to continue to work closely with the International Civil Aviation Organization (ICAO) in order to harmonise aeronautical and maritime search and rescue plans and procedures;
- to publish all available information concerning

agreements on maritime search and rescue regions or arrangements for equivalent overall co-ordination of maritime SAR services; and

- to advise and assist States in the establishment of their search and rescue services.

Resolution 2 recommends that States arrange that participation in ship reporting systems be free of message cost to the ships concerned.

Resolution 3 invites I.M.O. to develop an internationally agreed format for ship reporting systems and to ensure that all reporting systems, established for purposes other than search and rescue, are, as far as possible, compatible in reporting format and procedures with those to be developed for the purpose of search and rescue. Resolution 4 urges the use of two Manuals, both developed by I.M.O. The first is the Merchant Ship Search and Rescue Manual (MERSAR) and the second the I.M.O. Search and Rescue Manual (I.M.O. SAR).

The Merchant Ship Search and Rescue Manual (MERSAR)

Under Regulation 10 (titled "Distress Messages - Obligations and Procedures"), Chapter V of the SOLAS Convention "The master of a ship at sea, on receiving a signal from any source that a ship or aircraft or survival craft thereof is in distress, is bound to proceed with all speed to the assistance of the persons in distress". (Similar provision appears in the International Convention for the Unification of Certain Rules of Law relating to Assistance and Salvage at Sea, signed at Brussels in 1910). The above provisions constituted the basis

for the adoption of I.M.O.'s Merchant Ship Search and Rescue Manual (MERSAR), although it is generally accepted as the normal practice as well as a moral obligation of seamen to render every assistance within their power in cases where a person or persons are in distress at sea. The purpose of MERSAR is to provide guidance for those who during emergencies at sea may require assistance from others or who may be able to render such assistance themselves. In particular, it is designed to aid the master of any vessel who might be called upon to conduct search and rescue operations at sea for persons in distress.

The I.M.O. Search and Rescue Manual (I.M.O. SAR)

The I.M.O. SAR Manual provides guidelines for a common maritime search and rescue policy, encouraging all coastal States to develop their organisations on similar lines and enabling adjacent States to co-operate and provide mutual assistance. Because maritime and aeronautical search and rescue organisations are complementary, the IMOSAR has been aligned as closely as possible with the Search and Rescue Manual produced by the International Civil Aviation, to ensure a common policy and to facilitate consultation of the two Manuals.

I.M.O. SAR has been divided into two sections.

Part 1 deals with the Search and Rescue Organisation itself and includes matters relating to the organisation of existing services and facilities and the establishment of additional services and facilities which are necessary to provide practi-

cal and economical SAR coverage.

Part_2 deals with search and rescue procedures, and contains material designed to assist all personnel participating. The information contained in the Manual has been chiefly derived from information provided by States which have had considerable experience in the field of SAR.

G. WRECKS

The provisions of law to deal with wrecks on or around the coast (see Part VII - Chapter I of the frame-work of the Merchant Shipping Act) are quite capable of being interpreted and implemented by the marine officials in/of the maritime safety administration.

However, the purpose here is to point out that

- (a) in order to ensure the expeditions taking into custody of a wreck and to protect it, it is expedient (in fact, it may be necessary) to appoint various responsible government officials distributed around the coast of the country as "receivers of wreck" under the law, and
- (b) since many of them may be non-marine officials, they would need instructions and guidance from the maritime safety administrations, in the exercise of their functions as "receivers of wreck".

4. Crew matters, Dicipline, Personnel Safety Health,-
Wages and Welfare, etc, of Seamen

The part of the national Merchant Shipping Law relating to Employment of seamen (crew members) has to be such as to suit their working environment, calling for special treatment. Several factors call for the aforesaid special treatment.

Seamen engagement are often for voyages to distant port in the course of which they are exposed to special hazards. When sick they may have to be left behind at aforesaid port, but they must, of course not be abandoned. Besides, the seamen from many developing countries are employed in foreign ships.

Thus seamen's service agreements need to contain welfare matters, - not required in purely domestic surrounding.

Further, in view of the seamen's confinement on board the ship both when on duty and off duty, and the perils of the sea to which ships are exposed, there is the need for strict provisions relating to discipline. However as regards seamen's wages, condition of service and related terms, such legislation needs only to provide an essential framework within which shipowners and seafarers can negotiate at bilateral level.

In this context it is considered important to point out that there are also a number of ILO conventions/recommendations in the field of maritime labour. A list of these are as follows:

Convention no.	Title
Second Session (Geneva) 1920	

7	Minimum Age(sea)
8	unemployment,Indemnity,Ship Wreck
9	Placing of Seamen
Third Session (Geneva) 1921	
15	Minimum Age (Trimmers &stockers)
16	Medical Examination of Young Persons
22	Seamen's Article of Agreement
23	Repatriation of Seamen
Twenty first Session (Geneva) 1936	
53	Officers Competency Certificates
54	Holidays with Pay
55	Shipowners Liability (Stick & Inju- red)
57	Sickness Insurance
Twenty second Session (Geneva)1936	
58	Minimum Age (Revised)
Twenty eight Session (Seattle) 1946	
68	Food & Cathering (Ships-Crew)
69	Certification of Ship's Cooks
70	Social Security (seafarers)
71	Seafarers Pensions
72	Paid Vacations(seafarers)
73	Medical Examinations
74	Certificate of Able Seamen
75	Accommodation of Crews
76	Wages Hours of Work and Manning
Thirty second Session (Geneva) 1949	
91	Paid Vacations(revised)
92	Accommodation of Crews(revised)

93	Wages,Hours of Work and Manning
Fourty first Session (Geneva) 1958	
108	Seafarers,Identity Documents
109	Wages,Hours of Work & Manning(revi- sed)
Fifty fifth Session (Geneva) 1970	
133	Crew Accommodation on Board Ship
134	Prevention of Occupational Accidents To seafares 1970
Sixty second Session 1976	
145	Cotinuity of Employment of Seafarers
147	Merchant shipping (minimum standard)
153	Protection of Young Seafarers
154	Continuty of Employment
155	Merchant Shipping (Improvment of Standards)

It would be evident from the aforesaid matters that for the purpose of ensuring the proper engagment of seamen ,their welfair their discipline,and for the adjudiciation of disputes relating thereto,the proper officers need to be appointed under Merchant Shipping Act.In many countries such officials are designated as "Shipping Master ".

In order to enable such officers to appreciate their role properly,it is now proposed to elaborate further certain matters pertaining to the crews of their ships.

(i) The Contract of Employment (or Articles of Agreement)

This needs to be subjected to supervision by the maritime administration through the aforesaid officials, since conditions of service expose seamen to particular hazards often encountered far away from their homeland and the legal protection of its administration and Courts. It has been recognised at an early date even in developed countries that seamen's Contracts must contain safeguards for their well-being and that when entering into such contract the seaman must know the kind of voyage he can expect. To ensure this, Contracts must be in writing and in the form approved by the Government. They have to be policed by the aforesaid officials, who have to be virtually a combination of a friendly policeman and a magistrate.

It is most desirable to ensure that such Contracts are signed in the presence of the aforesaid officials and that the Contracts are also subsequently terminated (and wages paid) in their presence. NOTE: Matters pertaining to the system of recruitment and employment of seamen, registration of seamen, etc, have already been covered earlier.

(ii) Discipline:-

As stated earlier, seafaring is civilian occupation which places upon those who go to sea demands not found in industry ashore. Seafarers are called upon to spend

not only their working hours but also their leisure hours in the confined environment of a ship with the same individuals for company. It might be said that they are more susceptible to the stresses and strains of everyday life than their fellows ashore. In this environment the need for disciplined behaviour assumes great importance. In order to ensure and enforce such discipline the master of a ship is given necessary disciplinary powers under the Merchant Shipping Act itself. In this context it may also be noted that the master of a ship has three primary notes:-

- (a) The Chief Law Officer in a temporarily isolated community subject to the possibility of criminal acts by its members against each other..
- (b) The Chief Safety Officer in charge of a potentially dangerous piece of equipment operating in a potentially dangerous environment.
- (c) The Manager of a Commercial Enterprise subject to the normal hazards of market and manpower forces. The fact of managing this enterprise in isolation gives its manager inherent disadvantages, compared with managers ashore.

In order to be able to discharge his responsibilities in the aforesaid three areas, the master of a ship has to ensure discipline of his crew and needs the statutory authority mentioned above. (Such authority would also tend to alter the "disadvantages" mentioned at (c) above to "advantages").

Having stated above the roles of the Master of a Ship in con-

nection with discipline on board, (and consequently punishment), we come to the role of the maritime administration of the flag state. While alleged criminal offences shall be dealt with appropriate Courts eventually, the system whereby the remaining offences for which the Master is empowered to mete out punishment to delinquent seamen through fines, adverse reports, etc, needs to be linked to an appellate authority to whom the seamen concerned can appeal against such punishment. This has to be the role of the maritime administration in a developing country. Furthermore, it has the role to inquire into cases of alleged misconduct of certificated officers.

iii Registration of Seamen(rating) and regulation of their employment

In the country there is not even a system of registering its seamen.

There are no educational standards or even medical standard prescribed for a person intending to be seamen(rating), as well as in a large number of developing maritime countries. Further in many such cases there is neither the requirement of Pre-sea training prescribed for such persons, nor do facilities exist for same in the countries concerned.

Besides, the number of job available exceed by far the number of persons seeking employment as seamen in and from most developing countries.

While the subject of maritime training shall be dealt with later on, it is now proposed to examine the other matters referred to above.

The welfare of a seaman(rating) from a developing country also hinges to a great extent on the (System of recruitment and employment), he is subject to. To ensure his property it is necessary, inter alia, that he gets an "equitable opportunity of work", and also a right to enjoy his "earning in full".

It is claimed that in many developing countries the existing method of recruitment have been full of malpractices of various types, particularly because of the employment of situation described above.

The International Labour Organisation has also evidently been very concerned for many years as regards such alleged malpractices in many developing countries.

Taking due note of aforesaid situation, the governments of a few developing countries with large number of seamen available for employment, and with insufficient number of ships available to provide employment to all of them, have introduced national system/schemes for the registration and regulation of employment of their seamen.- However, there are many developing countries which are yet to take any such action in this regard.

Therefore it is considered desirable for further benefit to describe below briefly the essential aspect of such scheme/system:

Objective:

- (1) Eradication of malpractices;

- (2) Equitable distribution of available volume of employment among the "effective"(national) seamen on Principles of:
- (a) rotation according to the date of last discharge
 - (b) reasonable choice to shipowners in the selection of their crew ;and
 - (c) reasonable freedom to seamen to refuse a particular ship for stated reasons.

Salient features:

- (1) Compilation of authentic record of all the "effective"(-national) seamen available for employment-by Registration.
- (2) Fixation of turn for employment of each seamen according to the date of his last discharge by Preparation of Rosters. Company Roster in respect of those desirous of being attached to (and so accepted by) a particular company, and a General Roster for rest.
- (3) Supply of the seamen in according with their seniority in the roster.
- (4) Adequate provisions for appeals.
- (5) Constitution with the interest of a Board /Committee.
- (6) No charge to be levied on the seamen or the ship owners for the employment for the service (this means that all the expenditure for the service shall be borne by the Government concerned).

Based upon its own circumstances, the country may decide as to whether all or part of aforesaid type of scheme/system will introduce. However, it appears obvious that there is at least the need to register the "effective" national seamen in country. Depending upon the nature and extent of any such scheme/system in the country, the necessary officials need to be appointed to operate same.

FOOTNOTES:Extracted from;

Professor P.S.VANCHISWAR's lectures and Manual,WMU,Malmoe,83-85

DEVELOPMENT OF MARITIME TRAINING FACILITIES

The most abundant resources available in most countries are human resources. As stated earlier, the lead role and primary responsibility in harnessing such human resources and utilising them appropriately to maximum national advantage in the maritime (shipping) field, including benefits to the national seafarers themselves and the national shipping industry, have to be assumed by the Government (Maritime Administration). The main reasons for same are as follows:-

- (i) The political, social and economic philosophies of the Government as regards labour matters in general are also bound to affect maritime labour (seafarers) in spite of the latter's special characteristics.
- (ii) In the interest of the country's maritime development it is the Government (Maritime Safety Administration) which has to:
 - (a) make the assessment as regards the man-power needs in the maritime sector
 - (b) plan for and ensure the availability of such man-power, both in quantity and quality, and
 - (c) the optimum utilisation of such man-power to national advantage.

(iii) It is the Government which has to ensure that the national Merchant Shipping Law, applicable to the national marine personnel (seafarers), is such as to suit their extra-ordinary working/living environment.

(iv) Since shipping is an international industry, the maritime labour from a developing country may be subject to international pressures in various forms, and the Government of the country is better equipped than the shipping industry and the national seafarers themselves, to deal with such pressures in the context of national interest.

(v) The Government is in the best position to:

- (a) monitor international developments affecting its (existing and/or future) marine personnel,
- (b) seek and avail itself the opportunity to influence in its favour, to the maximum extent possible, such developments, through international fora and support from other governments and bodies with common interests,
- (c) evaluate such developments when they emerge finally, and
- (d) adopt policies compatible with national interest.

(vi) The Government has international obligations as regards International Maritime Conventions which it has to meet, including international standards for the competency/proficiency of its seafarers.

In view of the aforesaid, the roles, responsibilities and functions of the Government (Maritime Safety Administration) in the country as regards their marine personal(seafarers) need to cover essentially the following:-

1. Crew matters (i.e., matters affecting marine personnel) in general.
2. Examinations and Certification of Seafarers.
3. Manning of Ships.
4. Maritime Training.

Items 1, 2 & 3 above have already been dealt with earlier and it is now proposed to deal with item 4, viz., "Maritime Training".

The great importance of the development of maritime training facilities to the country has already been stressed earlier. Maritime Training, Examinations/Certification of Seafarers and Manning of Ships are three vital and inseparable links in a chain which determine the standards of safety and efficiency of the operation of ships. Since in fact the weakest link in the aforesaid chain shall determine the above standards, all the three links are of equal importance to the Maritime (Safety)

Administration.

The roles and functions of the Maritime (Safety) Administration as regards matters relating to the examinations/certification of seafarers and the manning of ships have been dealt with earlier and hence it is now proposed to deal with its role and functions regarding maritime training. In this area also, as stated before, it appears inevitable that the Government (Maritime Administration) take the lead role.

In assuming such role, the Maritime (Safety) Administration shall no doubt have to act in concert with the shipping industry/companies, the representatives of national seafarers, relevant professional institutions (if any), and appropriate educational institutions. Whether such concerted action is taken through suitable consultative procedures or through the establishment of a Merchant Navy Training Board, in which all interested parties are represented and which can serve as a collective advisory body, is a matter for the Government to examine and decide.

The types of maritime training facilities/courses needed for seafarers can be summarised as follows:-

(i) Ratings

A. Deck Department

- (a) Pre-sea training for the new entrant, which needs to include "personal survival techniques".
- (b) Subsequent refresher training, for ratings with appropriate sea-service, so as to meet the mandatory minimum requirements for a rating, forming part of a navigational watch, as specified in the STCW Convention. It is most desirable that such training leads to the (popular) "Efficient Deck Hand Certificate" or its equivalent, and the "Proficiency in Survival Craft Certificate".
- (c) Fire-fighting Training.
- (d) Training in basic First Aid.

B. Engine-room Department

- (a) Pre-sea training for the new entrant, which needs to include "Personal Survival Techniques".
- (b) Subsequent refresher training, for ratings with appropriate sea-service, so as to meet the mandatory minimum requirements for a rating,

forming part of an engine-room watch, as specified in the STCW Convention. It is most desirable that such training leads to a suitable certificate.

- (c) Fire-fighting Training.
- (d) Training in basic First Aid.

C. Catering Department

- (a) Pre-sea training for the new entrant, which needs to include "Personal Survival Techniques".
- (b) Either as part of the pre-sea training or subsequent to appropriate sea-service, the trainees, who are to become cooks on ships, need to be so trained as to be eligible for "Certificate as Ship's Cook".

(ii) Officers

A. Deck Department

- (a) Pre-sea training for the new entrant as Deck (Nautical) Cadet/Apprentice.
- (b) Training on board ships at sea, as Deck (Nautical) Cadet/Apprentice.
- (c) Post-sea training leading to the first Certificate of Competency as a Watch-keeping Officer.
- (d) Subsequent post-sea training leading to all higher Certificates of Competency, including as "Master".

B. Engine-room Department

- (a) Pre-sea training for the new entrant as Engineer Cadet/Apprentice.
- (b) Training on board ships at sea, as junior engineer.
- (c) Post-sea training leading to the first Certificate of Competency as a Watch-keeping Engineer.
- (d) Subsequent post-sea training leading to all higher Certificates of Competency, including as "Chief Engineer".

NOTE:

1. With regard to officers (or even ratings) in the Catering Department, it would be most desirable and cost-effective if they are trained at suitable Catering Training Institutions, which provide trained personnel for all kinds of Catering Establishments, including hotels, etc. However, the personnel for ships would also need in addition "Orientation Training" on ships at sea for a suitable period. (This system has been found very successful in a number of developing maritime countries, e.g., India, Cyprus, etc.).
2. In addition to the above, there is the need for the training of Radio Officers and Radiotelephone Operators. However, matters pertaining to the training of such personnel are:

- (a) primarily governed by the requirements of the Radio Regulations of the International Telecommunications Union (also part of the U.N. System), and
- (b) dealt with by the Ministry responsible for all forms of telecommunications. Therefore the Maritime Safety Administration need not involve itself directly in such training, but needs to liaise with the Ministry referred to above so as to ensure the availability of such personnel for ships and that they also meet the additional requirements prescribed under Chapter IV of the STCW Convention.

Additional Special Courses (if required)

- (a) Training of officers and ratings of oil tankers.
- (b) Training of officers and ratings of chemical tankers.
- (c) Training of officers and ratings of liquefied gas tankers.
- (d) Radar Simulator Training for Deck Officers.

The aforesaid are the maritime training courses/facilities that would need to be arranged for its seafarers by any maritime country, which has (or intends to have) ships (of size 200 GRT and over, and with propulsion power of 750 KW and over) engaged in international trade, and which intends to man such ships with its own nationals.

In the cases of the Government (Maritime Safety Administrations), which is yet to develop such maritime training facilities/courses to meet their present and future requirements, as well as to meet the mandatory international standards, there would be the clear need to take the following steps:-

- (i) A man-power study to be undertaken to make an assessment of the man-power needs (categories and numbers) of the shipping industry (present and future) for a period of ten (10) years.
(If considered necessary such assessment may include provision for supply of seamen/officers for foreign flag ships).
- (ii) Based on the aforesaid man-power study, man-power planning to be made for the next ten-year period, reduced to an annual basis.
- (iii) In order to meet the planned man-power requirements, it is important to formulate recruitment policy, as regards the number and quality of persons to be recruited as new entrants. While the numbers would be in accordance with the planned requirements, the quality can only be ensured by prescribing the minimum educational standards for new entrants to the seafaring profession, one standard for the seaman (rating) entry and a higher standard for Cadet/Apprentice (officer) entry.
- (iv) In conjunction with the above, suitable training programmes have to be formulated and training courses/facilities, both pre-sea and post-sea, have to be iden-

tified/provided for the various Categories of personnel, whether they are to serve on national ships or foreign-flag ships. In a number of developing countries, which are primarily suppliers of seamen for foreign flag ships, it has heard the argument that since some foreign shipowners are already employing their seamen without such training, there may not be the urgent need for such training. Therefore, the essential reasons in support of the need for training of seamen even in such cases are indicated below:-

- (a) The training of seamen improves safety standards and efficiency, both of which are vital. An untrained seaman would be, at least in the early stages, a liability to others and to himself, especially in emergencies.
- (b) "Trained seamen" of a country would in fact increase the "employment potential" of seamen of that country in the long run, particularly because:

Shipowners at large are becoming keen on employing trained seamen; Maritime Governments are becoming particular about trained seamen being employed on their ships; There is strong and increasing demand in international fora, such as I.M.O. and ILO, for the highest standards of safety and manning of ships, including trained/competent seamen; Amongst developing nations, who need employment for their seamen in foreign-flag ships, preference of the emp-

loyers (and their governments) would, in the long run, be for the trained seamen.

- (c) The necessity and the need for adequate training and attainment of professional standards had been recognised by the diplomatic Conference attended by representatives of 72 countries when it adopted the International Convention on Watchkeeping, 1978. It would, therefore, be in the vital interests of all maritime countries to prepare their seafaring personnel to meet its provisions so that they do not remain professionally handicapped when the Convention is enforced.
- (v) Depending upon the Categories and numbers to be trained, it is necessary to decide upon the nature and extent of training facilities to be created/developed. Since costeffectiveness shall have to be the main criterion, the following options may be considered in this connection:-
 - (a) Establishment of national training institution/s.
 - (b) Establishment of regional or sub-regional training institution/s in co-operation with other governments.
 - (c) Utilisation of appropriate maritime training facilities already existing in the region or elsewhere.

NOTE:

1. In the context of Regional (Sub-regional) Co-operation it is pointed out that I.M.O. has actively a) promoted same, b) assisted in the meetings of Representatives of the Governments concerned, and c) developed models of such Co-operation Agreements.

Further, I.M.O. has also provided technical assistance in the setting up of national maritime training institutions in a number of cases. Accordingly, the aforesaid forms of assistance are available from and through I.M.O.

2. As regards Course contents/syllabus for each of the Courses for officers and key ratings, the STCW Convention provides the basis and these are also to be obviously the same as relevant Examination Rules, the drafts of which form attachments to this document. Further, through I.M.O.'s Advisers/Consultants model courses and teaching syllabi have been produced, which would be readily available. Thus the aforesaid would provide adequate guidance, in the development of all the courses concerned.

- (vi) Ensure the availability of duly trained
- (a) Maritime Educators for the training institutions, and
 - (b) Examiners.

In this connection the most useful role of the World Maritime University has already been stated.

Having stated the important steps necessary for the development of maritime training facilities, it is considered necessary to point out the elements with cost implications that would be involved in the setting up of a Maritime Training Institution, so as to enable the Government of the country to take appropriate decisions. These are expected to be:-

(i) Items_involving_Capital_Expenditure

- (a) Land site.
- (b) Building for Training Institutions consisting of:
 - Class rooms
 - Offices for teaching staff
 - Offices for administrative and secretarial staff
 - Lecture theatre
 - Library Common room for teaching staff
 - Common room for students
 - Chart-room and Instrument Laboratory
 - Electronics Laboratory
 - Heat and Mechanics Laboratory
 - Electrical laboratory.
- (c) Furniture required in above building.
- (d) Teaching equipment and instruments.
- (e) Equipment for:
 - Seamanship Centre (including boats and davits)
 - Fire-fighting facilities
 - Training Workshops
 - Plant maintenance
 - Welding Shop

Fitting and Machine Tools Workshop.

- (f) A small training vessel, if required.
- (g) Hostel building if the institution is to be residential.
- (h) Furniture, furnishings and fittings in the above hostel building.

(ii) Items_involving_Recurring_Expenditure

- (a) Salaries of Staff.
- (b) Premises charges - Light, power, water, maintenance, etc.
- (c) Supplies and Services - Equipment, stores, stationery and other supplies.
- (d) Debt charges, if any.
- (e) Miscellaneous expenditure
- (f) Catering expenditure, if the institution is residential
- (g) Recreation facilities
- (h) Running costs of the training vessel, if required.

Since the nature and extent of the items required and the costs involved would obviously vary from country to country, and since there are many maritime training institutions of different types available to be used as models in all developed countries themselves, it is considered neither necessary nor desirable to attempt to give in this document a detailed break-down of above items and attendant costs. The intent is to provide the list of elements which are

relevant to decision-making.

Further, since the availability of adequate funds to meet the expenditure in connection with aforesaid items is likely to be a major factor influencing the decisions, the following suggestions is offered:-

- (i) Regional (or Sub-Regional) Co-operation between a number of Governments would not only enable pooling of resources, but also permit sharing of costs, with consequential reduction in expenditure for each Government involved.
- (ii) Funding assistance and/or other forms of Contributions (Experts, equipment, etc) can be sought (at least for the initial stages) from donor Institutions/Governments. While I.M.O. is not a funding Agency by itself, it has played a very useful role in obtaining such assistance for a number of developing countries, particularly to provide initial support to Regional/Sub-Regional Maritime Training Institutions.
- (iii) Since the immediate beneficiaries of maritime training facilities are the shipowners who engage the trained seafarers, every effort needs to be made to prevail upon them to assume the responsibility for a reasonable share of the expenditure.
Alternatively, the levy of "training cess" on ship-owners may be considered.

(iv) The recurring expenditure may be shared by the Government, the Shipowners concerned, and the students (through payment of fees). (As regards the students, who are economically weak, it is expected that appropriate Scholarships would be obtained from or through all available sources). It is the view of the author that the ultimate aim needs to be for all the beneficiaries, viz., the Government, the Shipowners and the students, to share the recurring expenditure on an equitable basis, i.e., 33 1/3% each.

In this context it needs to be noted that seafarers from developing countries who have already become officers after obtaining their first (initial) Certificate of Competency cannot in fairness to others, be considered economically weak when they undertake studies/training at the Training Institutions for higher Certificates of Competency. Besides, many such officers have "study leave" and other facilities afforded to them by their employers (Shipowners).

(v) Since maritime training is also part of education, efforts need to be made to prevail upon national Authorities/Bodies responsible for education to make available funds for such maritime education.

FOOTNOTES:Extracted from;

Professor P.S.VANCHISWAR's lectures and Manual,WMU,Malmoe,83-85

RELATIONSHIP BETWEEN PORTS AND MARITIME SAFETY ADMINISTRATION

It does not consider necessary to deal with all aspects of "Port Development", since there are already very good books and publications covering this subject in great detail. In particular, the Publication entitled "Port Development - A Hand Book for Planners in Developing Countries- published by the Secretariat of UNCTAD (The United Nations Conference on Trade and Development) can be very useful. This publication covers the following aspects of Port Development:-

- (i) The Management of Port Development
- (ii) Planning Principles
- (iii) Traffic Forecasting
- (iv) Productivity Forecasting
- (v) Master Planning and Port Zoning
- (vi) Civil Engineering Aspects
- (vii) Inland Transport
- (viii) Maintenance and Equipment Policy
- (ix) Terminal Planning Consideration
- (x) The Break-bulk Berth Group
- (xi) Container Terminals
- (xii) The Multi-purpose General Cargo Terminal
- (xiii) Terminal Requirements for Roll-on/Roll-off Traffic
- (xiv) Terminal Requirements for Barge-carrying Vessels
- (xv) Dry Bulk Cargo Terminals
- (xvi) Liquid Bulk Cargo Terminals

The main purpose of this Chapter is to point out those aspects pertaining to ports with which the national Maritime (Safety) Administration would need to be involved and consequently the kind or relationship that needs to exist between each port and the Maritime (Safety) Administration .

The Author feels that a proper understanding of the need and nature of the aforesaid relationship would enable:

- (a) the Officials in the national Maritime Safety Administration to assume appropriate roles and exercise the necessary functions vis-a-vis national ports to maximum national advantage, and
- (b) others concerned to appreciate better the advantages that can accrue to ports (and the country) as well from a proper Maritime Safety Administration.

Since :-

- (a) ports are for the use of ships,
 - (b) there are marine services to be rendered by ports
 - (c) there are marine personnel involved in ports,
 - (d) marine craft are used in ports, and
 - (e) port safety and safety of ships in port are inter-linked,
- it would seem obvious to those concerned in the few developing countries which have substantial maritime development to their credit that there is the necessity for the close co-operation between the ports and the Maritime Safety Administration. However, it has been observed in many developing countries that while ports have been

developed, the establishment of a Maritime Safety Administration has not received the attention that it deserves.

This anomalous situation may perhaps be due to

- (a) lack of understanding of the advantages that can be derived from the national Maritime Safety Administration as regards a number of important aspects of ports, and
- (b) being carried away by observing the styles of functioning of major ports (with a high degree of autonomy) in developed countries, which also have considerable in-built maritime expertise.

As also stated briefly , the Maritime Safety Administration would have a number of very useful and necessary functions to perform. These are divisible into two main parts, viz., developmental and regulatory, and are further expanded below.

1. Functions contributing to Port Development

Since there would be a wealth of maritime expertise available from a properly established Maritime Safety Administration , it is naturally advantageous to put the same to use as regards Port matters as well. These areas can include:-

- (i) Advice/assistance in the assessment of suitability of national ports for the intended ships, from the points of views of navigation/ pilotage, safety of ships, ship-handling and berthing of ships, and in formulating proposals

for required development/improvement. This area would cover:-

- (a) Suitability of the approach (navigable) channel from the sea to the port
- (b) Shore-based navigational aids
- (c) Alignments of navigable channels in port
- (d) Width and depth of above navigable channels
- (e) Minimum under-keel clearances required for the ships
- (f) Standard of pilotage assistance needed
- (g) Ease of navigation and shiphandling during approach and in port-
- (h) Availability of effective berthing aids
- (i) Adequacy of berthing space
- (j) Fendering requirements at berths
- (k) Requirements for mooring ships
- (l) Safe anchorages for ships
- (m) Berthing needs for ships carrying Dangerous Goods

(ii) Assessment and development of the man-power needs of the port as regards marine personnel. This area would cover:-

- (a) Pilots
- (b) Marine personnel for port craft
- (c) Marine engineers
- (d) Berthing personnel.

(iii) Assistance in the identification and procurement of suitable tugs and other port craft, including those required for fire-fighting and for rescue services.

- (iv) Assistance in the development of repair facilities for the port craft.
- (v) Assistance in the development of regulations for port safety.

2. Regulatory and allied functions

- (i) Registration of port craft
- (ii) Surveys/inspections and certification of port craft
- (iii) Ensuring that port safety regulations are appropriate and adequate
- (iv) Ensuring safe manning of ships in port
- (v) Statutory control over wrecks in port
- (vi) Inquiries/investigations into shipping casualties in port
- (vii) Ensuring the participation of the port in the Maritime Search and Rescue System
- (viii) Ensuring adequate provision of reception facilities in port for receiving oily wastes and chemical wastes from ships
- (ix) Ensuring the participation of the port in the national Contingency Plan for combating marine pollution.

NOTE:-

1. It may be noted that in connection with the aforesaid functions and as an essential part of its role, the Maritime Safety Administration is also in the best position to harmonise and co-ordinate the approaches, planning, developments and allied operations of these relevant port matters within its competence and obligations, as between all ports in the country, if there are more than one.
2. It may also be noted that the aforesaid regulatory (and allied) functions are essentially part of the overall functions of the Maritime Safety Administration.

FOOTNOTES: Extracted from;

Professor P.S.VANCHISWAR's lectures and Manual, WMU, Malmo, 83-85

ROLES AND FUNCTIONS OF THE MARITIME SAFETY ADMINISTRATION AS
REGARDS DEVELOPMENT OF NATIONAL SHIPPING (NATIONAL FLEET)

There are excellent Courses being conducted by eminent Institutions in a number of developed countries covering the economic, commercial and management aspects of shipping. Besides, there are many good Text Books and Publications (including those by UNCTAD) on such topics. In view of these and keeping in mind the primary objectives of this document as a whole, it is felt that it would be very useful to commence this Chapter by giving the following extract from the "Proceedings of the UNCTAD/ECA Training Course on Shipping Company Management" (published by UNCTAD in 1981):-

"ROLE OF NATIONAL FLEETS IN DEVELOPING COUNTRIES

There are two basic reasons put forward by developing countries for giving high priority to the establishment and expansion of their merchant fleets: the very large drain to their foreign exchange resources in the form of freights paid to foreign shipowners, and a dangerously low capability to provide carriage for their foreign trade. The United Nations Conference on Trade and Development, at its First Session in 1964, adopted a document entitled "Common Measure of Understanding" in which it was specifically stated that "the development of merchant marines in developing countries.....is to be welcomed".

Shipping investment contributes to the flow of income in developing countries; it also has indirect effects which are particularly significant in shipping, such as: 1. Prevention of disruptions of shipping services during hostilities in which the country concerned is not directly involved; 2. Reduction of economic dependence; 3. Influencing of Conference decisions; 4. Economic integration; 5. Promotion of exports; 6. Diversification of employment; 7. Improvement of the balance of payments."

In addition to the above, need to remember the following essential elements of a national shipping development policy:-

1. GOVERNMENT SUPPORT/INCENTIVES:

- Direct
- Indirect

2. COST ASPECTS:

- Capital Equipment
- Operations
- Crew
- Fuel
- Maintenance and Repair
- Insurance
- Taxes

3. REGULATORY ASPECTS:

- Safety
- Environmental
- Social/Political

- Anti-Trust

4. EQUITABLE CARGO ACCESS:

- Free Trade
- Bilateral Agreements
- UNCTAD Liner Code.

As regards the aforesaid elements the Maritime Safety Administration is expected to have roles and functions relating to 1, 2 and 3 above, so as to actively assist in the qualitative and quantitative development/expansion of shipping. These are further expanded below: 1. Government support/incentives - may include any number of the following: Cash Grant Release of required foreign exchange Long-term loans Low interest on loans Moratorium for a period on loan repayment Government guarantees for external loans Specific financial grants for improvement of safety Specific financial grants for development for marine technology Specific Credits and/or Aid for indigenous shipbuilding and/or ship repairs. Nationalisation Favourable tax regulations Training of marine personnel at Government cost.

When any of the aforesaid forms of support/incentives involves public finances or public financial Institutions, or any kind of formal commitment of the Government, or release of foreign exchange, it is but natural that the Government would wish to ensure that:

- (a) the most suitable types and numbers of ships are acquired by the Shipowners concerned
- (b) acquisition of sub-standard ships is prevented
- (c) the prices of the proposed ships are reasonable, and

(d) the ships are operated efficiently and safely by the personnel manning the ships.

The obvious machinery of the Government for these purposes is the Maritime Safety Administration. The proper exercising of the roles and functions of the Maritime Safety Administration, as explained under Chapter V is normally expected to ensure the aforesaid. However, as an act of abundant caution, the Government of India has also thought fit to introduce a system whereby the "prior clearance" of Maritime Administration has been made a *conditio precedent* to any support/incentives/assistance of the Government for purchase of any ship by any national Shipowner.

Since this system has worked very satisfactorily, it is recommended as an example for consideration by the country and give below the relevant salient features of same:-

(i) The Government has established an (ship)
"Acquisition Committee" for the purpose of approving and/or making recommendations in regard to ship acquisition proposals. Usually the Chairman of this Committee is the Secretary to the Government (topmost Official) in the Ministry of Shipping and Transport and the members are top Officials from other concerned Ministries/Organisations.

(ii) The relevant part of the system works as follows:-
The application (in prescribed manner) for obtaining the approval for the acquisition of a

ship is submitted by the national Shipowner to the Maritime (Safety) Administration.

The Maritime (Safety) Administration examines the case expeditiously * (*this is stressed) and forwards its recommendations direct to the "Acquisition Committee" regarding:

- (a) the priority requirements of such a ship with reference to Plan targets, deployment of the ships, reasonableness of the price, etc., and
- (b) the technical suitability of the ship, based on the (prescribed) detailed information required to be made available by the Shipowner, which is to include the technical specifications of the ship, status of surveys/ certificates, classification details, special inspection reports on present condition of ship and plans of the ship. (Such recommendations need to confirm or otherwise whether the ship conforms to the requirements of the Merchant Shipping Act).

The aforesaid recommendations are considered by the "Acquisition Committee" and if found in order and acceptable, the necessary approval is granted to the Shipowner for the purchase of the ship. Such approval is of great value to the Shipowner in obtaining all possible support/assistance (direct or indirect) from the Government, and/or national financial Institutions.

2. Cost Aspects:

The earlier contents of this document, particularly those under Chapter V, cover the expected contributions of the Maritime Safety Administration towards operational efficiency of the ships, crew competency/efficiency, reduction in costs of maintenance and repair of ships, and advantageous marine insurance premia relating to the ships.

3. Regulatory Aspects:

In this connection the roles and functions of the Maritime Safety Administration have already been explained earlier in detail.

FOOTNOTES:Extracted from;

Professor P.S.VANCHISWAR's lectures and Manual,WMU,Malmoe,83-85

CHAPTER IX
STRUCTURE AND ORGANISZATION

It is hoped, in all humility and sincerity, that this document does meet its overall objectives and provides adequate information and guidelines to the country for the vital purpose of "Establishment and Administration of its Maritime Affairs" in the best possible manner, with consequential advantages of great significance.

At this stage it is essential to point out the following for the benefit of the Officials in the Maritime Safety Administration of the country:-

- (i) Just as it would be during a rough passage at sea, the passage to the goal of maritime development can be very difficult, and rough, with many impediments and with heavy demands on sheer professionalism.
Therefore, they need to rise to the challenge and prove their mettle in the tough game of maritime development, thereby making their valuable contributions to national advantages.
- (ii) They have to be, out of sheer necessity, far more resourceful than their counterparts in other maritime countries, who have the good fortune to work in settled conditions.

- (iii) The rewards of their dedicated performance may mostly be limited to the personal satisfaction- / pride of achievement/accomplishment and maximum contributions to the benefit of the country.
- (iv) They need to remember constantly that with regard to all of their roles and functions described in this document, they have to be "Public Servants" in every sense"

Further more, to be able to cover all moral responsibilities to clarify an active Maritime Safety Administration, it is obviously vital to get a clear idea about the structure of such organisation:

A.Types_of_Officials/Staff_required

1-Statutory Officials

- (a) Director General or Director (+deputy or assistance)
- (b) Registrar/s of the ships
- (c) Surveyors of ships (+Supervisory official/s)
- (d) Examination of seafarers (+chief examiners)
- (e) Shipping accident investigators (+Supervisory officials)
- (f) Shipping Master/s
- (g) Seamen employment officer/s
- (h) Receiver of Wreck

2-Other Officials

- (a) high level professional advisor to Government, if required
- (b) Support officials as necessary for purely administrative and accounting work.

3-General Staff

Adequate provisions need to be made for necessary secretarial/clerical staff and messenger/orderlies.

The overall infrastructure of Administration would naturally depend upon the nature and extent of duties and responsibilities involved, which in turn would depend upon the current stage of maritime development in the country and its plan for future development is to proceed.

The following are important considerations in deciding upon the number and level of various officials to be appointed in the Administration :

- (1) The quantum of work involved in each branch/section
- (2) The level of responsibilities to be assumed in each branch/section
- (3) The vital need for such officials of the country to be capable of assuming multiple roles.

MARITIME SAFETY ADMINISTRATION

B. Qualifications and Experience required for the Professional Staff

1. Director

The Director should possess the following qualifications/ experience:-

- (i) MSc Degree (Maritime Safety Administration) from The World Maritime University, or Extra Master's Certificate or Extra First Class Engineer's Certificate or equivalent.
- (ii) Master (Captain) or Chief Engineer of merchant ships engaged in international trade.
- (iii) A Surveyor of ships with a Maritime Safety Administration for a period of about ten (10) years.
- (iv) An Examiner of sea-faring officers for a period of about ten years.
- (v) Experience in accident investigation for a period of about ten (10) years.
- (vi) Experience of about five years in a senior supervisory/ management capacity in a Maritime Safety Administration responsible for a large quantum of ships engaged in the international trade.
- (vii) A wide knowledge of international maritime conventions and maritime safety standards.
- (viii) Experience in preparation and administration of Rules/ Regulations relating to maritime matters.

- (ix) Experience in high level government negotiations.
- (x) Experience in contributing to Government maritime policies.
- (xi) Experience in Government procedures and financial control.

2. Nautical Officer/Surveyor

Essential qualifications/experience:-

- (i) Master (Foreign Going) Certificate of Competency.
- (ii) Seven years' experience in the Deck Department of ships engaged in the international trade, which should include at least a period of one year as Chief Officer.

Desirable qualifications/experience:-

- (i) MSc.Degree(M.S.A.)from the World Maritime University or Extra Master's Certificate or equivalent.
- (ii) Service as Master (Captain) of ships.
- (iii) Experience as a Surveyor of ships.
- (iv) Experience in a Maritime Safety Administration.
- (v) Experience in Government procedures.

3. Marine Engineer/Surveyor

Essential qualifications/experience:-

- (i) First Class (Steam and Motor) Engineer's Certificate.
- (ii) Five years' experience in the Engine Department of Ships, which should include at least a period of one

year as Second Engineer.

Desirable qualifications/experience:-

- (i) MSc. Degree(M.S.A.) from The World Maritime University or Extra First Class Engineer's Certificate or equivalent.
- (ii) Service as Chief Engineer of ships.
- (iii) Experience as a Surveyor of ships.
- (iv) Experience in a Maritime Safety Administration.
- (v) Experience in Government procedures.

NOTE: If the incumbent in the post of Nautical Officer/Surveyor or Marine Engineer/Surveyor, has not had any experience as a surveyor of ships, etc., he will have to be trained for these purposes.

4. Shipping Master

Essential qualifications:-

- (i) A Degree in Law or a Certificate of Competency as Master (Foreign Going).
- (ii) Experience in dealing with crew matters either in a Government Office or in a Shipping Company.

Job Description:-

General:-

All duties are to be performed under the overall administrative control of the Director of Marine Services.

Specific:-

- (i) Deal with all matters pertaining to the registration, engagement and discharge of seamen.
- (ii) Adjudication into disputes between seamen and their employers, under the Merchant Shipping Act.
- (iii) Assist the Director in dealing with crew matters.
- (iv) Any other matter specified from time to time.

5. Registrar of Ships

Essential qualifications and experience

Minimum educational qualifications as prescribed for officers at the appropriate level of the Civil Service or a Certificate of Competency as Master (Foreign Going).

Desirable qualifications and experience

Experience or training in registration of ships.

Job Description

General: All duties are to be performed under the overall administrative control of the Director of Marine Services.

Specific:-

- (i) Deal with all matters pertaining to registration and mortgages of ships.
- (ii) Any other matter specified from time to time.

NOTE:- The above two posts (4 and 5) of Shipping Master and Registrar of Ships can be combined into one -
to begin with.

Variations from aforesaid requirements

The qualifications and experience indicated above as requirements for the professional staff of the Maritime Safety Administration would give the latter parity in capabilities/competence with those in other countries with whom they shall have to compete, since shipping is an industry which is highly competitive internationally. However, the following circumstances may necessitate variations from the above requirements:

- (i) The scale of maritime development achieved and further plans for development .
- (ii) The phases of maritime development planned and the intended pace of such development.
- (iii) The qualifications and experience of the national officials available for such appointment, in spite of all national efforts.
- (iv) If it is considered either necessary or desirable to delegate to Classification Societies the statutory functions relating to surveys/inspections and attendant Certifications of national ships.

C.The Organisation Structure-Options and Attendant Concepts

Having dealt with the functions/duties to be performed, the types of officials required, the desired qualifications /experience of the officials concerned, the following models of Organisation Structure are suggested for the Maritime Safety Administrations in the form of Organisation chart.

CHART1: This is an Organisation Structure that is expected to be required for a Maritime Safety Administration of the country, whose maritime development is expected to be substantial in order to enable it to carry out all the necessary functions.

The chart projects types of Officials required, as enumerated previously and indicates the chain of command.

(The criteria for the numbers and levels of officials have already been stated earlier). The Chart also incorporates therein the positions of part-time Officials such as "Receiver of Wreck" and others with delegated functions, as well as bodies with delegated functions such as "Classification Societies".

The footnote to the Chart indicates the manner in which the different posts can be combined and the circumstances under which such combinations would be possible and desirable.

Thus the Chart provides options within itself. However, - this Chart is based on the concept that the substantial functions would be carried out by the Officials of Maritime Safety Administration itself.

CHART 2: This is a Chart summarising the functions of the Maritime Safety Administration, and consequently the overall responsibilities of the Director (Director General). This Chart also indicates the relationship between the Maritime Safety Administration, the Ministry responsible for shipping, the port authority and the National Shipping Company (or Fleet) which are described further on in this Project.

CHART 3: This is an Organisation Chart proposed as an option for a Maritime Safety Administration in the country which is in the initial stage of development and /or which has delegated many of its functions to Classification Societies, and/or other part-time Officials.

Thus this Chart is based on the concept of "delegations" of substantial functions to external Bodies/Officials. The number/types of Officials indicated are capable of further reduction, if the limited quantum of work justified same and/or the Officials are competent to carry out multiple roles.

CHART 1 can be considered as the "maximum option" and CHART 3 (combined with the above last observation relating to same) can be considered as the "minimum option".

Accordingly, these two can also serve as yardsticks for the country which wishes to adopt an Organisation Structure following in between the two, if its maritime situation so dictates.

ORGANISATIONAL CHART (ON FUNCTIONAL BASIS)

MINISTRY

	MERCHANT SHIPPING WING	PORTS WING
↓ NATIONAL SHIPPING COMPANY	← DIRECTOR (DIRECTOR GENERAL) of SHIPPING (MARITIME AFFAIRS) →	↓ PORT AUTHORITY/ AUTHORITIES
	ADMIN: of Merchant Shipping Legislation, including implementation of International Maritime Conventions & Grant of "Exemptions". General Superintendence & Co-ordination. Registrar General of Ships & Seamen. Policy implementation RE: Crew matters & Manning of Ships. Grant of various Safety Certificates, etc, to Ships. Detaining Officer for Unseaworthy Ships. Grant of Certificates of Competency/Licences to Seafarers. ADMIN: of Maritime Training Establishments. ADMIN: of matters RE: Wrecks. Port State Control. Indigenous Development of Ship-Building, Ship-Repairs & Marine Equipment. Co-ordination of work of Classification Societies to whom Statutory Functions are delegated. Overall responsibility for Inquiries/Investigations into Shipping Casualties. Maritime Search & Rescue matters (in concert with other Units). Marine Pollution matters (in concert with other Units). Ensuring safety of fishing vessels & other small vessels. Maintenance of Central (Technical) Records of National Ships. Advising Government on technical matters in general.	
	NOTE: As regards other Officials & their functional areas, please see CHART 1 and earlier descriptions.	

A SIMPLE ORGANISATION CHART

MINISTRY

DIRECTOR OF MARITIME AFFAIRS

SHIPPING MASTER
REGISTRAR
OF
SHIPS
(May be combined)

ENGINEER SURVEYOR
(cum EXAMINER
cum ACCIDENT
INVESTIGATOR)

NAUTICAL SURVEYOR
(cum EXAMINER
cum ACCIDENT
INVESTIGATOR)

ADMINISTRATIVE
OFFICER

RECEIVER OF
WRECK
(Part-time)

PART-TIME OFFICIALS/
BODIES WITH DELEGATED
FUNCTIONS

NOTE: In this there is the assumption that functions such as Surveys/Inspections of Ships and allied matters are delegated to (a) Classification Societies and/or
(b) other part-time Officials

FOOTNOTES:Extracted from;

Professor P.S.VANCHISWAR's lectures and Manual,WMU,Malmoe,83-85

COCLUSIONS

The following are essential conclusion of this Paper:

- ✓ 1-The "Single Article" 1970 relating the Ports and Shipping Organisation, need to be changed and updated in a manner that could cover the following:
 - (a) the responsible authority for Maritime Affairs of the country -namely Maritime "safety" Administration-which forms the basic disoussion in this Paper as is mentioned in most of the chapters, needs to be established.
 - ✓ (b) the Port authorities ,may be seperated from the above administration, while remaining complementary to each other.
- 2-"IRANIAN" Maritime Code 1964 and proposed draft to be cosolidated, so as to enable the Maritime "Safety" Administration to carry out its responsibilities as mentioned earlier.

The part of the Code relating port activities could be covered in a seperate Act and should be developed as necessary.
- ✓ 3-The Maritime "Safety" Administration establishment should be done in a way that it could carry out the overall responsibilities directly under the supervision of the Ministry of Roads And Transportation, as the Ministry responsible for Shipping.

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4-This Administration should be manned skilled/qualified national personnel. Chapter IX could be a good guide line in this respect.

5-The followin relevant I.M.O. Conventions essential to the national requirement of IRAN, need to be ratified as early as possible and measures should be taken on the Administrative level to imlement them effectivly;

a-COLREG 1972

b-STCW 1978

c-SOLAS 1974 and its 1978 protocol (plus the 81 and 83 amendment to the SOLAS)

d-MARPOL 1973/1978

e-Intervention on the High Seas in case of Oil Pollution 1969 and its protocol 1973

f-CLC 1969

g-FUND 1971

6-The only training center for Maritime Affairs, belong to the NAVY, it is of great importance to have a good training system as already discussed. It is proposed to continue using the existing training centers of other friendly countries, for improving training to the cadets and develop our own training scheme, for the above purpose in due course of time.

- 7-Delegation of work to the Classification Societies should be planned to be done by means of separate agreement with each.-
The agreement should cover all points regarding national interests as far as their activities are concerned.
- 8-It is very important that IRAN could take part very active in the evolution of I.M.O. standards by means of participation of senior technical personnel in the various meeting/conferences.
- 9-The concept of regional co-operation is of vital importance and it could be used effectively as regards Maritime Affairs in general.
- 10-The World Maritime University should be continued to be utilised for training high level skilled experts in Maritime Affairs as a whole. It is strongly recommended to use such facilities to the maximum extent in the future as well.
- 11-It is strongly recommended to consult authorities concerned about oil terminals and oil ports ,to provide (Oil Reception Facilities).
- 12-The ports in use should be facilitated with a system of receiving oily waste and chemical waste as well as planning for the ports under construction.
- 13-The authority responsible for the Protection of Environment should be consulted for preparing necessary rule/regulations

for protection of waters from pollution by ships.

14-In all respect ,it is recommended to use to maximum advantage I.M.O.'s Technical Assistance,since it can enhance our capabilities in effecting improvement of overall Maritime Affairs of the country.