Study of the Improvement of Port State Control in Algeria

A.AZOUAOU¹, S.FUJIMOTO², M.MELZI³ and M.OMAE⁴

Abstract

With a length of more than 1,220 kilometres, the Algerian coastline includes 11 major ports. Each year, Algeria receives between 3,000 and 7,000 ships carrying foreign trade. To ensure that shipping is efficient and safe, Algeria exercises Port State Control (PSC), performed by Port State Control Officers (PSCOs), dispatched in stations under the administrative control of the National Coast Guard Service (NCGS). Algeria ratified the Mediterranean Memorandum of Understanding (MedMoU) in 2000, thus enacting an obligation to set up an efficient system of PSC and to achieve an objective of inspecting 15% of ships calling at its ports by the year 2003. This study will analyze the available statistics for a period of nine years (2005-2013) and results will include the findings and recommendations on improvements and enhancements to the administration of PSC in Algeria.

Keywords: International treaty, Education and training, Algerian’s PSC and PSCO, MedMoU

1. Background

With a length of more than 1,200 kilometres, the Algerian coastline includes 11 major ports. Each year, Algeria receives between 3,000 and 7,000 ships carrying its foreign trade valued at about $120 billion U.S. dollars in 2013⁽¹⁾. Through the Merchant Marine and Ports Directorate (MMPD), the Algerian government protects its waters against pollution and ensure that shipping is efficient and safe. One of the means used to achieve this objective is Port State Control (PSC), contained in international law and also in articles 61 and 62 of the Algerian maritime code (AMC)⁽²⁾.

Before 1995, the port state control and many other obligations contracted by Algeria in ratifying IMO and ILO conventions were poorly discharged. For this reason, in 1996 the Algerian government initiated a radical restructuration of the maritime administration.

That year, the local maritime administration shifted from the Ministry of Transport to the Ministry of National Defence, or more precisely the Coast Guard National Service (CGNS), which was created in 1973⁽³⁾.

In the year 2000, Algeria ratified⁽⁴⁾ the MedMoU, thus enacting an obligation to set up an efficient system of PSC. A main goal of the ratification was to achieve annually 15%⁽⁵⁾ of inspections of foreign ships entering its ports by the year 2003. This study will analyse Algerian PSC statistics over a nine-year period starting in 2005.

Table.1 PSCs performed from 2005 to 2013

<table>
<thead>
<tr>
<th>Year</th>
<th>Ships entered</th>
<th>Ships inspected</th>
<th>Inspections %</th>
<th>With deficiencies</th>
<th>Without deficiencies</th>
<th>Deficiencies %</th>
<th>Detentions</th>
<th>Detentions %</th>
<th>Detention class related</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>4657</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2006</td>
<td>4912</td>
<td>10</td>
<td>0.2</td>
<td>9</td>
<td>1</td>
<td>90</td>
<td>3</td>
<td>30</td>
<td>1</td>
</tr>
<tr>
<td>2007</td>
<td>4587</td>
<td>741</td>
<td>16.2</td>
<td>308</td>
<td>433</td>
<td>41.6</td>
<td>11</td>
<td>1.5</td>
<td>1</td>
</tr>
<tr>
<td>2008</td>
<td>4259</td>
<td>898</td>
<td>21.1</td>
<td>358</td>
<td>540</td>
<td>59.9</td>
<td>31</td>
<td>3.5</td>
<td>0</td>
</tr>
<tr>
<td>2009</td>
<td>3858</td>
<td>409</td>
<td>10.6</td>
<td>191</td>
<td>218</td>
<td>45.8</td>
<td>17</td>
<td>4.2</td>
<td>1</td>
</tr>
<tr>
<td>2010</td>
<td>3405</td>
<td>13</td>
<td>0.4</td>
<td>8</td>
<td>5</td>
<td>61.6</td>
<td>4</td>
<td>30.8</td>
<td>0</td>
</tr>
<tr>
<td>2011</td>
<td>2946</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2012</td>
<td>2842</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2013</td>
<td>3114</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Source: MedMoU February 2014 and MMPD for the Column Ships entered

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2. PSC in Algeria

2.1 Administration of the port state control

To better understand this paper, the definitions of specific maritime technical words used are given as follow:

Classification Society: is a non-governmental organization that establishes and maintains technical standards for the construction and operation of ships. The society validates also that construction according to these standards and carries out regular surveys in service to ensure compliance with the standards.

Deficiency: A condition found not to be in compliance with the requirements of the relevant convention such as:
- Absence of an up-to-date muster list or crew members not aware of their duties in case of emergency,
- Master and crewmembers not familiar with operational procedures,
- Ship’s certificates expired,
- Inaccuracies of ship’s certificates and documents,
- Books and plans not properly kept,
- Fire emergency pump not working,
- Failure of the master of an oil tanker to produce the record of the oil discharge monitoring and control system for the last ballast voyage.

Flag state: The flag state of a commercial vessel is the state under whose laws the vessel is registered and a ship has the nationality of the State whose flag she is entitled to fly.

Ship-owner: is the owner of a merchant vessel. In the commercial sense of the term, a ship-owner is someone who equips, exploits or operates a ship.

Substandard ship: is defined by IMO Resolution A.787 (19) as being ‘substantially below the standards’ required by the relevant convention.

In Algeria, PSC is performed by 27 inspectors dispatched in 24 marine stations and administered under the umbrella of three maritime districts, which in turn are managed by the Department of Marine Affairs (DMA) of the Coast Guard National Service (CGNS). Although this service is run by the Naval Forces of the Ministry of National Defence, it performs civilian missions, such as PSC, on behalf of the MMDP, as explained by the following flowcharts.

2.2 Cost of the port state control

The port does not charge a ship-owner with the cost of the initial inspection under PSC. Charges are made only if the vessel is subject to a detention and if the inspector has board for a re-inspection. To keep costs low, it is important for the shipmaster to ensure that all deficiencies are duly corrected before requesting a re-inspection. In addition, the detention may not be lifted until the costs are paid in full or a sufficient guarantee has been given for reimbursement of the costs. As an example, one re-inspection of a ferry ship in the
Mediterranean ports costs approximately 5,000 Euros for a ship-owner.

A ship should not be unduly detained or delayed; otherwise, the owner may be entitled to compensation losses incurred. Therefore the inspector must be appropriately qualified and have a thorough understanding of international conventions to avoid bad decisions in detaining low risk ships.

2.3 Targeting vessels

How do inspectors choose which vessels to control? Ships targeted are those that may be substandard, or that pose a danger to navigation, property, human life and the environment.

In the MedMoU region, to assist inspectors to target ships, priority is given to the following vessels:

1 - Ships which have called for the first time at the port or its signatories or after an absence of twelve months or more;
2 - Ships which have been authorized to leave the port, provided that the deficiencies be remedied within a specified period, when that period expires;
3 - Ships on which deficiencies which may prejudice the safety of navigation have been reported by pilots or port authorities;
4 - Ships whose statutory certificates on their construction and equipment have not been issued in accordance with relevant instruments;
5 - Ships carrying dangerous goods often polluting, which did not provide the Maritime Administration all relevant information on the characteristics and movements of the ship and the dangerous or polluting goods carried;
6 - Ships whose classification has been suspended during the previous six months for security reasons.

Besides that, to have a good idea on how the ship is operating these factors should be appropriate for its purpose. Therefore, they should be changed to encompass the performance of flag state, classification society and ship-owner, the age and the ship type.

2.4 Port state control appeal procedure

The MedMoU has made an obligation on the members to provide an appeal procedure against the decisions made by PSCOs in case of detention. The PSCO should properly inform the shipmaster of the right of appeal. In Algeria, an owner or the shipmaster may appeal against a decision of detention within ten days to the President of the Central Safety Committee (CSC). The appeal procedure shall be made through the nearest consular office representation of the flag state. The introduction of an appeal shall not suspend the execution of the ship’s detention. In addition to this national level, the MedMoU is studying offering the possibility of appeal to a regional level directly to the MedMoU.

3. Issues of PSC in Algeria

3.1 The communication of information

Beginning with zero inspection in 2005, Algeria achieved the highest total number with 898 in 2008. The inspections figures showed a decreasing trend in the number of inspections of almost 100% in 2010 and continued in 2011, 2012 and 2013.

The MMPD countered that the figures of the MedMoU do not correspond to reality. In reality, Algeria performed inspections in 2005, 2010, 2011, 2012 and 2013; however they were not entered in the database of the MedMoU. Why this situation occurred? Because inspections must be recorded in the database at the information center located in Morocco the same day and there is no Internet connection at the maritime stations.

One may ask why there are only few statistics entered in the MedMoU from 2006 to 2010 and no data in the other years. By ratifying MedMoU, Algeria is obliged to carry PSC on foreign ships and to send information regarding ships inspected and the decisions taken by the PSCOs, such as detention, deficiencies to be remedied before departure, deficiencies to be remedied within 14 days,
deficiencies to be remedied at the next port, etc. to the
database of the MedMoU on a daily basis.

As there is no internet connection in the maritime
stations, the Marine Merchant and Port Directorate asked
the MedMoU to allow entering the statistics gathered in
one year directly from the Maritime safety and Port
Sub-Directorate, where internet connection is available.
The MedMoU allowed this to occur for the years 2006,
reminded the MMPD to enter data into the database on a
daily basis for the upcoming years, and not to enter the
information gathered for the whole year at one time at
the end of the year. Therefore, the MMPD claimed that
while statistics existed for the other years, they are not
entered in the MedMoU database.

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The Fig.4 shows clearly that for the nine years period,
the target of 15% was achieved only in 2007 and 2008.
This indicates that either the ships target factors are not
appropriate, or the procedures were not being followed
appropriately. The data also shows that few vessels were
detained, and almost no ships were detained after 2010
due the poor professional judgment or perhaps out of
fear that the detention.

### 3.3 PSC and the types of ships

The following statistics are gathered for the year 2012
from the Merchant Marine and Port Directorate and
shows the inspections performed by category of ship.

<table>
<thead>
<tr>
<th>Ship type</th>
<th>Inspections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulk Carrier</td>
<td>112</td>
</tr>
<tr>
<td>Container</td>
<td>0</td>
</tr>
<tr>
<td>General cargo</td>
<td>224</td>
</tr>
<tr>
<td>Oil Tanker</td>
<td>30</td>
</tr>
<tr>
<td>Chemical Tanker</td>
<td>10</td>
</tr>
<tr>
<td>Gas Carrier</td>
<td>11</td>
</tr>
<tr>
<td>Passenger</td>
<td>4</td>
</tr>
<tr>
<td>RO-RO</td>
<td>6</td>
</tr>
<tr>
<td>Specialised ships</td>
<td>18</td>
</tr>
<tr>
<td>Others</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>395</td>
</tr>
</tbody>
</table>

Source: MMPD January 2014

The Fig.5 shows that the 54% of the ships inspected
are general cargo ships. Again this is directed linked with
the background of the PSCOs and the training received.
General cargo ships seem ‘easy’ to inspect compared
with other categories like containers, gas or chemical
tankers. The inspectors are not specialized in specific ship
types, such as tankers which are common in algerian
ports.
3.4 Deficiencies detected on Algerian ships

Although this study focused on PSC, to complete the investigation into the skills of the inspectors, we also focused on Flag State Control (FSC); because the same surveyors complete this work. To manage efficiently the human resources available at the station, the inspector works as a Flag State Officer (FSCO), as well as a PSCO.

In fact, because of the number of the inspectors trained and available, the PSCO works also as FSCO but not the contrary for the experience needed before as FSCO. The situation is different in western countries and Algeria must follow the trend in the future.

Table.3 Categories of deficiencies detected from 2005 to 2013.

<table>
<thead>
<tr>
<th>Category of deficiencies</th>
<th>Number of deficiencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certificates &amp; Documentation</td>
<td>17</td>
</tr>
<tr>
<td>Structural condition</td>
<td>3</td>
</tr>
<tr>
<td>Water/Weather tight condition</td>
<td>3</td>
</tr>
<tr>
<td>Emergency Systems</td>
<td>3</td>
</tr>
<tr>
<td>Radio communication</td>
<td>2</td>
</tr>
<tr>
<td>Cargo operations including equipment</td>
<td>-</td>
</tr>
<tr>
<td>Fire safety</td>
<td>22</td>
</tr>
<tr>
<td>Alarms</td>
<td>1</td>
</tr>
<tr>
<td>Working and Living Conditions</td>
<td>10</td>
</tr>
<tr>
<td>Safety of navigation</td>
<td>23</td>
</tr>
<tr>
<td>Life saving appliances</td>
<td>7</td>
</tr>
<tr>
<td>Dangerous Goods</td>
<td>-</td>
</tr>
<tr>
<td>Propulsion and auxiliary machinery</td>
<td>7</td>
</tr>
<tr>
<td>Pollution Prevention</td>
<td>2</td>
</tr>
<tr>
<td>ISM</td>
<td>-</td>
</tr>
<tr>
<td>ISPS</td>
<td>-</td>
</tr>
<tr>
<td>Other</td>
<td>3</td>
</tr>
<tr>
<td>Labour Conditions</td>
<td>-</td>
</tr>
</tbody>
</table>

Source: MedMoU February 2014

The Fig.6 shows that 22% of deficiencies are related to safety of navigation, 21% to fire safety, 17% to certificates and documentation and 10% to living and working conditions. All these deficiencies (70%) are under the responsibility of the flag state, as they are not class related. The FSCO should have surveyed the ships and mandated that they conform to the national maritime standards which are, in fact, the same as international standards. This indicates that inspections are conducted very lightly and that the surveyors issue safety certificates guaranteeing that they are compliant with related conventions, where in fact this is not necessarily true. When Algerian ships are in foreign ports, deficiencies are detected and sometime even detained.

The figure shows also that important safety items, such as cargo operations, including equipment, dangerous goods, safety management (International Safety Management Code ISM), ship and port facility security (International ship and Port Facility security Code ISPS) are not addressed during inspection.

3.5 Recruitment and selection of PSCO

The aforementioned issues that Algeria is facing are closed linked with the recruitment, background and training of PSCOs. The PSCO has been selected from Navy officers. Therefore, the PSCOs arrive only with a Navy education and without seafaring experience and knowledge of commercial shipping. The specialized training in related conventions (SOLAS, LL, STCW COLREG, MARPOL, DUMPING, etc.) and PSC procedures is received during one year study at the high national maritime school (ENSM) of Bou-Ismail. Obviously, the theoretical education received is not enough to ensure a competent PSCO.

3.6 PSCO training and skill

The Fig. 7 and 8 show ships with deficiencies and those detained compared to ships without deficiencies that either the ships targeted by factors that are not appropriate or factors that are not used in such manner to target only high risk ships. It also show that few vessels
were detained, and none after 2010 because the decision to detain may have had dire consequences for the administration if it were an unduly detainment. The small number of class related detentions revealed that most of the deficiencies were flag state related. The reason is that the class is surveying efficiently vessels but not the FSCO.

![Fig.7 Number of ships with and without deficiencies and detained.](image)

![Fig.8 Number of detentions and those related to class.](image)

4. Conclusion

This study has identified many areas for improvements. To be efficient, the PSC needs to exchange information with other member states and the Information Center of the MedMoU. It is a matter of urgency for the Algerian maritime administration to provide Internet access at the maritime stations.

The PSCOs must be trained in how to use the database and how to enter data into it. The database should be used daily and the differences between the statistics should be eliminated. However the lack of Internet connection should not prevent PSCOs from performing inspections and taking the necessary resulting actions. Electronic data transmission is the most convenient means to communicate but it is not the sole communication medium (ex. Facsimile, Telephone, etc.). The lack of communication may concur to the underperformance of the administration.

Most of the inspections are without deficiencies compared to those with deficiencies or ships detained. The deductions may be as follows:

- The factors for targeting high risk ships are not appropriate;
- The target factors are not appropriately used;
- The inspections are performed very lightly, without going deeply in the subject controlled;
- Hesitation and reluctance to detain substandard shipping.

The objective of inspecting at least 15% of foreign merchant ships calling at its ports was not achieved although ten years have elapsed since MedMoU’s ratification. The desirable deterrent effect of the PSC is therefore fare from being reached, with all the consequences on maritime safety, security and pollution prevention.

One of the reasons to explain the possible poor performance in the management of the PSC seems to be the lack of self-confidence of the inspectors, resulting in non-efficient controls and hesitation and reluctance to make difficult decisions. Their experience is not fully adequate for them to assess the criticality of the deficiencies they detect or the feasibility of the different actions that could be taken.

All Algerian PSCOs have a navy background without seafaring experience; the administration should recruit specialized civilian personnel coming from the sea as Deck or Engine Officers.

A key improvement will be the practical training of sufficient duration obtained through theoretical and practical courses and supervision by experienced PSCOs as a means to achieve efficiency, completeness and credibility of controls thus making PSC as a deterrent against substandard shipping. This training will also allow them to:

- use appropriately the targeting factors;
- make sound professional judgments when deciding...
detention of ships;

- take the appropriate corresponding actions when deficiencies are detected.

It is not enough to train, but to set up criteria when recruiting the appropriate personnel for PSC-jobs. In our opinion the criteria should add ship officers with the minimum rank of Chief Officer or Second Engineer with experience at sea of at least five years experience at sea or Naval Architects with at least five years of practical experience in a yard. IMO recommends for PSCOs to have the background of captains and chief engineers. However regarding the shortage of these Algerians officers we lessened at purpose the rank to chief officers and second engineers and encourage the maritime administration to recruit available deck and engineer officers for the job of PSCO.

Another’s point for improvement would be the establishment of targeting factors, such as the ones as in the other Memoranda of Understanding. Indeed, targeting factors include those that take into account the performance of the flag, the classification society and the owner, and the type and age of the ship. These new targeting factors would be able to identify high-risk ships to inspect and give an overview on how the ship is operated.

The lack of internet access at maritime stations does not allow the PSCOs to access and update the MedMoU database with the consequence of not using its information to target ships that present high risk to shipping and environment. It prevents also not only Algerian PSCOs to share the information gathered about the ships inspected but also cooperation with other MedMoU members. This lack of cooperation has heavy consequences on the follow up of the vessels inspected with deficiencies and therefore on the efficiency of PSC in Algeria and in the region.

Above all, Algeria has to set up a clear policy with clear objectives and implementing it in good faith, thus ensuring that ships comply effectively with international maritime standards, thereby helping eradicating substandard ships in the Algerian waters and in the MedMoU region.

7. Reference

(3) Ordinance n° 73-12 of April 3rd, 1973 modified by the Presidential Decree n° 95-164, June 14, 1995
(6) Ibid., (5)