The Relationship between Tasks of Maritime Administration, the IMO Voluntary Member State Audit Scheme and Principles of New Public Management

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Abstract

According to the IMO, shipping industry transports more than 80% of the world’s goods by ships. Therefore, shipping industry has to be controlled by the maritime administration, beside the effort of IMO which appears in the conventions and codes. The maritime administration has many tasks to do according to the IMO conventions such as flag state control and costal state tasks, also has many responsibilities toward the ships raising its flag or entering its ports. Therefore, some maritime administrations search for high performance for doing these tasks, so the IMO adopted the Code for the Implementation of Mandatory IMO Instruments and encouraged the maritime administrations to use it through adopting the IMO Voluntary Member State Audit Scheme (VIMSAS). Moreover; some maritime administrations start to change their traditional maritime administration to the new term New Public Management (NPM) by using its principles to have more commercialization of maritime administration and more cost efficiency.

To begin with, in the discussion of the relation between the three elements; tasks of Maritime Administration (MARAD), the IMO Voluntary Member State Audit Scheme (VIMSAS) and Principles of New Public Management (NPM). The Maritime Administration has to be defined and explain the tasks which the Maritime Administration do to maintain safety. Next, explaining the main goal of implementing the VIMSAS to improve the performance of the Maritime Administration whatever it is traditional maritime administration or using the New Public Management principles. Also, define and explain the new term of the Principles of NPM and the reasons which come up with this new term. Finally, finding if this relation between the three elements has the right way for Implementation of Mandatory IMO Instruments, improving the maritime administration performance, and helping maritime administrations to use the New Public Management principles to get it benefits.

Keywords: Mandatory IMO Instruments, Tasks of Maritime Administration, The IMO Voluntary Member State Audit Scheme (VIMSAS), Principles of New Public Management (NPM), The Traditional Public Administration, Code for the Implementation of Mandatory IMO Instruments.
1 Introduction

The world economics and business are changing rapidly, due to the new terms which appear in our life nowadays. These new terms like management, control, quality and codes, all this words are used wild world. The shipping industry is a very important part of the world economics and business, according to the IMO, the shipping industry transports more than 80 % of the world’s goods by ship (IMO, 1999). Therefore, the shipping industry have to be controlled by the maritime administration, beside the effort of IMO which appears in the conventions and codes such as the Code for the Implementation of Mandatory IMO Instruments, and to be managed by the new management system such as the ISM Code.

The maritime administration has many tasks according to the IMO conventions, also has many responsibility toward the ships rising its flag or entering its ports and this tasks are five main tasks; flag state control, port state control, search and rescue, pollution prevention, and navigational services. In addition, some maritime administrations search for high performance for their tasks to change their traditional maritime administration to New Public Management (NPM) by using its principles. Moreover, to help the maritime administrations to change to the New Public Management (NPM) the IMO adopted the Code for the Implementation of Mandatory IMO Instruments and encouraged the maritime administrations to use it through adopting the IMO Voluntary Member State Audit Scheme (VIMSAS).

To begin with, the discussion of the relation between the three elements; the tasks of Maritime Administration (MARAD), the IMO Voluntary Member State Audit Scheme (VIMSAS) and the Principles of New Public Management (NPM). We have to defined the Maritime Administration and explain the tasks which the Maritime Administration do to maintain safety. Next, explain the main goal and the way of implementing the VIMSAS to improve the performance of the Maritime Administration. Also, define and explain the new term of NPM and its Principles and the reasons which come up with this new term. Finally, discussing and finding the relation between the three elements.

2 The Maritime Administration Tasks (MARAD)
First, the Maritime Administration (MARAD) can be defined as in SOLAS “the Government of the State whose flag the ship is entitled to fly.” (SOLAS, 2004, p.19). In addition, Vanchiswar defined the Maritime Administration (as cited in Shubing, L., 2000), “the maritime safety administration is the specialised executive arm of a maritime government to implement or enforce the regulatory (and allied) functions embodied in the national maritime legislation, especially those pertaining to registration of ships, maritime safety, marine personnel, maritime casualty investigations and protection of the marine environment.”. So, the Maritime Administration is the direct organization which works with the shipping companies and all the shipping industry in its country to maintain the measures of safety on any floating object flying its flag. Furthermore, from this definition the Maritime Administration tasks can be divided to flag state, port state, pollution prevention, search and rescue and navigational services, which the last three tasks can be collected under the name of the costal state.

2.1 Flag State Control

Flag state control is one of the important tasks of the Maritime Administration, because it is the direct department which have to ensure that the measures and the requirement of safety are done on the vessels flying the Administration flag. Therefore, all the duties and tasks of the flag state are cleared and mentioned in the IMO Resolution A.881 (21) and Article 94 of UNCLOS 1982.

First, the flag state have to be sure of the effective application and enforcement of the IMO instruments such as; SOLAS 74, MARPOL 73/78, LL 66 and STCW 78. Regarding, the application and the enforcement of the IMO instruments flag state have to make a regulatory law through the government legislation to be sure of the implementation and the enforcement of that law on the vessels flying its flag. Moreover, the flag state must have a Legal framework to ensure safety at sea and pollution prevention on the vessels flying its flag through the requirements, the equipments, the manning of vessel, and control of pollution and minimize the impact of accidents causing pollution.

In addition, the flag state must make enforcement to its national law on the vessels flying its flag and take action with the ships which not complying with this law. Also, the flag state must ensure that this national law and the requirements are implemented by sufficient person have maritime and technical experience through inspections and reporting
of casualties. Regarding, inspections and reporting of casualties the flag state must ” prompt and thorough casualty and incident investigations and submit relevant reports to IMO” (IMO Resolution A.881 (21), 1999). Finally, the flag state can make delegation to recognized organizations for some of its authority and must follow the Guidelines for the authorization of organizations acting on behalf of the Administration, but with this delegation the flag state control have the full responsibility of the safety, construction and pollution prevention certificates issued on behalf of it.

### 2.2 Port State Control

The efficient Maritime Administration, is the Administration which looks after the vessels flying its flag to maintain safety, also its role do not stop at this point, but more far than that it looks for maintaining safety on other vessels especially the vessels which visit its ports to keep these ports and the marine environment more safely and secure, from this point the task of the port state control appears in a way as a backup system to the flag state.

The legal framework of the port state control (PSC) can be found in a number of conventions such as; UNCLOS 82, SOLAS 74, MARPOL 73/78, LL66 and STCW 78. According to SOLAS 2004, chapter I, regulation 19 “Every ship when in a port of another Contracting Government is subject to control by officers duly authorized by such Government in so far as this control is directed towards verifying that the certificates issued under regulation 12 or regulation 13 are valid.” (SOLAS, 2004, p.34). In other words, the need for the PSC is to protect the ports state interest, to ensure the implementation of the IMO instruments through the flag state and check any failure from; classification society, ship owners responsibilities and insurance industries. According, to the Mediterranean MOU on PSC the Port State Control Officer (PSCO) visit the ship to be sure that the minimum standers of the IMO requirements are implemented on this ship through examining some ships documents (Mediterranean MOU, 2000).

### 2.3 Costal State

Pollution prevention, search and rescue, vessel traffic management and navigational services are tasks of the Maritime Administration, the three tasks can come under the name of costal state, because the three tasks are related to the costal line, internal water and territory water even to the economic zone as mentioned in UNCLOS 82. First, the Maritime Administration through the costal state responsibility must prohibit any
discharge of oil or other harmful substances into its waters to prevent Pollution and that right is given to the costal state in UNCLOS, Article 211 “Coastal States may, in the exercise of their sovereignty within their territorial sea, adopt laws and regulations for the prevention, reduction and control of marine pollution from foreign vessels, including vessels exercising the right of innocent passage” (UNCLOS, 1982, p.106).

Second, the costal state has the obligation to make search and rescue operation according to UNCLOS, Article 98 and SOLAS, Chapter V, and Regulation7. Finally, the role of navigation services for the costal state can be shown in aids to navigation, pilotage and vessel traffic service (VTS). Navigational services are very important in shipping to facilitate ship navigation, protect loss of life or property and prevent oil pollution as based on MARPOL 73/78.

3 The IMO Voluntary Member State Audit Scheme (VIMSAS)

In fact, the role of the IMO do not stop, the IMO need to assess deeper to make its objectives more clear “safe, secure and efficient shipping on clean oceans” (IMO, 2002). Furthermore, the IMO did not stop only at the point of issuing or adopting conventions, and how these conventions can be implemented. Actually, this time the IMO go further than that it goes to the main point the capability of the flag state, port state and coastal state in implementing and enforcing IMO conventions concerning maritime safety and pollution prevention, it want to be sure that these conventions are well understand by the government of the member state and more deeper understand by the Maritime Administration of the IMO member state.

As a result for that deep approach, the IMO adopted the IMO Voluntary Member State Audit Scheme (VIMSAS) through the resolution A.946 (23), than in November-December 2005 adopted resolution A.973 (24) Code for the implementation of mandatory IMO instruments which provides the audit standard, later adopted resolution A.974 (24) Framework and Procedures for the Voluntary IMO Member State Audit Scheme and ended with resolution A.975 (24) Future development of the Voluntary IMO Member State Audit Scheme (IMO, 2002).

According to the IMO, this IMO Voluntary Member State Audit Scheme (VIMSAS) will help the Maritime Administration to be provided with a comprehensive
and objective assessment to be sure how the administration understand and implement the IMO instruments. (IMO, 2002). As a result, of that audit scheme it will be many benefits for the administration can be listed as followed;

- Improving the performance of the Maritime Administration and the administrators.
- The member state will have good feedback about their performance and how to improve that performance to implement the mandatory IMO instruments.
- Good lessons can be learned from that audit scheme to the all member state and to be shared.
- The scheme explains the delegation of authority to recognized organizations besides explaining how to control and monitor the survey and certification processes by the member states (IMO, 2002).

4 The Principles of New public Management (NPM)

The Maritime Administration is a government department have objective towards maritime safety and still defined under the public administration sector. Therefore, the objectives of the Maritime Administration are planning, coordination, co-operation and policy-making, in which the policy-making can be defined as “the determination of major objectives, the selection of methods of achieving these, and the continuous adaptation of existing policies to the problems that face a government” (Barber, 1983, p.59). Policy-making, is the difficult part in the organization of the Maritime Administration, because the policy-making depend on three factors; risk analysis, cost/benefit analysis and scientific approach which in the public administration sector cannot be found or affective use. Although, in the public administration sector can find; one man control, lack in professional, lack in long-term strategy and bureaucracy, in which can be called the traditional public administration.

First, The traditional public administration can be defined as “an administration under the formal control of the political leadership, based on a strictly hierarchical model of bureaucracy, staffed by permanent, neutral and anonymous officials, motivated only by the public interest, serving any governing party equally and not contributing to policy” (Hughes, 1998,p.22). Therefore, from the definition it can be clear that the traditional
public administration have a number of difficulties in the concern and the functions of the organization, which can be listed as followed according to Roseenbloom (1998);

- Organizational structure can be identified as bureaucracy, which makes the work and the services more inefficient.
- Specialization, which is the opposite in the traditional public administration, involved in many activities.
- Extending, the traditional public administration take long time in decision-making.
- Budgeting, due to the long time in decision-making and bureaucracy the traditional public administration is not cost-effective.

As a result of, the difficulties of traditional public administration, the new term of new public management (NPM) appears in the early 1990s. In fact, the NPM appears in the world to change and improve public administration as Schroder (2008) stated; NPM can be the way to move the administration to gain results, changing from bureaucracy to flexibility and personal objective can be more indicator for the output. In addition, this new term of NPM has six main principles was described by Hughes (1998) listed as follows;

- Shifting from traditional public administration by paying more attention to the achievement of results and the personal responsibility of the managers.
- Moving from bureaucracy to more flexible terms of personnel employment terms.
- Setting clear organisational and personal objectives and measurement of the performance indicators.
- Commitment of senior staff to the government of the day rather than being neutral.
- Facing the market tests and steering rather than rowing it means contracting out and controlling subcontractors rather than doing everything.
- Reducing government functions through privatisation and other forms of market testing and contracting. All these points are linked; therefore, once the focus changes from process to results that make each successive step necessary.

5 The relationship between the three elements MARAD, VIMSAS and NPM
First of all, the relation between the three elements the Maritime Administration (MARAD), the IMO Voluntary Member State Audit Scheme (VIMSAS) and The New Public Management (NPM) are very clear, the relation is the safety of the shipping industry; safety of ships, safety of the environment and safety of the people who works in the shipping industry. Therefore, to explain the relation we must ask who is responsible for the safety, the answer is the Maritime Administration (MARAD) because under the MARAD we have flag state, port state and the costal state, where these entire departments are responsible for the safety of the shipping industry.

In other words, the Maritime Administration (MARAD) is the core of the relation between the three elements, so the NPM and the VIMSAS have to help the Maritime Administration (MARAD) to maintain the safety through this relation. First, the application of the NPM will improve the efficiency and effectiveness of the MARAD, which can lead to a higher level of maritime safety. Moreover, the NPM will help the MARAD to focus on the achievement of the results and set up the target which is safety and with adopting NPM, the Maritime Administration (MARAD) will commercialize its services and have cost recovery based on fee received by the customer for the services provided by the MARAD, more than that is the cost efficiency which is the main trend to reduce and limit the budget given by the government, and the main goal is to make a great separation between the national policy of the government and operating the Maritime Administration (MARAD).

Second, to make the Maritime Administration (MARAD) effective for the enforcement of IMO instruments, the role of the IMO Voluntary Member State Audit Scheme VIMSAS appears, because the IMO Voluntary Member State Audit Scheme (VIMSAS) shows any misunderstanding in the implementation of the IMO instruments through assessment and give the Maritime Administration (MARAD) good feedback about its performance, which it will go back to improve the performance of the flag state, port state and the costal state, which final will improve the main goal; maritime safety and protecting the marine environment.

Finally, there is a relation between the The New Public Management (NPM) and the IMO Voluntary Member State Audit Scheme (VIMSAS) which also serve the Maritime Administration (MARAD) and improve the maritime safety, this relation can be observably
cleared that the New Public Management (NPM) focus on performance of the Maritime Administration (MARAD) and the IMO Voluntary Member State Audit Scheme (VIMSAS) which measure the performance of the Maritime Administration (MARAD).

Moreover, the New Public Management (NPM) is an explicit standard of the performance and the IMO Voluntary Member State Audit Scheme (VIMSAS) which examine the implementation of the conventions, which are explicit standards and the audit is the measure of that performance.

6 Conclusion

The IMO have a great role in improving the maritime safety of the whole shipping industry through the conventions and the codes, which the IMO adopt and enforce the member states to implement these instruments. In fact, these instruments help the member states through their Maritime Administration (MARAD) to improve the level of safety on the vessels flying its flag, by implementing these instruments. Moreover, the IMO like to be sure that these instruments implement with the right way and well understand by the Maritime Administration (MARAD). Therefore, the IMO adopted the IMO Voluntary Member State Audit Scheme (VIMSAS) to assist the Maritime Administration (MARAD) to implementing the IMO instruments by the positive direction. In addition, the IMO start to give signs and more area to the new approach of the New Public Management (NPM), which can help the Maritime Administration (MARAD) in changing the performance of the Administrations and to start transferring from the public sector to the privet sector and run away from the bureaucracy control to more flexible terms.

Finally, to show the great role of the IMO Voluntary Member State Audit Scheme (VIMSAS) in assisting and improving the Maritime Administration (MARAD), the IMO assembly agreed in the 26th regular session from 23 November to 2 December 2009, during updating the strategic plan for the next six year, that the IMO Member State Audit Scheme will be amendment in 2013 to Mandatory Audit Scheme and will entry into force in January 2015 (IMO News, 2010, p.8). Also, the assembly agreed adopting new amendments to the Code for the Implementation of Mandatory IMO Instruments, 2007, which will serve the IMO Voluntary Member State Audit Scheme (VIMSAS) in the mean time.
List of References


