Port State Control in Somalia:
An Investigation of the Challenges and Opportunities

A Thesis Submitted to Institute of Graduate Studies

of

University of Kyrenia

By

Abdi Nasir Hussein Farah

A Thesis For

The Degree of Master of Science (MSc)

in

Maritime Transportation Management Engineering

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UNIVERSITY OF KYRENIA

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Abdi Nasir Hussein Farah a MSc student at the **University of Kyrenia**, **Institute of Graduate Studies**, **Maritime Transportation Management Engineering Graduate Program** (student ID **K20230977), has** successfully defended the **thesis** titled " **Port State Control in Somalia: An Investigation of the Challenges and Opportunities** " This thesis was prepared in compliance with the relevant legislations and after fulfilling all the necessary requirements. The defense took place before the jury members, whose signatures are provided below.

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We, the undersigned members of the Examining Committee, have carefully evaluated the thesis entitled ‘’ **Port State Control in Somalia: An Investigation of the Challenges and Opportunities**,” submitted by **Abdi Nasir Hussein Farah** for the degree of master of Science in Maritime Transportation Management Engineering. Based on our evaluation and the successful defense of the thesis, we hereby certify that the thesis meets the required academic standards and qualifies for the award of the degree.

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Declaration

I hereby declare that all the information presented in this document has been obtained and presented in accordance with academic rules and ethical conduct. Furthermore, I affirm that I have appropriately cited and referenced all external sources and materials used in this work, as per the requirements of these rules and guidelines.

Abdi Nasir Hussein

K20230974

Dedication

I dedicate this project firstly to Almighty Allah, my strength, my source of inspiration, wisdom, knowledge and understanding. He has been the source of my strength throughout this program and on his wings only have I soared. I also dedicate this work to my parents Mr. Hussein Farah and Mrs. Hodan Mohamud who has encouraged me all the way and whose encouragement has made sure that I give it all it takes to finish that which I have started.

Acknowledgements

My deepest gratitude goes to Allah who has guided me all through these years and provided all that was needed to complete this project and the program for which it was undertaken for. I appreciate my thesis supervisors Assoc. Prof. Dr. Didem Aydindag and my Co-supervisor Prof. Dr. Mehmet Fatih Hüseyinoğlu for their support and guidance throughout my study periods and most especially for the success of this thesis. I cannot forget my course mates and friends, thank you for playing your part and making our study years' fun, you are all marvellous. I also thank my parent Mr. Hussein Farah and Mrs. Hodan Mohamud who has been of tremendous help to me all through this program. I also acknowledge Captain Abdulkadir Mohamed, Mohamud Abdulkadir and Abdulle nor for their tremendous support throughout my academic years.

Özet

Liman Devleti Kontrolü ya da dünyada bilinen adıyla PSC, Somali limanlarındaki yabancı gemilerin uluslararası güvenlik, kirliliğin önlenmesi, operasyon, yönetim ve güvenlik standartlarının yanı sıra nitelikler, yaşam koşulları ve çalışma koşullarını karşıladıklarından emin olmak için düzenli olarak denetlenmesidir. Geminin bayrağını taşıyan Devletin gemi üzerinde icrai yargı yetkisine sahip olduğu yönündeki geleneksel ve genel kabul gören görüş, uluslararası deniz hukuku tarafından uzun süredir desteklenmektedir. Bir bayrak devletinin kendi gemileri üzerinde idari, teknik ve sosyal konularda yetki ve kontrol uygulamasını gerektiren 1982 Birleşmiş Milletler Deniz Hukuku Sözleşmesi'nin (UNCLOS) 94. Maddesi bu hususu çok açık bir şekilde ortaya koymaktadır. Ayrıca, tezin ana konusu Somali'deki liman devleti kontrolü olduğundan, veriler esas olarak raporlar aracılığıyla, PSC ihlallerini kontrol etmek için düzenli denetimler sırasında gemilere gönderilen anketler kullanılarak toplanmıştır. Bu veriler toplanarak grafikler ve tablolar halinde analiz edilmiş ve Somali'de PSC'nin etkili olduğu sonucuna varılarak ilave tavsiyelerde bulunulmuştur.

Abstract

Port State Control (PSC) is the maritime world's frontline defines an uncompromising system of inspections that holds every foreign vessel accountable to international safety, environmental, and security standards. By enforcing strict compliance, PSC eradicates substandard shipping, safeguarding lives, oceans, and the integrity of global trade. The conventional and generally acknowledged notion that the state flying the ship's flag has enforcement jurisdiction over it has long been supported by international maritime law. Article 94 of the 1982 U.N. Convention on the Rules of the Sea (UNCLOS), which demands that a nation with a flag exercise authority and control over its ships with respect to administrative, technical, and social problems, makes the point very plain. Plus, since the main topic of the thesis is the control of port states in Somalia, data was mostly gathered by reports using questionnaires sent to ships during regular inspections to see if the PSC was broken. These data were collected and analysed in charts and tables; moreover, it was gathered that PSC in Somalia was found to be effective, and further recommendations were made.

Keywords: Port State Control, Somalia, Maritime Safety, International Maritime Law, Ship Inspection, Flag State Jurisdiction, IMO Conventions, Maritime Security, Somali Ports.

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Chapter One

1. Introduction

The process of "Port State Control", globally used as PSC, is regularly checking foreign ships in Somalia harbors to make sure they meet international standards for safety, pollution prevention, operation, management, and security, as well as qualifications, living conditions, and employment terms (International Maritime Organization [IMO], 2022; Paris MOU, 2024). It also includes checks on crew members' qualifications, living arrangements, and employment contracts. (International Labour Organization [ILO], 2019). Maritime law has consistently held the belief that ships are liable to the regulations of the nation that flags them (Dar & Khan, 2025). The 1982-ratified United Nations Convention on the Rules of the Sea mandates flag nations, which must act to ensure that their boats follow technical, administrative, and social responsibility Criteria. A major maritime incident happened in March 1978 when the Amoco Power Cadiz, a large crude carrier under a flag of Liberia, collided with rocks on the shores of Brittany in France (Aquarone, 1988). The ship broke apart due to extreme weather, releasing 219,797 metric tons of light crude oil as well as 4,000 metric tons of crude oil into the ocean (Mitchell, 2019). This incident is considered to be one of the most calamitous oil leaks in the annals of history (Aquarone, 1988). In response to this catastrophe, European nations came together at The Hague to develop a memorandum that was designed to strengthen regulations regarding environmental preservation, maritime safety, and labour standards (Duda & Wawruch, 2017). The Paris Agreement of Understanding's adoption in 1982 marked a significant shift in the marine code of law, instituting Port State Control to be a global standard (Mitropoulos, 2018). As part of this system, foreign ships have to go through inspections at international terminals to make sure they follow important rules like SOLAS, MARPOL, MLC, and STCW.

Since then, a variety of regional agreements have replicated the idea of the Paris MOU. These agreements have included regions such as the Pacific, the Black Sea, Latin America (Acuerdo Latino), the Caribbean, the Mediterranean, the Indian Ocean, Tokyo (the South Pacific Ocean), Abuja (West as well as Central Atlantic Africa), and Riyadh (Persian Gulf) (Tokyo MoU, 2023; Indian Ocean MoU, 2021). The United States, operating independently of any Port State Control (PSC) MOU, relies exclusively on its Coast Guard to verify that foreign vessels in American waters adhere to all relevant legal and regulatory requirements (U.S. Coast

Guard, 2023). A catalyst for the Paris MOU's development was the Amoco Cadiz disaster, establishing it as the first European initiative aimed at maintaining strict operational and labour standards for commercial vessels. Port state control empowers nations to examine foreign-flagged ships, verifying their adherence to international safety, environmental, and regulatory protocols prior to granting docking permission Regulators generally hold the vessel's proprietor and flag state accountable for regulatory compliance, although they frequently determine that the latter's control is insufficient (Kasoulides, 2019). Moreover, the frequent lack of sufficient training and expertise among ship crews and individuals poses potential safety risks (Benanav, 2019).

1.1 Role of Port State Control

Usually, certificates currently on board provide proof that the ship follows all relevant registration regulations and international (Mitropoulos, 2018c). Every state has an obligation to carry out policies ensuring frequent ship inspections and fresh certificates are issued to show their conformance to international standards (United Nations, 1982). Under UNCLOS, each state is responsible for setting up and maintaining effective control over the technical, social, and legal parts of the ships it registers. Everything is covered: building, tools, safe personnel, workplace conditions, payroll instruction, and signal usage to guarantee seamless communication and avoid crashes. Flag states are responsible for ensuring that their vessels adhere to environmental standards and enforce pollution prevention protocols on domestic and international waters, regardless of the location of such violations (Kasoulides, 2019; United Nations, 1982). Marine law, which is based on a variant of the territoriality concept, recognizes port and coastal state authorities (Molenaar, 2021). The former denotes the extent to which a state controls its maritime domain and EEZ, whereas the latter indicates that it regulates more than only the ships docked at its ports, including any interior waterways that may be involved (United Nations, 1982). Both flag countries and coastal states are required to implement measures to prevent ship pollution, as stipulated by the UN Treaty on the Laws of the Sea (UNCLOS) (United Nations, 1982; IMO, 2022). Governments along the coast may exercise their authority over their territorial waters by enacting regulations to limit, manage, and prevent pollution by ships from other countries (Molenaar, 2021). Contracting states obtain certain rights and protections from other members while accepting certain duties (Paris MoU, 2024). In addition to agreeing to take specific actions against registered vessels, the flag state also recognizes that, in cases where its vessels are incompetent, port and coastal authorities are empowered to take specific actions against them (Kasoulides, 2019). Therefore, both parties

concur that they can only take the actions specified in the treaty (United Nations, 1982). The design of PSC aimed to enhance ship safety and eliminate substandard vessels, serving as a proactive instrument to assist flag states in their operations (Paris MoU, 2024; IMO, 2022). This is the process of inspecting a ship's different parts once it has anchored, including ensuring the security of people and goods within the ship and preventing contamination by the living and working circumstances within the ship (ILO, 2019). What follows is a synopsis of the primary sources about PSC Somalia. In Chapter 3, we covered the methodology. Chapter 4 demonstrated the correlation between the number of flaws, the period between inspections, and the characteristics of the examined boats. In Section 5, the efficacy of PSC is assessed through a dynamic approach that concentrates on vessels that undergo recurrent inspections.

1.2 Aim and Objectives

This study's overarching goal is to investigate PSC in Somalia's ports.

- One of the goals is to look at how well port state control works in Somalia.
- To Investigate the current challenges and shortcomings related to Port State Control Services in Somalia·
- Additionally, this academic exploration work will also outline some solutions and recommendations to facilitate effective port state control services in Somalia.

Chapter Two

2. Literature Review

2.1 State of Somalia

On 1 July 1960, the unified Trust Territory of Somalia (previously an Italian colony in the south) and the former British Somaliland (Northern Regions) attained independence and merged to form the state of Somalia (Lewis, 2002). The Somali Regional Socialist Parties (SRSP) is the only political party in the DR of Somalia, which is both a socialist and democratic country (Hoehne, 2015). The governance structure of Somalia comprises a 171-member People's Assembly, elected through universal suffrage for quinquennial terms (World Bank, 2020). The nation's executive leadership is vested in the President, who concurrently holds the position of SRSP Secretary General and is elected by the populace for a septennial tenure (UNDP, 2019). One of the presidential responsibilities is the appointment of the Prime Minister, who then serves as the head of the Council of Ministers (World Bank, 2020). Somalia's approach to constructive neutrality in international relations and its active participation in a number of regional and international organisations demonstrate their commitment to diplomatic cooperation (Menkhaus, 2017). Somalia's population of 7 million is reportedly unevenly distributed, with the Southern Region particularly its capital town of Mogadishu and the areas around the Juba and Shebelle Rivers having the highest concentration (FAO, 2021). About 46% of people in the country's north live nomadic lifestyles, 29% work in agriculture, and the remaining 25% live in cities, mainly in Hargeisa, the region's second-largest city (UNDP, 2019). Somalia’s topography and climate have a significant impact on its natural resources. The primary occupation of the populace is raising livestock, but agriculture and fishing are also significant factors. According to estimates, there are 40.3 million animals in Somalia, of which 47.7% are goats, 27.3% are sheep, 14.9% are camels, and 10.4% are cattle (FAO, 2021). Eight and a half million hectares, or thirteen per cent of the total land area, are thought to be suitable for cultivation. As a result, farming employs a sizable portion of the population. Numerous surveys have calculated that the possible catch in Somali waters, which include the Indian Ocean and the Gulf of Aden, is 200,000 tonnes annually without putting the stock in jeopardy (FAO, 2021). Despite these vast potential resources, the actual catch in 1984 was only 18,000 tonnes. The clear causes of this inadequate exploitation are the shortage of fishing boats, jetties, and cooling mechanisms and the absence of requisite expertise and skills (FAO, 2021).

2.2 Memorandum of Understanding

To guarantee the proper execution of PSC, the IMO passed a resolution concerning regional cooperation in ship inspections and discharge management (IMO), 1991). The majority of nations across the globe recognize PSC. Memorandums of understanding (MOUs), signed by cooperative port states, have established and enforced more efficient PSC procedures (Paris MoU, 2023). Not including member nations, the following table details all PSC procedural system administration memorandums of agreement (MOUs) completed since the inception of the Paris MOU in nine worldwide areas (Tokyo MoU, 2023). The areas included are the Asia-Pacific, Gulf Cooperation Council (the GCC) nations, Caribbean Basin, Black Sea, Southern America, Central and West Africa, Indian Ocean, North Atlantic, Europe, Abuja Agreement, Paris, as well as Riyadh. (IMO, 2022)

2.2.1 MOU in Paris:

The 1978 Hague Memorandum of Understanding, which addressed crew accommodations and working conditions according to the ILO Convention, was created by Western European maritime authorities (ILO, 2019). However, after the Amoco Cadiz disaster, there was significant political and public pressure for stronger maritime safety regulations (Mitchell, 2019). Such pressure prompted the creation of a more comprehensive memorandum, which included provisions on shipboard conduct, safety, and pollution control (Paris MoU, 2023). In January 1982, 14 European nations convened in Paris to endorse a new Memorandum of Understanding on Port State Control, which became effective on July 1, 1982 (Paris MoU, 2023). Since then, the IMO has revised the Paris Memorandum many times to meet modern safety rules, policies concerning the environment at sea, and labour requirements for those who work aboard ships IMO, 2022). The official plan for its implementation is the Paris Agreement's Memorandum of Understanding (MOU), which establishes a legal agreement among 27 maritime authorities to develop a common framework for the administration of Port State Control. The Memorandum of Understanding, which includes both the principal text and appendices, incorporates the following components: the obligations of the authorities, relevant international agreements, processes for reviewing and analyzing operational procedures, the structure of the organization, and approaches for implementing changes.

2.2.2 Tokyo MOU

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2.2.3 Abuja MOU

The Abuja Agreement of Agreement on Port State Regulation is one of the regional accords that encompasses central and western Africa, in compliance with IMO Policy A.682 (17) from 1991 (Abuja MoU, 2023).The organisation and IMO have established a cooperative framework to ensure its implementation (IMO, 2022). Established as an intergovernmental entity on 22 October 1999, the Abuja MOU encompasses nations situated along Africa’s Atlantic coastline, with their corresponding maritime administrations acting as representatives (Abuja MoU, 2023). The member states are Angola, the Democratic Republic of the Congo, Guinea-Conakry, Côte d'Ivoire, Gabon, Ghana, Nigeria, São Tomé and Príncipe, Senegal, South Africa, The Gambia, and Togo.

2.2.4 The Hague MOU

In 1978, the 8 North Sea nations founded The Hague MOUE, which served as the cornerstone for the regional PSC framework. Ozcayir (2004) states that the convention's primary objective was to standardize PSC inspections in accordance with the Merchant Shipping Minimum Standards Convention (ILO No. 147) of 1976. Port nations in Western Europe instituted more stringent supervision of foreign ships in response to the public outrage that followed the March 1978 Amoco Cadiz catastrophic oil leak. The fourteen member European states that would later become the Paris MOU were brought together in 1982 as a result of an increase in both inspection regions and membership (Mitchell, 2019; Paris MoU, 2023).

2.2.5 Region of Latin America: Viña del Mar

During the sixth Conference of the Joint Operational Network for Regional Integration among Maritime Authorities on November 5, 1992, Colombia, Cuba, and Mexico, as well as Panama, officially signed the Latin America Arrangement on the Control by Port States of Vessels (LAPSC). The original signatories of this pact included Uruguay, Mexico, Panama, Argentina, Brazil, Colombia, Ecuador, and Venezuela. The Latin American Agreement of Viña del Mar currently includes the Dominican Republic, Uruguay, Venezuela, Ecuador, Guatemala, Honduras, Mexico, Panama, Peru, Argentina, Brazil, Chile, Colombia, and Cuba (IALA, 2023). A pivotal role is played by the Viña del Mar Agreement in fostering cooperation among maritime authorities for the joint oversight of foreign vessels entering regional ports. It is particularly recognised for its emphasis on the enforcement of international treaties related to maritime safety, crew certification, and training, as well as the prevention of ship-based pollution in both rivers and seas. The agreement’s primary goal is to ensure foreign vessels adhere to international standards when docking at regional ports. To support this, regional authorities have implemented a comprehensive inspection system to ensure compliance with all flag states, supported by two central entities: The Organising Committee and the Secretary's Office house the Information Centre (CIALA) (Acuerdo de Viña del Mar, 2023).

2.2.6 Indian Ocean MOU on Port State Control

A study of the sufficiency of the region's marine safety infrastructure and its criteria for line with the IMO, conducted from August to September 1997, served as the foundation for the idea of the (IOMOU). It was believed that the states along the Indian Ocean's edge working together regionally would be the best way to curb the use of subpar vessels in the area. At the

invitation of the IMO Secretary General and thanks to the Government of India's kind offer to host, the first preparatory meeting took place in Mumbai, India, from October 13–17, 1997. From June 1st to June 5th, 1998, the South African regime sponsored the second preparation and signatory meeting in Pretoria, South Africa (IOMOU, 1998). This meeting resulted in the creation of a draft memorandum, which was later finalised. Currently, people from the following countries are signing the Indian Ocean Port State Control Agreement of Understanding: Djibouti, Eritrea, Ethiopia, Iran, Kenya, Mauritius, Mozambique, Seychelles, South Africa, Sri Lanka, Sudan, Tanzania, as well as Yemen; the document still needs final approval (IOMOU, 2023). The signing took place at the Secretariat's main location in Goa, India, from June (5, 1998, until January 22, 1999). The signatories comprise developing nations, including South Africa, Sudan, Tanzania, India, Australia, and Eritrea.

2.2.7 Caribbean MOU on Port State Control

The Caribbean Region's Memorandum of Agreement on the Control of Ports was put into effect. on February 9, 1996, in Christ Church, Barbados, by 9 Caribbean nations: Antigua and Barbuda, Barbados, Dominica, Grenada, Guyana, Jamaica, the Netherlands Antilles, Suriname, and Trinidad and Tobago, to be exact (CMOU, 1996) . The achievement required much discourse and strategists. IN addition to the Caribbean countries of Antigua and Barbuda, Aruba, Barbados, Belize, the Cayman Islands, Cuba, Curacao, Grenada, Guyana, Jamaica, the Netherlands Antilles, St. Kitts and Nevis, Suriname, and Trinidad and Tobago, the organization's membership has grown to fifteen ((CMOU) O. C., 2015). The most recent member is St. Kitts and Nevis, and several observer bodies have shown interest in joining. France became a full member state, and St. Vincent and the Grenadines became an affiliate member in 2015, increasing the number of member nations of the CMOU. The British Virgin Islands, St. Maarten, and St. Lucia have all shown interest in joining soon, so their status is still up for debate. 15% of all foreign vessels docking at ports in Member States will undergo inspections. The Caribbean Cargo Ship Safety Code and the Rules for Security of Small Commercial Vessels (SCV) were created to meet all safety standards at sea, especially for the area's unique maritime environment, which allows for a wide range of non-standard vessel sizes (CMOU, 2015).

2.2.8 The Black Sea MOU

Aiming to raise low-quality ships, the Black Sea MOU on Ports State Management established uniform inspection techniques. The company established itself in the countries of Bulgaria, Georgia, Romania, the Russian Federation, Turkey, and Ukraine on April 7, 2000 ((BSMOU), 2000).

2.2.9 Mediterranean MOU

On July 11, 1997, maritime authorities from Algeria, Cyprus, Egypt, Israel, Lebanon, Malta, Morocco, Tunisia, Turkey, and the Palestinian Authority signed a Memorandum of Understanding on Port State Control to improve living and working conditions in the Mediterranean, with an emphasis on ocean risk management and environmental preservation. Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Tunisia, and Turkey are included as signatories today (Med MoU, 1997).

2.2.10 Riyadh MOU

As a part of several regional arrangements for Port State Control, maritime authorities signed the Riyadh Memorandum of Understanding (MOU) under the auspices of the International Maritime Organisation. Its objectives are for a framework for secure and effective shipping in the Gulf. American ports conduct Port State Control examinations on visiting foreign vessels. These inspections ensure that their crews and operations comply with the relevant standards, verify satisfactory conditions, and enforce adherence to international regulations. The Riyadh Memorandum of Understanding promises all six of the Gulf States (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates) to develop a standardised system for port state control as well as improve cooperation and information sharing. GCC members have been striving to meet the criteria for PSC audits in the region since the signing of the Riyadh Memorandum of Knowing in 2004. It is the duty of a member leader to ensure that the GCC region stays unsuitable for dangerous or unkempt tissues, as this may trigger severe events that might end up in the deaths and environmental damage to ocean habitats. The shipping industry's importance, coupled with the susceptibility of the Riyadh MOU region to environmental degradation, makes port state control a key priority for the MOU member authorities. In order to have a comprehensive program for port state control of the highest calibre, member authorities of the Riyadh MOU are devoting a significant amount of resources to it (Riyadh MOU, 2004).

2.3 Port- state control inspections

Inspection can be defined as a routine or periodic visit to an organization or a company for the sole purpose of ensuring the necessary conditions and quality are being met. To confirm the ship's general condition meets convention standards, the PSC Officer (PSCO) inspects various portions of the vessel. In accordance with Annex 10 of the Paris MOU, a complete review of the vessel's documentation is often included in the initial stage of a port inspection by the state authorities. The Port State Control Officer (PSCO) must offer the vessel's master an inspection report as quickly as the inspection is complete. This report serves to certify that the vessel has successfully met the inspection criteria and is considered 'in compliance' when it fully adheres to the applicable conventions. Furthermore, the document will detail any identified shortcomings and provide specific recommendations for their resolution. The first inspection involves visiting the ship to check the documentation and certifications (Paris MoU, 2023, Annex 10). All parts of the ship, including the bridge, cabins, kitchen, decks, forward deck, cargo holds, and engine room, must be clean and in accordance with globally accepted standards (IMO, 2022, p.15). See if the Authority has addressed any issues raised during a previous inspection within the time frame specified in the report. If you haven't done this before, you should do it now. However, the PSCO will detain the ship if they discover faults that render it unsafe for further operation or unreasonably endanger the environment. The master will get a notice of detention from the PSCO. The ship's owner/operator is entitled to an appeal, which the PSCO will communicate to the master. Notice information varies throughout the Paris member states and is located on the back of the notice of detention form. Also maintained is a database with the most recent detentions (Paris MoU, 2023, p.42).

2.4 Somalia ports: introduction and specifications

After years of war, Somalia is beginning to recover. The public and private sectors must work together to improve vital economic infrastructure, such as ports, airports, and highways. Out of the nation’s 21,830 kilometers of roadways, only 2,860 kilometers (13 percent) are considered paved, with the majority of this paved infrastructure being reported in substandard or bad condition. Slightly more than 31.2% of rural residents live in areas without dependable access roads, while only 31.2% have access to all-season roads. Opportunities for business and investment include joint ventures through partnerships in collaboration with regional roadwork contractors for supplying, selling, and providing road machinery, equipment, and engineering assistance, as well as public sector involvement in financing and building critical roads and

highways.

2.4.1 Somalia maritime boundary dispute

According to Ama (2019), the African Union's (AU) Security and Peace Council (PSC) will convene at its upcoming session to discuss the maritime boundary between Somalia and Kenya. This gathering follows the PSC's 871st session and continues the ongoing dialogue on this issue, which was included in the agenda at Kenya's behest. While the maritime boundary disagreement has been extant since 2009, recent events suggest an intensification of the conflict. In 2009, Kenya and Somalia agreed to a "Memorandum of Understanding" and petitioned the Commission on the Limits of the Continental Shelf (CLCS). The document advises nations on the outer limits of their continental shelves, encompassing regions in and out of the 200 nautical mile limit, to submit information on their extended continental shelves beyond this distance with reciprocal non-objection. The parties involved committed to establishing their maritime boundaries in accordance with MAPU international law. In 2014, Somalia formally requested that Kenya ascertain the whole scope of their mutual maritime border within the Indian Ocean, that is, the continental shelf beyond 200 nautical miles, in accordance with legal frameworks. This request was submitted posterior to the commencement of legal proceedings against Kenya by Somalia at the International Court of Justice (ICJ). Concurrently, the CLCS procedure was underway to determine the outer limits of the continental shelf. The ICJ process has gone through many steps. The ICJ received submissions from Somalia and Kenya after the procedure's implementation. Following the proper protocols for international courts, Kenya raised objections in October 2015 about the ICJ's authority and the validity of Somalia's case. In February 2016, as usual procedure, the ICJ heard Somalia's remarks on Kenya's concerns. Following standard practice, the ICJ held public hearings in September 2016 to consider Kenya's preliminary objections. Kenya's preliminary objection was decided by the Court of Justice for the World in February 2017 following a review of the oral and written arguments. The subsequent phase in the proceedings entailed an evaluation of the two nations' arguments based on the merits of the situation, following the dismissal of Kenya's objections by the International Court of Justice (ICJ). Throughout 2017 and 2018, Kenya submitted a counter-memorial to the ICJ. Subsequently, the International Court of Justice (ICJ) has received both Somalia's response to Kenya's counter-memorial and Kenya's rejoinder, thus completing the exchange of written pleadings. Berbera, Mogadishu, Bossaso, and Kismayo are the principal seaports of Somalia. The government and commercial sectors are showing interest in investing in and expanding Somalia's additional minor and medium-

sized terminals, like Hobyo and Garacad. The two biggest ports are Berbera and Mogadishu. DP World, a UAE-based firm, is responsible for managing Berbera Port (DP World, 2022). It recently got an investment of over $400 million for port upgrades and cargo transit routes, with the goal of offering Ethiopia 500,000 twenty-foot equivalent units (TEUs) of logistics capacity annually. Al-Bayrak, a Turkish firm, is responsible for managing the Port of Mogadishu (World Bank, 2021). Critical infrastructure upgrades, including the majority of Somali ports, require berths, logistics aid, cargo storage, handling and cold chain storage, and management services. Additionally, the idea of an economic free zone is gaining attention, with Berbera in the process of developing one, and comparable structures could be established in Mogadishu and Bossaso. With 3,333 kilometres of coastline, Somalia offers the opportunity to build port infrastructure, including fisheries docking facilities, deep-sea fish capture and collection, and offshore cold chain storage and processing for fish.

2.4.2 Development at Somalia ports

In addition to being an international connection, the Somali ports have assisted the country by acting as seaborne trade transfer points between the sea and the interior. There were numerous ports located around the nation's coast, providing a secure haven for incoming maritime transportation and a large amount of goods. These ports served a confined hinterland due to their limited interior transport capabilities for both distributing and pooling cargo. Cargo passing via the ports may now be loaded and discharged efficiently thanks to the introduction of modernisation for inland transportation. Three ports have been evaluated and developed in this regard to satisfy the demands of the growing trade and to handle the growing number of shipping lines. The Somali Ports Authority commissioned the Danish firm Ramboll & Hahnemann A/S to develop a comprehensive strategic plan for Somalia's three principal harbours: Mogadishu, Berbera, and Kismayo. The Somali Ports Authority initiated this initiative as part of the previously mentioned project. Up until 1999, the consulting work was necessary to reconfigure the production factors at ports to satisfy both the current and future markets. The World Maritime Crimes Programme (UNODC GMCP) conducted the initial phase of the collaborative port law enforcement instruction in Mogadishu (UNODC, 2021).

Twenty participants from the Somali Police Force Coastal Guard Department (SPF-DCG) and the Ministry of Port and Marine Transport (MPMT) participated in the training, which was supervised by the UN Office on Drugs and Crime. Providing officers and employees with the necessary information to sustain efficient port security and combat maritime crime

was the primary objective of the training. The program facilitated participants' comprehension of assessing threats, managing potential risks, tactical responses, and effective maritime law enforcement. Participants have stated that they feel more comfortable addressing security risks and putting the new tactics they learnt during the sessions into practice now that the training is over. According to their statement, the experience has strengthened their cooperation in ensuring the port's safety and security. As an example, a participant stated that port security personnel "would modify their emergency preparedness plans using the knowledge gained through the training," leading to a more effective and efficient method of managing security incidents. " Further strengthening the organization's overall security culture is the participants' expressed desire to impart to their peers the knowledge and techniques they have acquired throughout the training. At a recent security meeting, course participants were present alongside all security agencies working with the MPMT. To better manage potential criminal and terrorist threats, they were able to discuss and put new protocols and methods into practice during the meeting. Furthermore, to complete the picture of port growth in Somalia, a national port plan has to be developed. This plan must cover all of the country's sea ports, both major and minor ports, that are now in use. The International Convention was the first to establish the rule of a port state across foreign vessels for the Safety of Life at Sea (SOLAS), adopted in 1914, marking the first international agreement on maritime safety. World War I prevented the legal document from coming into effect, so the first reliable tool for port states to regulate foreign vessels that dock there is connected to SOLAS 1929 (IMO, 2011; Ozcayir, 2004). The jurisdiction of littoral nations to intervene directly with foreign vessels in their ports or international waters, aimed at preventing harm from ship failures, was established in response to the 1969 Torrey Canyon incident off Cornwall's coast, United Kingdom.

The expanded jurisdiction of port authorities was formalized through Article 6 of the 1973 International Agreement for the Protection of Garbage from Ships, modified by the 1978 MARPOL Protocol and Articles 218 and 219 of the UNCLOS. Jin, Kite Powell, and Talley (2008) identify human error, adverse weather, and technological malfunctions as primary contributors to maritime accidents. Over thirty years ago, the Port State Control Policy was created to prevent these kinds of problems. It is the process of inspecting foreign ships in U.S. ports to make sure they follow international rules and standards for ship condition, equipment, and crew operations. The purpose of these regulatory frameworks was to prevent pollution and improve maritime safety in the transport industry (World Bank, 2021).

2.4.3 An insight on Berbera port

The principal port in the northern parts of Somalia is Berbera, which also serves as the primary port for international maritime trade along the Red Sea coast. It is located at longitude 45° 01' E and latitude 10° 26' N (Maritime Office, 2020). The Berbers are located along the Cape of Guardefui, 1115 nautical miles from Mogadishu. Nevertheless, Berbera's prominence as a harbour developed subsequent to the decline of Zaila's main economic nucleus, which was located 117 nautical miles to the north. In 1928, the British colonial government constructed the first dock for the handling of cargo. To load and unload cargo, it was transferred to and from ships at the outer anchorage, with the pier also serving as a docking point for sailing dhows and lighters. During this time, when Britain controlled India, Pakistan, and the free port of Aden, Berbera's port and harbour facilities served to make the movement of British defence assets and personnel to the Horn of Africa easier. The British government constructed a new jetty in 1958 where sailing boats and lighter vessels could function with less difficulty after it was discovered that the old pier could not accommodate the increasing volume of traffic. Thirty years later, because of its poor positioning, the former pier was slowly phased out of operational use. After Somalia's independence in 1960, the government prioritised the creation of a deep-water docking station in Berbera.

The Soviet government provided funding for the port development project's initial phase. The construction of this phase began in 1965 and concluded in 1968. The construction of the port was initially undertaken to support the export of livestock to Middle Eastern countries. Nevertheless, as trade patterns evolved and diversified, there arose a necessity for enhanced facilities to manage and process an increasing volume of general cargo. Following the procurement of financial assistance through a grant from the United States government, the second stage of Berbera's port expansion initiative commenced in 1983, with the new facilities becoming operational in 1985. Some of the infrastructures at Berbera ports include four berths with an approximate depth of 9.50 meters, a transit shed extending over 5,760 square meters, covering a total land area of 40,000 square meters, and a total quay length of 640 meters. A 14500-square-meter open storage area is also part of the infrastructure. There are eleven forklift trucks with a 3–25-tonne capacity. There are also four mobile cranes that can lift between 15 and 30 tonnes. The fleet also includes five agricultural-type tractors, each with 70 horsepower, and sixteen trailers with capacities ranging from 10 to 20 tonnes (DP World, 2022).

Figure 1 *Berbera port .*

(https://somalilandstandard.com)

2.4.4 An insight on Mogadishu port

The Port of Mogadishu, situated at latitude 2°01′N and longitude 45°21′E, is Somalia's largest and most strategically important maritime facility (Somali Ports Authority [SPA], 2023). Located on the Indian Ocean coast, the port serves as a central gateway for the nation's international trade and maritime operations. In nautical distance, it lies approximately 234 nautical miles northeast of Kismayo and connects to regional ports such as Berbera and Mombasa, making it a vital node along the East African coastline.

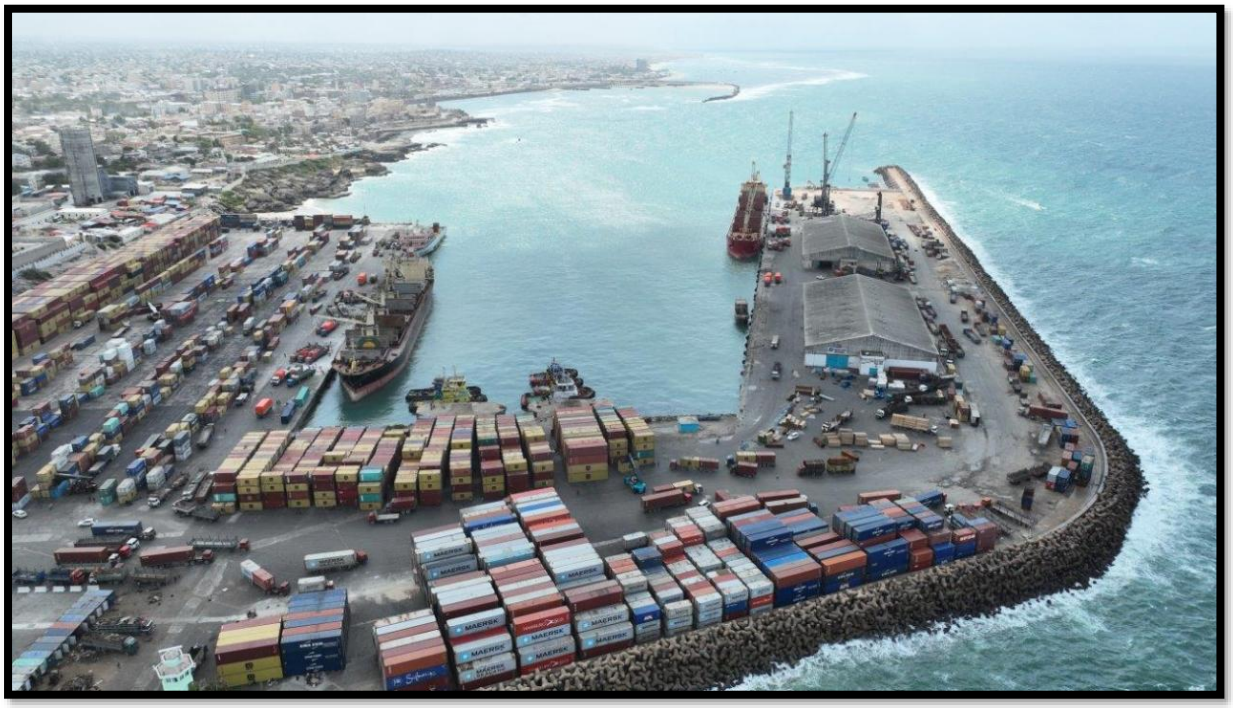
Mogadishu has a long and dynamic maritime history. Prior to colonial influence, the city was a major stop along historic Indian Ocean trade routes. Merchants from Arabia, Persia, and India frequently visited Mogadishu, drawn by its central location and access to inland markets. During the Italian colonial period, which began in the early 20th century, the port underwent its first formal development. Italian authorities expanded and fortified the harbor to support trade and military logistics, introducing key infrastructure such as jetties, warehouses, and administrative buildings.

After Somalia gained independence in 1960, the port remained an essential asset to the national economy. However, due to the outbreak of civil war in the early 1990s, Mogadishu Port experienced a prolonged period of decline. Port operations were hindered by insecurity, political instability, and a lack of investment. Despite these challenges, the port continued to operate on a limited basis, managed by various local authorities and private entities.

In 2014, the Somali government signed a 20-year management agreement with the Turkish company Al-Bayrak Group. This partnership aimed to rehabilitate and modernize the port. Since then, notable improvements have been made, including new cargo handling equipment, terminal management systems, and security infrastructure. These developments have greatly increased the port's capacity and efficiency. Today, the Port of Mogadishu comprises multiple cargo berths and modern container handling systems. Its land area spans over 60,000 square meters, with dedicated zones for open storage, container yards, and transit sheds (DP World, 2021). The terminal includes forklifts, cranes, and trailers for cargo operations. Several berths can accommodate vessels with draft depths of up to 9.5 meters. The port handles over 70% of Somalia's imports and exports, making it indispensable to the nation's economy and food security (World Bank, 2022). In the context of this thesis, the Port of Mogadishu plays a crucial role in Somalia's Port State Control (PSC) strategy. Between 2014 and 2023, hundreds of inspection reports were collected and reviewed by Somali port authorities to monitor ship compliance with international safety and security standards. These inspections formed the core of this study's 500-observation sample, used to analyze the frequency of deficiencies, inspection intervals, and overall vessel compliance. Additionally, the port sits at the center of regional maritime politics. Ethiopia's recent interest in the Berbera port, located in the self-declared independent region of Somaliland, has raised questions about sovereignty, access rights, and flag state control. As Ethiopia signed a deal with Somaliland to use Berbera, it bypassed Mogadishu's authority, prompting the Somali government to assert a new maritime directive requiring all vessels in Somali waters to fly the national flag and comply with its maritime laws. This reflects a broader effort to reassert national sovereignty and improve regulatory enforcement in Somalia's territorial waters.

Figure 2 *Mogadishu port.*

(https://cdr-international.nl)



2.4.5 An insight on Kismayo port

Kismayo serves as the main port for the Lower Juba areas, primarily for the export of bananas. Latitudes 0 degrees and 42 degrees east are its coordinates (IMO, 2021). Kismayo's geographical coordinates are of particular interest, with its location being 5 miles (ca. 8 km) to the south of the Juba River's delta and 28 miles (ca. 45 km) below the equator. In nautical terms, the city is positioned 234 nautical miles from Mogadishu, and Mombasa lies 289 nautical miles to the north. The city lies in the northernmost part of Kismayo Bay, a natural harbour partially enclosed by islands and reefs. This bay, positioned at the northern edge of a coastal rise, has long served as a storm shelter for ships. It is the only natural harbour between Berbera and Mombasa along the East African coastline a stretch of roughly 1,700 nautical miles (Maritime Safety Committee, 2020). With a low-tide depth of 20–25 meters and a tidal fluctuation of 9 feet (2.74 m), Kismayo Bay provides ample anchorage for ships. Kismayo has a substantial history as a port, comparable to numerous other Somali ports. Extant historical

sources display that the port was regularly utilized by Arab, Persian, and Indian merchants' traditional sailing dhows and archaic vessels before the Portuguese navigator Vasco da Gama's visit to Kismayo in 1496 to establish the Cape of Good Hope route to India. Kismayo was under the Sultan of ZANZIBAR's control as long as Italian colonial control began in 1905. Before the Portuguese navigator Vasco Digamma visited Kismayo in 1496 to establish the route to India via the Cape of Good Hope, the port was utilized by Arab, Persian, and Indian merchants' traditional sailing dhows and archaic vessels, according to extant historical sources (Portuguese Archives, 2019). Before the establishment of Italian colonial administration in 1905, Kismayo was under the jurisdiction of the Sultan of ZANZIBAR. Following the Italian authorities' designation of Kismayo as a port site in 192B, the Milan-based firm ALPINA, SPA, conducted comprehensive investigations of the area. In 1940, the construction of the initial pier for lighters facilitated cargo handling. At that time, Kismayo's port facilities were primarily developed for military operations, enabling more efficient movement of troops, supplies, and military equipment. The US Army Corps of Engineers was issued a project implementation order by the US International Cooperation Administration (ICA) in 1959 to conduct a preliminary analysis of the economic and technical viability of constructing a commercial port (US Corps of Engineers, 1960). Port infrastructure was underdeveloped, relying on lighters to transfer cargo between ships and land. Dhows and other shallow-draft vessels would dock near the shore at high tide, only to be beached once the cargo was loaded or unloaded at low tide. This setup restricted the cargo that could be transported, with lighter goods being the primary focus. The infrastructure includes The land is 56,000 square meters. 640 square meters is the total quay length. There are 35, a total capacity of four berths, and a maximum water depth of 9.5 meters. The transit shed has a total area of 610 square metres. The open storage space is thirty thousand square meters in total. The storage facility includes five trailers with hauling capacities ranging from 10 to 20 tonnes, four forklift trucks with lifting capacities between 3 and 28 tonnes, three mobile cranes with lifting capacities between 15 and 30 tonnes, and M2 agricultural tractors with 70 horsepower each (Kismayo Port Report, 2023). In the thesis, 'Port State Control in Somalia, the main focus is on maritime safety, with an emphasis on preventing collisions and bolstering security. The research's data comes from inspections led by Port State Control on ships in Somali ports from 2014 to 2023. The data was chosen for its clarity and comprehensiveness, provided by the Somali Port Authority, which includes numerous inspection reports and allows for the creation of a 500-observation sample for comparison between two consecutive inspections. Major questions have been formulated to facilitate this research work, which involve present challenges encountered at the Somali port, including the

tension between Somalia and Ethiopia. According to some analysts, Somalia's recent marine directive may be a reaction to the geopolitical unrest in the Horn of Africa. Recently, Ethiopia and Somaliland, the breakaway province of Somalia, struck a deal on the use of Berbera port in the Gulf of Aden. The agreement suggests that only Ethiopian vessels could have access to the port. Given Somali land's self-declared independence, the Berbera port does not need the flying of the Somali flag, raising questions about how Mogadishu's instruction will be implemented in the waters off Somali land. A few months ago, Djibouti offered Ethiopia the rights to the Port of Tadjourah as an alternative to the agreement on Somali land.

Figure 3 *Kismayo port.*

(www.thenewhumanitarian.org)

Figure 4 *Large physical map of Somalia with roads, cities and ports.*

(www.mapsland.com)

2.4.6 Somalia and Türkiye partnership

Following an early-year defines and commercial agreement with Turkey, Somalia now seems eager to impose sovereignty over its extensive coastline (Hasan, 2024, para.12).. The defense pact gives Türkiye permission to arm and train the Somali navy, giving it better tools to combat illicit fishing, terrorism, piracy, and the disposal of toxic waste (Özkan, 2024, p.37). Somalia's coastline has a notorious pirate reputation due to the lack of an efficient naval force. Somalia is again in the news because of the ongoing Houthi strikes in the Red Sea. There has been a sharp rise in piracy events along its coastline and further east into the Indian Ocean since last year. After the Maltese-flagged bulker Ruen was taken by Somali pirates in December 2023, there were more occurrences involving both small fishing boats and major merchant ships. This was the first successful hijacking of a commercial ship off the coast of Somalia since 2017. The goal of Somalia's recent port control is to regulate vessel traffic and security inside its territorial seas. Somalia National News Agency (SONNA), a state-owned media outlet, broke the news of the new rule during the weekend.

The Somali flag must be flown by all vessels entering and operating within Somali sovereign seas from now on. Along with following Ministry of Ports and Marine Transport guidelines, ships passing through Somali seas are also required to notify the nation's maritime watchdog. Somalia is attempting to resurrect its marine industry and assert sovereignty throughout its large coastal territory at the same time as the new strategy is implemented. Somalia's outdated 1989 marine law remained in place despite years of civil strife. Somalia loses an estimated $300 million a year to the exploitative trade in fishing, which has left the country open to IUU (Illegal, Unreported, and Unregulated) activity (Ahmed & Yüksel, 2024, Table 3).

2.4.7 Piracy attack

Furthermore, a few months ago, the administration of Puntland announced that it had found a cache of suicide drones thought to be connected to ISIS-Somalia or Al-Shabaab Algeria (Hansen, 2024, p.12). It is believed that the drones were transported illegally via Bossaso port. As suicide drones are relatively new in Somalia, Puntland police say they could change the way militant groups in the area operate. Al-Shabaab and the Houthi rebels in Yemen, who are now targeting merchant shipping in the Gulf of Aden, may be forming an alliance, according to U.S (DOD, 2024, Table 3). data released in June 2010; meanwhile, in 2008, during the start of EUNAVFOR Atlanta, the European Union (EU Naval Force, 2024, p.5). The international

community has attempted to reduce its efforts before the Houthi attacks and the 2023 surge in piracy. The intention was to give Somalia more authority for regional security

2.5 Rules Built On PSC

Resolution A787(19) was adopted by the IMO in 1995 (IMO, 1995, Art.4). Resolution A882(21) amended it in 1999, and it will continue to undergo adjustments (IMO, 1999, p.22). To guarantee that the advantages of contract management are applied regularly from port to port to the world, the processes are meant to offer fundamental guidance in order to conduct port state verification inspections and identify deficiencies in a vessel, its equipment, or its crew. These protocols, developed and endorsed internationally, serve only as guidelines for authorities and are not mandatory. The implementation of port state control processes by local contract port authorities exhibits notable disparities in practical application. While adherence to control procedures typically necessitates only the verification of vessel certificates during routine inspections, this approach is generally limited to cases where the vessel's condition is not in question. Such instances of ambiguity are relatively infrequent. Nevertheless, there is a prevailing sentiment that certificate verification alone is insufficient to establish a vessel's satisfactory condition. A group of Port State Control Officers (PSCs) have therefore stepped up their inspection procedures. Three separate regimes for port state control source the inspection and detention data used by Equalise. The Asia-Pacific region is guided by the Tokyo Memorandum of Understanding and the Paris Protocol of Agreement, and it includes Europe, the North Atlantic, and the United States Coast Guard MOU (Tokyo MoU, 2023). Fundamental frameworks have been defined due to these documents in the regulatory framework. Note that the inconsistent update frequencies of PSC report details across various localities have an impact on the reliability of the provided information. The Paris Convention's Protocol, which covers procedures for inspections, reservations, and potential corrections to previous reports, is amended on a weekly basis. The Tokyo Convention Protocol in Equalise is modified at protracted intervals and sporadically, but data from the USCG is updated monthly (USCG, 2024, p.15).

2.5.1 Stability of Port State Control

The main benefit of regional cooperation is that PSC inspections are the same across countries and regions. However, standards and inspection practices are very different right now, both globally and among regional MOU members. Achieving uniformity involves adopting standard inspection protocols, (Özçayir, 2022, p.147) facilitating inspector

exchanges, and conducting seminars to harmonise regional procedures. But completing all regional memoranda of understanding will be the ultimate objective. This process requires consistency in databases and systems information, combined with other technical matters (IMO Global Record, 2024). As data storage and exchange methods develop uniquely across regions, the value of a standardised coding system remains well recognised. The Paris Convention Protocol computers' band coding sets have been used in the vast majority of database systems that have been created. Additionally, it will need to shift the traditionally constipated thinking of maritime commanders and ship owners. With the help of this system, charterers will be able to select appropriate vessels that have undergone rigorous maintenance and regulation by reputable operators (Shipping Industry Review, 2023, para.9).

Table 1 *Operational Dynamics of the MOU.*

MOU	ADOPTED	OPERATION	MEMBERS
Tokyo MOU	Dec-93	Apr-94	20
Black Sea	Sep-99	Dec-02	6
Mediterranean MOU	Jul-97	1997	11
Paris MOU	Jan-82	Jul-82	27
Abuja MOU	Oct-99	1999	22
Vina Del Mar MOU	Nov-92	1992	15
AMSA	1929	1990	Australia
Riyadh MOU	Jun-04	2004	6
Indian Ocean MOU	Aug-97	Apr-99	20
USCG		1970	USA
Vina Del Mar MOU	Nov-92	1992	15

Source:https://www.iomshipregistry.com

2.6 Classification society

This page provides an updated list of recognised organizations (ROs) that are in line for low-risk ship status by demonstrating high performance and being recognized by at least one Paris MOU member state, as per Annex 7, paragraph 14, of the amended MOU. The Paris MOU RO performance list does not list ROs that complete less than 60 inspections in a rolling three-year period. As a result, certain ROs may not meet the criteria needed to have their ships

classified as low-risk ships if they are recognized by at least one Paris MOU member state. This list is just for Paris MOU inspections and must not be used for any other purpose. The classification system was implemented on July 1, 2020.

- Det Norske Veritas (DNV): Located in Høvik, Norway, Det Norske Veritas (DNV), formerly known as DNV GL, is a globally recognised registrar and classification institution. Maritime, oil and gas, renewable energy, electrification, and healthcare are just a few of the industries that DNV serves.

- China Classification Society (CCS): To conduct classification, certification, and notarial surveys of ships, offshore installations, containers, and associated industrial products both domestically and internationally. In 1956, the People's Republic of China established the China Classification Society as a non-profit organisation. Additionally, CCS carries out mandated tasks for the Chinese government and other flag authorities. CCS became part of the International Association of Classification Societies (IACS) as a full member in May 1988 (IACS, 2021).

- Nippon Kaiji Kyokai (NK): Known by its brand name Class NK, Nippon Kaiji Kyokai is a ship classification society. Class NK, along with seven other organisations, founded the International Association of Classification Societies (IACS).

- The International Classification Society (RMRS) founded the Russian Maritime Register of Shipping (RS) in 1913. 6,677 ships in the RMRS class are flying the flags of over 40 states. The 109 offices in Russia and overseas, as well as the head office in St. Petersburg, make up the RMRS structure.

- Turkish Lloyd (TL) is a worldwide classification society and conformance assessment body. Founded in 1962, Türk Loydu has its main office in Istanbul, Turkey. Ship classification, statutory services, maritime product certification, system and personnel certification, industrial assessments, risk assessments, notified body activities, and all pertinent certification services are only a few of the many services offered by Türk Loydu (Cariou & Wolff, 2013).

- The Korean Registry of Shipping (KR), established in 1960, is a South Korean non-profit classification society. This organisation provides certification and verification services for maritime vessels, including the design, construction, and maintenance aspects. With its headquarters in Busan, KR maintains a global presence through 72 offices and a workforce of 889 individuals. KR is a full member of the International Association of Classification

Societies (IACS) and bears an active role in collaborative efforts with other prominent classification entities to develop and implement global maritime standards. The American Bureau of Shipping (ABS), founded in 1862 in the United States, operates as a classification society within the maritime sector. The primary aim of ABS is to enhance the safety of shipping and offshore structures through the development and enforcement of stringent standards governing their design, construction, and ongoing maintenance (IACS, 2021).

- The Registro Italiano Navale (RINA), originally established in 1861 as the Italian Naval Register, has evolved into a private international entity headquartered in Genoa, Italy. The European Council directive in 1999, which deregulated the ship classification sector, led to the transfer of operational responsibilities to RINA S.p.A. During this restructuring, Registro Italiano Navale retained its position as a primary shareholder while maintaining ownership of the organization.

- The Polish Register of Shipping, or Polski Rejestr Statków (PRS): Founded in 1936, the Polish Register of Shipping (Polski Rejestr Statków S.A.), also known as PRS, is a distinct categorical association. It is a non-profit organisation that works with the marine industry by creating technical regulations, overseeing their applications, managing risks, and conducting ship surveys. Several state maritime administrations have given PRS permission to act on their behalf. PRS is the only classification organisation that has a dedicated team of scuba divers who do underwater inspections. The Society's headquarters are located in Gdańsk, Poland, at 126 Aleja gen. Hallera.

- The Lloyd's Register of Shipping (LR) holds the distinction. The Polish Register of Shipping (Polski Rejestr Statków S.A.), abbreviated PRS, is a separate classification association founded in 1936. In addition to managing risks and conducting ship surveys, this non-profit organisation works on the marine market, creating technical regulations and overseeing their applications. Many state maritime administrations have trusted PRS to intervene on their behalf. PRS is one of the few classification societies with a staff of scuba divers conducting underwater examinations. The address of the Society's headquarters is 126 Aleja gen. Hallera, Gdańsk, Poland.

- Veritas Bureau (BV): Founded in 1828, this French corporation specialises in tests, inspections, and certifications. Among its many business sectors are construction and infrastructure (27%), agri-food and commodities (23%), marine and offshore (7%), industrial (22%), certification (7%), consumer goods (14%), and education.

2.7 Port State Control and Its Inspections

PSCO must do an initial inspection during every inspection for port state control undertaken on a vessel, unless there are compelling reasons to move forward with a more thorough examination right away. If the PSCO discovers important information during the initial inspection, evidence of flaws or remarks regarding the ship, its crew, or its operation, then there will be good cause to do a more thorough examination of the ship to determine its factual status (IMO, 2023, Art.3.1). A heightened inspection effort or an in-depth verification program will require the PSCO inspector to perform a more exhaustive assessment than a routine preliminary check. The vessel's detention will be contingent on the severity and scope of any deficiencies detected (Paris MoU, 2023, p.15).

2.7.1 Duration of Inspection

If an inspection does not reveal any critical deficiencies, a vessel is generally not expected to undergo another inspection for at least six months (Tokyo MoU, 2023, Annex A). Additional external inspections should only occur under exceptional circumstances (USCG, 2024, Table 2). However, data shows that vessels frequently undergo inspections at shorter intervals, sometimes without clear justification, especially when moving across jurisdictions. Ship-owners and captains must remain prepared, as inspection schedules are unpredictable, preventing any false sense of security .

2.7.2 Types of Inspection

PSCO first informs the captain of the visit. The PSCO receives an initial impression of the ship's condition while heading to the bridge. One obtains a sense of the ship's condition by looking through the certificates (Özçayir, 2022, p.89). He must create that impression by gazing at the deck, the engine room, and the bridge (Paris MoU, 2023). Depending on the goal of the examination, there are three different kinds.

2.7.3 General Inspection

Suddenly, PSCO boards the ship. While searching, the skipper obtains an initial assessment of the ship's state. He introduces himself to the captain, inspects the certifications in each instance, and gives a systematic examination of the vessel to gain a sense of the state of ship upkeep.

2.7.4 Detailed inspection

A more rigorous vessel examination must be conducted in instances where the Port State Control Officer ascertains during their inquiry that the vessel falls outside the purview of international maritime regulations. Specific Port State Control organizations have devised evaluation matrices in accordance with the inspection's designated objectives. These are the "checklists" used by PSCs. On the other hand, no international pact requires a more rigorous review.

A more thorough examination will encompass a complete tour of the ship, a thorough examination of the safety protocols and equipment, combined with environmental preservation, housing, and crew operational expertise. PSC's professional opinion often determines the decision to conduct a more thorough inspection.

- There are certification deficiencies (either missing or invalid certificates). In general, the term "ship" implies adherence to international regulations.
- Deficiencies We acknowledge that third-party reporting requires such scrutiny. The agreements provide precise illustrations of the justifications for conducting more thorough inspections. There isn't a precise definition for something.
- A more thorough examination makes no claims to be exhaustive. The PSCO makes the final decision regarding the scope of such an inspection.

2.7.5 Inspection by ISM

PSC inspectors can examine the ISM system at sea in accordance with International Maritime Organization Resolution A.882(21). They can determine whether the ISM is functioning by looking through the documentation and asking questions, as there is typically no auditor present (SOLAS Ch.IX, 2022). The idea that the ISM is not operating to a high standard will arise from the existence of numerous technological flaws. To identify potential nonconformists, PSC inspectors may indicate that the SMS is malfunctioning and advise owners to examine the system (ISM Code, 2018, para.12.3). Although the PSCO does not have the authority to identify the nonconformists, action codes like "nonconformity that can be fixed" are used to establish a schedule framework for correction.

2.7.6 ISPS Inspections

Ensuring ISPS Code compliance falls within the responsibilities as part of Port State Control (PSC) inspections. IMO Resolution MSC.159(78) assigns the task of evaluating security system audits to a designated senior officer. The U.S. Coast Guard performs a more thorough review than most nations, which concentrate PSC inspections on certificate verification and access control. These inspections typically confirm ISSC validity and assess security protocols for access control (MSC.159(78), 2022). Inspectors do not have the authority to amend the safety manual. However, they will notify port security at sea in accordance with regulatory requirements if they identify compelling evidence of inadequate safety system upkeep. The port authority, or PSC, has the power to detain or expel non-compliant vessels that pose a security threat. Additionally, designated ship types will be subject to 'expanded inspections' at a later time, in accordance with MOU agreements (USCG, 2024, p.7).

• Cruise ships.

• Chemical tankers and gas tankers, which are over ten years' old.

• Over twelve years in bulk carriers.

• Oil tankers over twenty thousand gross tones.

• Oil product carriers over thirty thousand gross tones and twenty years.

2.7.7 Officers in port state control

The PSCO receives an identity card as proof of its authority to carry out inspections. It is very important for Port State Control Officers (PSCOs) to keep records of the general procedures for implementing Port State Control (PSC) [IMO resolution A.787 (19)], as these records may be needed during inspections. English communication between the PSCO and the captain and the majority of the crew is required. Prior experience as a first engineer or captain, as well as prior travel experience, are not prerequisites. A registrar should not employ PSCO or have any financial stake in the port or the ship. If he lacks the requisite competence in a particular area of the inspection, an expert could accompany him. The PSCO is considered qualified, properly trained, and experienced in handling boats.

2.8 An Insight into New Inspection Regime

The New Inspection Regime (NIR) aims to replace the present Target Factor system with a risk-based approach. This innovative framework is designed to improve maritime safety by establishing a more sophisticated inspection protocol. Vessels will be divided into three categories: Low-Risk Ship (LRS), Standard Risk Ship (SRS), and High-Risk Ship (HRS), with each receiving a unique Ship Risk Profile. This profile will serve as the basis for determining the priority, frequency, and extent of inspections for individual vessels. While high-risk vessels will undergo more rigorous and frequent examinations, the overall system is designed to incentivize quality shipping practices by potentially reducing inspection requirements for well-performing vessels. The Ship Risk Profile will be impacted by several factors, including the vessel's inspection history in the Memorandum of Understanding (MOU) region. A triennial review will be carried out to update a vessel's risk profile, at which the performance of the ship over the previous 36 months will be evaluated (EMSA, 2024).

• Flag state performance, including participation in the Voluntary IMO Member State Audit Scheme (VIMSAS), ship age, and ship type

• The number of inspections, deficiencies, and detentions; • The performance of the recognized organization or organizations and whether the EU recognizes them

• The corporation's performance in administering the vessel's ISM Code system

The body tasked with overseeing a vessel's International Safety Management system should get a performance classification of significant, medium, low, or very low. The organization will consider the incidence of detentions and fleet deficiencies in the comparative evaluation of the mean performance across all vessels within the specified period to determine this classification. Public disclosure will be required for entities that exhibit substandard or critically substandard performance. Affiliated parties are provided access to analytical tools, such as the Ship Risk Profile Calculator and the Preliminary Performance Assessment Calculator, to assess their organization’s performance and carry out risk assessments of their boats. The most recent inspection data will be included in the Ship Risk Profiles, which will be updated daily (Tokyo MoU, 2023, p.22).

2.8.1 Types of Inspection under NIR

The New Inspection Regime (NIR) establishes two distinct categories of inspections: periodic and additional. A designated interval for periodic inspections commences following a

vessel's most recent inspection within the region. The frequency of these inspections is based on the ship's risk profile: Risk assessment stratifies the inspection regime for vessels.

• Vessels classified as high-risk undergo inspections at intervals of 5to6 months following their most recent examination.

• Standard-risk vessels are subject to inspections 10-12 months subsequent to their preceding evaluation.

• We inspect low-risk vessels 24-36 months after their last assessment.

Vessels entering regional ports within the prescribed period are classified as Priority II and may be subject to periodic inspections. Those arriving outside this timeframe are reclassified as Priority I, necessitating a periodic inspection before departure. Under certain circumstances, Priority inspections may be postponed to an alternative port within the same Member State or, with appropriate consent, to a port in a different Member State. If the safety of the inspectors, the vessel, its crew, the port, or the environment is felt to be compromised, or if the vessel's arrival occurs exclusively during nocturnal hours, the port authority reserves the right to cancel an inspection. Nevertheless, we will implement specific protocols for vessels that frequently make nighttime port calls to ensure the execution of inspections. Moreover, bulk carriers, chemical tankers, oil carriers, and oil tankers, as well as passenger vessels over the age of 12, will undergo more rigorous inspections. According to the severity of the incident, additional inspections may be necessary, regardless of the time frame, due to unforeseen or superseding circumstances. I am responsible for Priority I and will undergo verification. Examples include collision, grounding or stranding, class withdrawal, and dangerous operation.

Examining Priority II is necessary due to its unexpected nature. Examples include failure to comply with reporting obligations; certificates granted by identified organizations from whom recognition has been withdrawn; and reports made by pilots, agents, etc. As a high-risk vessel (such as a passenger ship, bulk carrier, chemical tanker, oil carrier, or oil tanker over 12 years) is at a port or anchorage, the master must inform the PSC authority 72 hours in advance. If the voyage is intended to be less than 72 hours, the master must notify the PSC authority before leaving port. All vessels must notify passengers of their arrival at least 24 hours before departure, or at departure if the journey is expected to take less than one day. The master is responsible for complying with all necessary reporting requirements. The MOU changed the flag status from "blacklisted" to "relisted," which meant that all types of ships were now subject

to the restriction on multiple detentions. Before, this restriction only applied to certain types of ships. The first and second bans will be based on the following changes: detaining a ship for jumping, failing to report to the designated repair yard, being banned after two or more detentions in the last 24 months, and having a blacklisted flag, which will lead to a ban after two or more detentions in the last 36 months. Following the second ban, any additional detention, regardless of the flag, will result in an indefinite prohibition. Following an initial prohibition, the restriction may be lifted after three months, with subsequent revocations occurring after twelve and twenty-four months for second and third offences, respectively. Nevertheless, should a vessel fail to meet specific criteria within a 24-month period—namely, registration under a white flag, certification by an EU-recognized classification society, and operation by a reputable entity, it shall face permanent exclusion upon a third entry refusal. The access refusal directive will apply for the life of the vessel, regardless of changes in ownership, flag, or classification. The International Convention for the Safety of Life at Sea, or SOLAS, is a global agreement that mandates particular safety requirements for marine vessels. The most significant international agreement pertaining to merchant marine safety is often the SOLAS Convention.

In the wake of the Titanic disaster, which resulted in the loss of quite several lives, the international community decided on the establishment of laws and regulations to prevent the recurrence of similar maritime catastrophic events. In January 1914, the first meeting on the Safety of Life at Sea was held in London. The first SOLAS Convention, adopted on January 20, 1914, was intended to take effect in July 1915; however, the European War precipitated a postponement. The Second SOLAS Convention was adopted in 1929 and became effective in 1933; the Third was approved in 1948 and took effect in 1965; the present version was adopted in 1974 and came into force in 1980.Following SOLAS's endorsement of foreign ship inspections in ports, the regulations governing these inspections were revised and introduced at later international conferences. The roles and responsibilities of Port State Control authorities were explicitly defined through the IMO resolution, SOLAS 74/78. The original agreement, known as "The Hague Memorandum of Understanding," was signed in 1978 and was mainly concerned with enforcing standards for living and working conditions on vessels. The memorandum, initially scheduled for enactment in 1978, was delayed following a major oil spill, which sparked widespread calls for enhanced maritime safety regulations. In response, the memorandum was updated to strengthen measures for protecting life at sea, preventing pollution, and improving the living and working conditions aboard ships. These changes

resulted in the signing of a new agreement in Paris in January 1982. Since that time, the agreement has been amended numerous times to reflect the IMO's evolving safety and environmental guidelines, as well as regulations on seafarers' welfare. The organisation currently comprises 27 members (Klein N., 2010).In national ports, port state control (PSC) involves inspecting foreign-flagged vessels to ensure that their equipment and conditions meet international standards and that their operations adhere to relevant international laws. Although PSC offers a "safety net" to detect subpar ships, the flag state bears primary responsibility for making sure that ship standards adhere to international treaties. The port state inspection regime (PSC) would not be necessary if flag states properly fulfilled their obligations. It is only when flag states fail to meet their responsibilities that port states step in. The control mechanisms introduced under PSC are meant to complement and support the measures already taken by flag state authorities. PSC typically occurs when shipowners, classification societies, and other services do not adhere to international maritime conventions and standards. Authorities at ports have the right to inspect foreign ships and address any issues before allowing the vessel to leave. Even so, flag states are the ultimate responsibility. Port state control is therefore an extension of flag state control. In recent times, there has been growing recognition about the significance of port state control, accompanied by substantial efforts that have been made in several fields to create a unified strategy for the effective application of control benefits. When the IMO established port state control, maritime safety vessels improved (Li & Zheng, 2008). Cariou et al. (2007) verified the significance of ship age based on an inspection data set. Additionally, recent research has demonstrated the value of inspections that increase the effectiveness of safety inspections (Ming-Sheng Tsou, 2018), utilizing data from the Tokyo MOU region from 2000 to 2016.

2.9 Port Authorities

In areas such as environmental protection and fisheries management, coastal states exercise substantial jurisdiction over vessels within their 200-nautical-mile exclusive economic zone (EEZ) (United Nations, 1982, Art.56). These states possess jurisdiction over this maritime zone to conduct research, manage natural resources, and oversee the conservation of marine ecosystems and seabed assets (UNCLOS, 1982). While vessels may be subject to another nation's legal framework, the jurisdiction of the flag state, as well as the regulatory powers of port and coastal authorities, remains in effect (IMO, 2020). International maritime law and the 1982 United Nations Convention on the Law of the Sea (UNCLOS) authorise states to enforce regulations on foreign flagged vessels within their jurisdiction (IMO, 2020). Coastal

governments may impose limits on vessel operations alone when required for the protection and preservation of the maritime environment (Tuna, 2016). Any enforcement actions must respect and acknowledge the rights and obligations of other states. The expansion of marine inspections of foreign ships anchored in their ports is now approved by the International Labour Organisation (ILO) and the International Marine Organisation (IMO) (IMO, 2021). The flag state's principal job is to safeguard law and order, enforce police discipline, guarantee safe passage, and protect both ships and crew (IMO, 2021). It is also the flag state's responsibility to ensure that vessels adhere to international maritime standards in terms of manning, maintenance, operation, and presentation. Foreign merchant vessels navigating a coastal state's inland waters fall under that state's jurisdiction. Coastal nations justify port state control (PSC) enforcement through two primary arguments: firstly, the environmental risks posed by slow-moving vessels and the right to national self-defence; secondly, the enforcement of international maritime safety agreements, which prohibit unseaworthy ships from operating. Despite these justifications, UNCLOS seeks to limit PSC's application to foreign vessels and establish clear guidelines (UNCLOS, 1982). According to UNCLOS, port authorities are primarily tasked with protecting the marine environment and upholding safety regulations as per relevant ILO and IMO conventions (Tanaka, 2015). The primary focus of Port State Control (PSC) at its inception was to verify adherence to the technical standards specified in IMO conventions. However, because of recent changes to the 1974 SOLAS Convention, PSC officials can now control operational systems when it's clear that the crew or captain doesn't know how to follow deck safety rules (IMO, 2020). The implementation of Port State Inspections was aimed at enforcing international maritime conventions, preserving a secure working environment, and diminishing the potential for pollution from vessels of foreign origin (IMO, 2021). The process of selecting ships for inspection must be executed in a fair and uniform manner, in accordance with established protocols to avert unnecessary delays (Tanaka, 2015). Given that preferential treatment is no longer sanctioned, port authorities are obligated to apply these regulations equally to vessels from both ratifying and non-ratifying states, as well as to ships flying their flag (IMO, 2021). In addition to international regulations, vessels of foreign origin entering a nation's territorial waters may be subject to domestic legislation, as exemplified by the United States' Oil Pollution Act of 1990 (U.S. Coast Guard, 1990).

2.9.1 The Significance of Port State Control Inspections

The maritime industry is far from ideal, and flag states are either unwilling or unable to fulfil their international obligations. If every flag state carried out their responsibilities effectively, PSC wouldn't be necessary (Knudsen, 2023, p.104). Unfortunately, this is not the case, as numerous maritime incidents worldwide demonstrate. The previous 40 years have seen the emergence of thousands of facts involving fatalities, property damage, and environmental harm, some of which are widely known and others that the public and media have mostly ignored. PSC inspections of foreign-flag vessels verify the flag state's compliance with various IMO and ILO treaties. Collaboration The value of these inspection frameworks has been enhanced to improve collaboration among various nations in concluding regional agreements on port state control, and costs for both ship-owners and port administrations are cut by half. This lack of communication can hinder the flag state's ability to effectively manage and enforce contractual obligations on ships, as many maritime vessels do not frequently interact with port inspectors from their respective flag states. Therefore, some ships undertake excursions in frigid weather, posing a significant risk to seafarers, other ships, and the environment (OECD, 2021, Table 3.2).

2.9.2 MARPOL Convention

As a global framework for maritime pollution control, the MARPOL Convention imposes strict standards on oil spills, hazardous liquid discharge, packaged dangerous goods, sewage disposal, waste handling, and emissions from ship machinery and decks (IMO, 2023, Annex I). It applies to all vessels except warships and non-commercial government ships, ensuring compliance through certification checks conducted by contracting parties at ports and coastal terminals. Additionally, examinations can be performed to determine whether a ship has discharged any dangerous materials into the ocean. Although international treaties that provide for PSC standards are typically used, consistency in application is needed. Ships may undergo inspections for any unauthorised discharge of hazardous materials into the sea to ensure compliance with environmental regulations (Mitchell, 2019, p.87).. While PSC standards originate from international treaties, their consistent enforcement remains vital. Maritime operations are governed by a number of important conventions, such as MARPOL 73/78, SOLAS 74/78, the 1966 Load Line Convention, COLREG 72, STCW 1995, the 1969 International Convention on Tonnage Measurement of Ships, and the 1976 ILO Convention on Merchant Shipping (Minimum Standards). In addition to these foundational agreements, the

International Maritime Organisation (IMO) has issued more than 200 assembly resolutions. These documents delineate technical performance standards, codes, instructions, and detailed recommendations pertaining to maritime safety. The Committee on Maritime Safety has subsequently implemented a series of decisions based on these resolutions. Moreover, various regional Port State Control (PSC) agreements incorporate regulations derived from the ILO Merchant Shipping Convention (thresholds) of 1976.UNCLOS Article 94 stipulates that flag states must establish and maintain effective oversight of vessels registered under their flag. Flag State inspectors are required to possess not only the necessary qualifications and expertise but also a comprehensive educational background. However, some nations may experience a shortage of suitably qualified personnel. In these situations, the state can assign responsibilities to "recognised organisations" to handle the administration's actions. The IMO has issued guidelines to confirm that entities are carrying out tasks on behalf of a flag state, as per Resolution A.739. These recognised sets are classified societies.

2.9.3 Harmonization between rules

Some states, like the United States, have extra shipping-related laws, but there are also existing members vying for business success in the maritime sector, the International Association of Classification Societies (IACS). However, under the IMO's sovereignty, the rules and regulations of each state and the IMO are significantly more aligned. Consequently, the majority of vessel safety issues are addressed by IMO contracts, and the majority of countries have incorporated these rules into their national laws with just slight, if any, changes. Nevertheless, there are divergent interpretations, and the IMO has published a number of resolutions and circulars pertaining to PSC proceedings.

2.9.4 ISM Code

Beginning in July 2002, all other vessels are subject to International Safety Management (ISM). The safety of boats at sea and the survival of the marine environment are expected to be heavily impacted by the code that rules that sea businesses establish reliable procedural practices and maintain well-maintained records (ISM Code, 2022, §1.4). Ship-owners should apply ISM, and flag states should oversee it, although port authorities can also conduct inspections (Paris MoU, 2023, p.29).. It is possible for vessels lacking the required accreditation to bar them from accessing foreign ports.

2.9.5 Emergence of port state control

Ships operating in seas that do not comply may persist until PSC inspections are conducted in a systematic manner in that region. PSC inspectors may encounter challenges in identifying serial offenders or effectively resolving issues in the absence of prior inspection experience. More importantly, ports with more lenient inspection policies may attract ships that don't fulfil the minimal requirements, which might hurt the economy of ports that do meet the standards. Many regional agreements have been developed to address this difficulty. The notable objective of this cooperation is the creation of centralised databases that allow national PSC organisations to input information. These databases will allow all necessary parties to examine a ship's inspection history. This mechanism facilitates the exchange of information regarding vessels, their documentation, and the results of inspections. By using this data, the next port of call may give priority to boats that haven't had an inspection lately. The usual practice is not to re-inspect ships that have already been inspected within the last six months unless absolutely necessary. One such reason is to monitor vessels that are deemed below average, particularly those that have received clearance to depart with minor issues that can be rectified at the next port.

2.9.6 Somalia's Maritime Context

Over the course of centuries, Somalia's maritime governance has changed in response to the country's geographic location, historical trade connections, colonial influences, post-independence developments, and contemporary issues. To comprehend Somalia's current maritime governance, this section looks at its historical background and significant turning points. For generations, Somalia has been a vital hub for maritime trade due to its advantageous location on the Horn of Africa. Contacts with important civilisations, such as ancient Egypt, Greece, Rome, Persia, India, and China, were made easier by the area's proximity to the Red Sea and Indian Ocean. Prominent trading hubs were coastal cities, including Zeila, Berbera, Mogadishu, and Bossaso (Lewis, 2002, p.45). The ancient maritime commerce network included Somalia, which imported textiles, silk, and pottery and exported frankincense, myrrh, ivory, and spices. The majority of indigenous marine activities were community-based, with local trade and security being supervised by clan elders. Clan-based agreements and customary norms (Xeer) served as the foundation for informal maritime rules and customs. Although there was occasional piracy, cooperation among coastal towns guaranteed the protection of

commerce and vessels. In the late 19th century, British Somaliland, Italian Somaliland, and French Somaliland (present-day Djibouti) were the three divisions of colonial-era Somalia. Colonial powers established formal marine governance structures, primarily to further their own objectives (Hoehne, 2015, Ch.3).

2.9.7 Responsibilities of port state authority

The related expenditures are approved and financed by the Port State Control Officer (PSCO) when they approve the inspector's suggested corrective actions and give them permission to oversee the repairs. Port authorities are required to inform the Flag State of each detention. Afterwards, a vessel inspection might be carried out by the Flag State or its approved Classification Society to provide assistance and help with resolution. Vessels subject to detention are required to bear all expenses related to the port authorities' inspection procedures, with detention orders remaining effective until full payment is received by the port authorities. The relevant port authorities issue detention notifications to the vessel, and recurrent detentions may potentially impede the vessel's capacity for unrestricted trade.

2.9.8 Detention appeal

In The master of the ship shall consult the PSCO for more information before disembarking in the case of an arbitrary detention order. According to (Tanaka, 2015),if the master is unable to come up with sufficient reasons, he or she may make an informal request to higher-ranking authorities in the port state control administration. The ship retains the official right to appeal in the event that this course of action is unsuccessful. The flag state must be promptly informed of the progress of the formal appeal, which must be lodged with the detaining body of the port authorities at the earliest opportunity (Tokyo MoU, 2023, Art.12). Ensuring the master is informed of this appeal right is the PSCO's obligation. The national statute of the port authority governs the subsequent processes, which usually include a deadline for serving the appeal. Please be aware that in most cases, a detention order will not be immediately suspended on receipt of an appeal. In the event that a vessel is held up because its certifications have expired, the port authorities are required to alert the administration of the flag state. In order to complete this task, it may be necessary to contact the Classification Society. How long this process takes is very conditional on the particular state in question as well as the degree to which the port authorities take great care to affirm the certificates' legitimacy (Tanaka, 2015).

Chapter Three

3. Research Method and Material

Research methodology is the systematic procedure used in a project to collect, evaluate, and analyse data, whether from qualitative or quantitative research. A qualitative design has been chosen for this study (Zikmund, 2010, p.45). Throughout the research process, the purpose, goals, research questions, and scope of a study topic all become more apparent and understandable. This chapter provides an explanation of the study's target population, sample size, and research design. Additionally, a detailed description of the sampling techniques used to calculate the sample size is given. Additional data sources and data collection techniques are provided. The study also outlines the techniques used to collect, assess, and analyse the data. While there are several approaches to research, it's vital to remember that they all rely heavily on each other during the study (William G. Zikmund, 2010). posits that the research process is characterised by a fundamental structure. To gather information about the solution from multiple perspectives, conduct a sample test linked to the problem. Data processing and analysis should start as soon as the data is collected so that the researcher may draw conclusions and write a comprehensive report on the topic. Acquiring accurate information from several sources, assessing possible results, and analysing it to discover patterns, opportunities, and answers to research questions is what data gathering is all about. Many of these methods are open-ended, focus-focused, interview, and survey varieties. In open-ended discussions, conversational methods are implemented. Another tool for gathering data is the distribution of questionnaires. For this investigation, primary data was obtained using questionnaires, where Likert scale questions were formulated to collect responses. This is in order to give the researcher a clear picture of the respondents' opinions on the subject and their lack of feelings. In addition to Likert scale questions, this survey includes demographic data such as age, education level, and industry. The research question was distributed via an online portal. A total of thirty-five responses were collected. This study used the purpose sampling approach, a non-probability sampling strategy. It allows researchers to use their experience to choose participants who will help the study achieve its goals. The researchers must take into account each subject's distinct characteristics to evaluate their research problem. In other words, the researchers "on purpose" select the subjects. Geographic’s of Somalia Within the Somali Democratic Republic, the geographical coordinates are 12°N, 2°S, 4°E, and 50°E. Somalia, with a total area of 637,657 square kilometres, is the biggest nation in the Somali Region of

Africa. Its eastern boundary is the Indian Ocean, its northern border is the Gulf of Aden and the Republic of Djibouti, its northern and western borders are with Ethiopia, and its southern border is with Kenya. Apart from apartheid South Africa, no African country has a longer coastline than Somalia, which stretches 3,333 km from the southern border with Kenya to the northern border with Djibouti, ending at Loyado (World Bank, 2021, p.7). The Ethiopian highlands are the source of the nation's two sole waterways, Juba and Shabelle. The mouth of the Juba River empties into the Indian Ocean in Gobweyn, fourteen kilometres north of Kismayo. Navigating the rivers is almost impossible for ships of any size. That the Shabelle River does not flow into the ocean is interesting to note. Rather, it runs through a series of marches and ends in depressions in the lower Shabelle Region, close to the Haaby valley.

Chapter Four

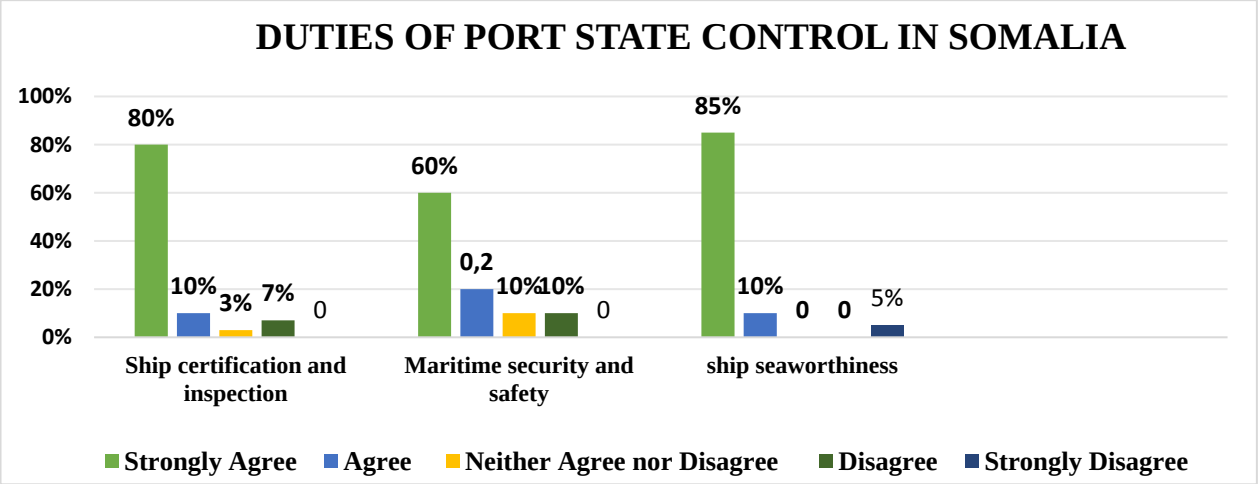
4. Results and Discussion

The study sought data on participants' socio-demographic factors, including business and industry experience and gender, as well as their age. This is a strategy employed to try to come up with more realistic solutions and have a clearer understanding of the issue being currently faced. The total study sample consisted of 235 replies, of which 20 were men, accounting for 57% of the total study, and 15 were women, accounting for 42.9%. This indicates more male study participants in the study. The study breakdown in relation to age indicated more active study participants, which is 15 of 35, being between 30 and 40 years of age constituted the bulk of the participants. The age distribution of those who actively engaged in the survey—15 out of the thirty-five respondents (or most)—was in the 30-to-40-year-old age range. Similarly, the second and third greatest age groups of respondents were 50 and above and 40–50, below 30, with 7 and 4 individuals, respectively. The next row shows the types of business sectors in which participants are working. 25.7% of them work as technical superintendents. About 17% of them are in the crewing management department, and approximately 9% are port securities. The highest number of participants, 17 (48%), are harbour masters. Examining the respondents' professional experience reveals that 37% (13 individuals) have been working in their respective fields for less than two years. Furthermore, 17% of the sample (6 participants) reported a tenure ranging from two to four years within their chosen professions.

Table 2 *Demography.*

	Frequency	**Percentage**
DEMOGRAPHICS		
GENDER		
Male	20	**57%**
female	15	**42.90%**
Total	**35**	
AGE		
18-30 years old	6	**17%**
30-40 years old	15	**43%**
40-50 years old	6	**17%**
50 years old and more	8	**22%**
Total	**35**	
LEVEL OF EXPERIENCE		
Less than 2 years	13	**37%**
2-4 Years	6	**17%**
4-6 Years	9	**25.70%**
6-8 Years	7	**20%**
8 Years and above		
Total	**35**	
PROFESSION		
Harbour master	17	**48%**
Crewing Manager	6	**17%**
Technical Superintendent	9	**25.70%**
Port security	3	**8.50%**
Total	**35**	

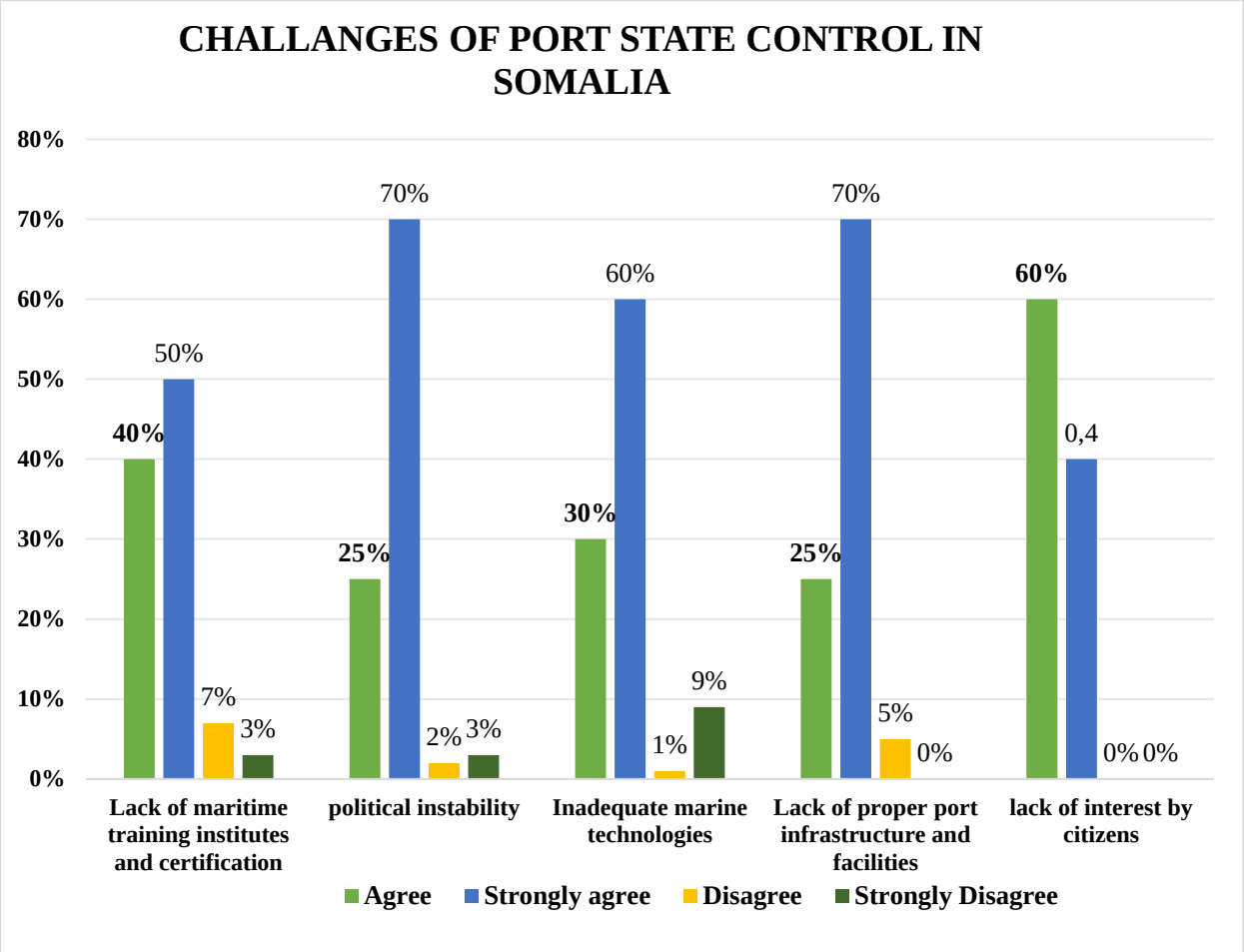
Figure 5 *Duties of port state control.*



Source: Field survey (2024)

From the chart above, it can be clearly seen that 85% of the respondents, while reacting to the duties of port state control, strongly agreed that ensuring ship worthiness is the major responsibility of port state control, while 70% responded that local economy diversification is among the responsibilities of port state control. Consequently, 70% and 60% of the respondents strongly agreed that the PSC is responsible for local economy diversification and maritime security and safety, respectively.

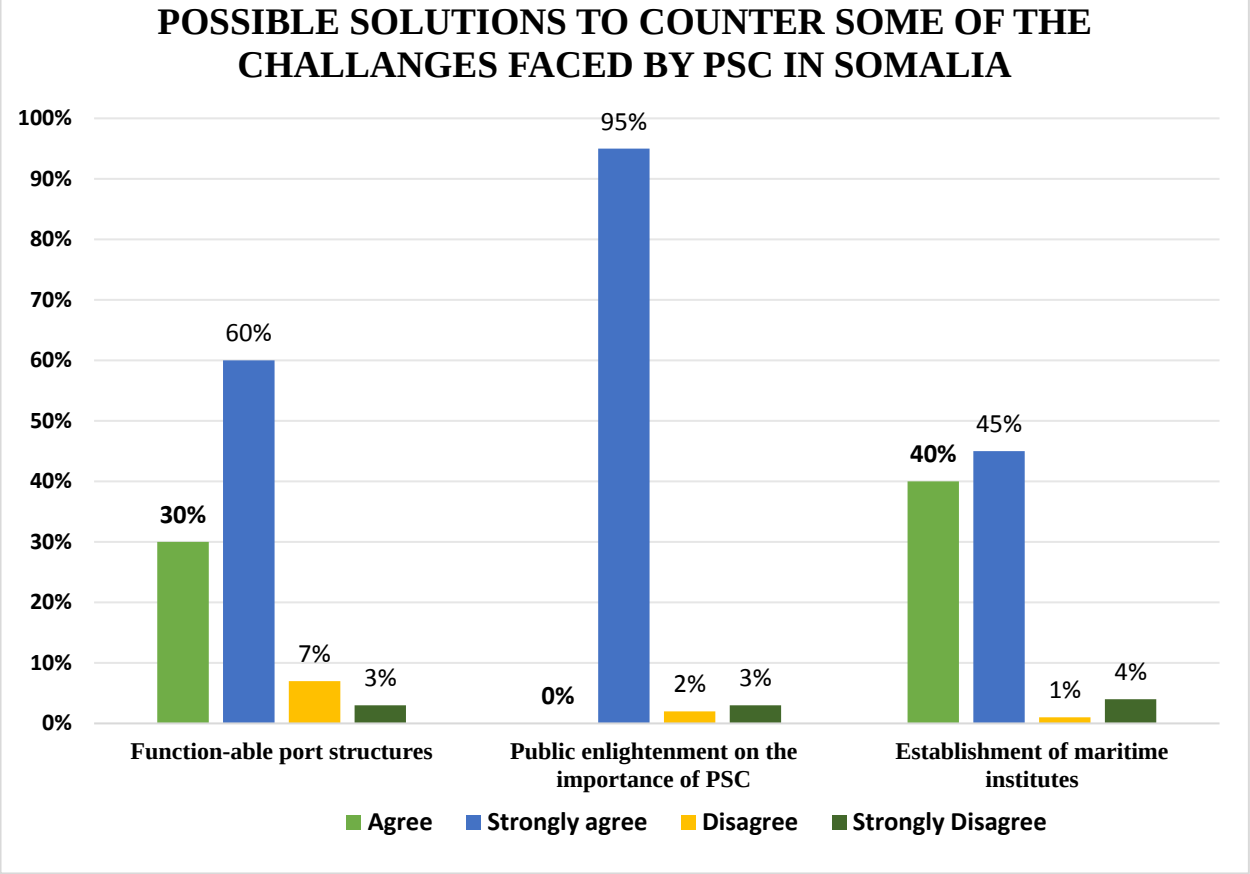
Figure 6 *Challenges of port state control in Somalia.*



Source: Field survey (2024)

Based on figure 2, we can clearly observe the responses of our respondents regarding the challenges of port state control in Somalia: 70% of our respondents strongly agreed that political instability and lack of proper port infrastructure and facilities are major challenges. Additionally, 60% highlighted inadequate technology, insufficient manpower, and a growing disinterest among citizens as significant issues. However, it is noted that lack of maritime training institutes and certification was agreed upon by 50% of our respondents.

Figure 7 *Solutions to challenges by PSC (Source: Field survey (2024).*



The possible solutions to counter some of the challenges faced by PSC in The figure presented above elucidates the data collected from our respondent regarding Somalia. The public has been enlightened on the importance of PSC, and a total of 95% of our respondents agree with this solution. Function able port structures followed closely behind. The survey results revealed that 70% of participants reported this outcome. Furthermore, a substantial proportion of respondents, namely 60% and 45%, expressed strong agreement with the proposition that the establishment of maritime institutions should be consecutive.

Secondary Data

Table 3 *MOU Inspection Table* .

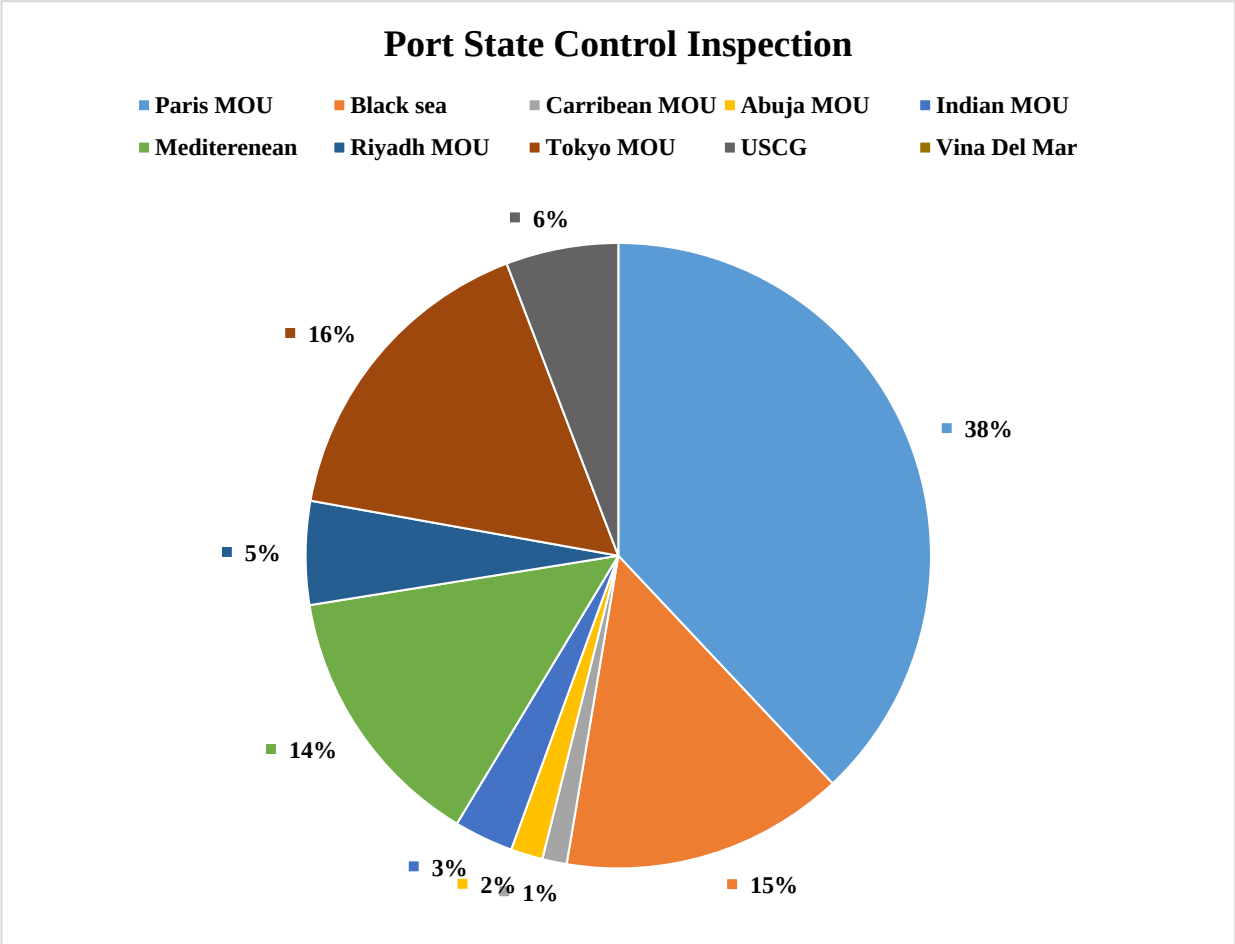
MOU	INSPECTION	YEAR
Paris MOU	71656	2019-2023
Black sea MOU	27647	2019-2023
Caribbean MOU	2392	2019-2023
Abuja MOU	3117	2023
Indian MOU	5785	2023
Mediterranean MOU	26109	2019-2023
Riyadh MOU	10081	2021-2023
Tokyo MOU	30887	2023
USCG	10959	2023
Vina Del Mar	25633	2023

Source: field survey (2024)

This table covers Port State Control (PSC) inspections by MOU from 2019 to 2023. Tokyo MOU (30,887) and Paris MOU (71,656) had the highest inspections, suggesting robust enforcement. Significant inspections were also carried out by the MOUs for the Black Sea (27,647), Mediterranean (26,109), and Vina Del Mar (25,633). The lowest numbers of MOUs were in the Caribbean (2,392) and Abuja (3,117), which may be attributed to limited enforcement or the low number of vessels. Strict monitoring in the Gulf and U.S. regions is underscored by the Riyadh MOU (10,081 in 2021-2023) and USCG (10,959 in 2023). Enhanced regulatory efforts are indicated by the Indian MOU (5,785) and Riyadh MOU, which exhibit increasing trends.

Figure 8 *Port state control inspection Source.*

(https://www.iomshipregistry.com)



The pie chart shows Port State Control (PSC) inspections (2019-2023). Paris MOU (38%) led inspections, followed by Tokyo (16%), Vina Del Mar (15%) , and Mediterranean (14%). USCG (6%), Black Sea (5%), Riyadh (3%), Indian (2%), Caribbean (1%), and Abuja (smallest) had fewer inspections.

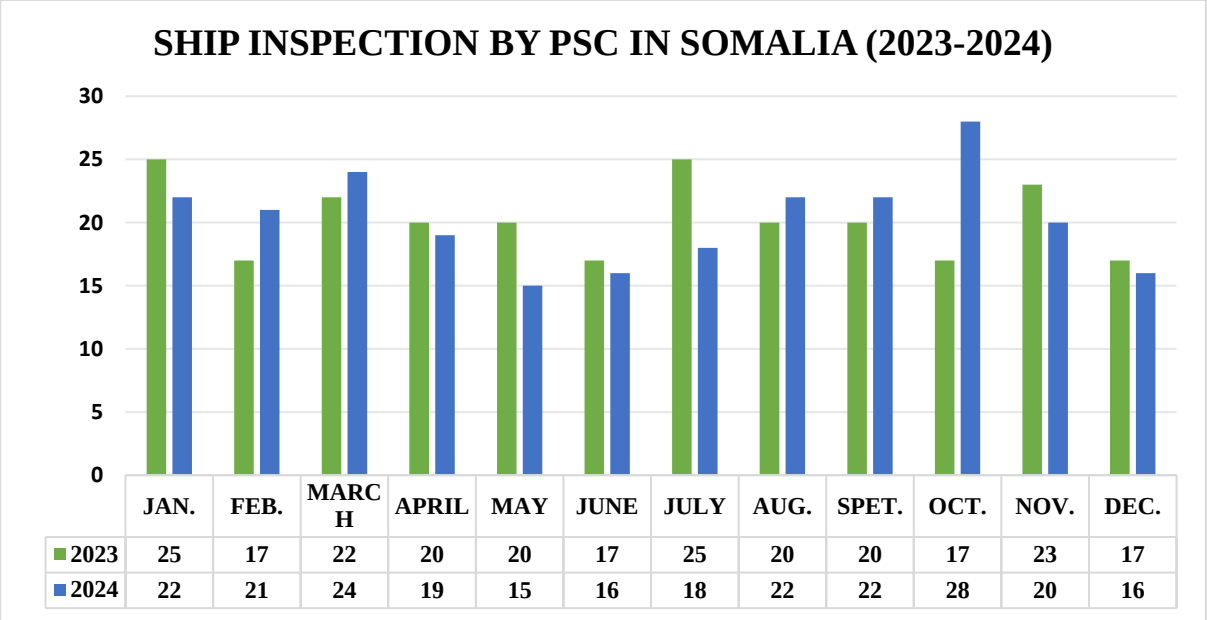
Table 4 *Ship inspection per ship type.*

Ship type	**Inspection number in total**
Bulk carrier	335215
Chemical carrier	74303
Container carrier	169064
RORO cargo carrier	39504
Reefer	459
Oil tanker	75764
Passenger ship	19407

Source. (https://parismou.org)

The highest number of vessels inspected as regards ship type were bulk carriers, followed by other types of ships, which can be clearly seen in the table above.

Figure 9 *Ship inspection in Somalia (2023-2024).*



	JAN.	FEB.	MARCH	APRIL	MAY	JUNE	JULY	AUG.	SPET.	OCT.	NOV.	DEC.
2023	25	17	22	20	20	17	25	20	20	17	23	17
2024	22	21	24	19	15	16	18	22	22	28	20	16

Source:

Port State Control Annual Report Data According to the figure above, within the annual range of 2023-2024, a total of 243 inspections were carried out in the major ports in Somalia in 2023 and 2024, which mostly included bulk carriers and container ships. Currently of getting this report, no detention has been recorded, which implies that most ships that enter the ports of Somalia follow the PSC regulations as required.

Classifying deficiencies

A ship can be said to have deficiencies depending on the following classifications listed which includes:

I. Vessel and Personnel Documentation

A. Crew Qualifications **B.** Mandatory Records C. Ship Certifications

II. **SOLAS Compliance**

A. Structural Integrity **B.** Crisis Management Systems **C.** Auditory Alerts

D. Telecommunications **E.** Freight Operations and Equipment **F.** Fire Safety Protocols

G. Warning Systems **H.** Navigational Security

I. Perilous Goods Handling **J.** Survival Equipment **K.** Main and Auxiliary Engines

III. Environmental Safeguards

A. MARPOL Annexes I-VI **B.** Hull Fouling Prevention

IV. ILO/MLC Regulations

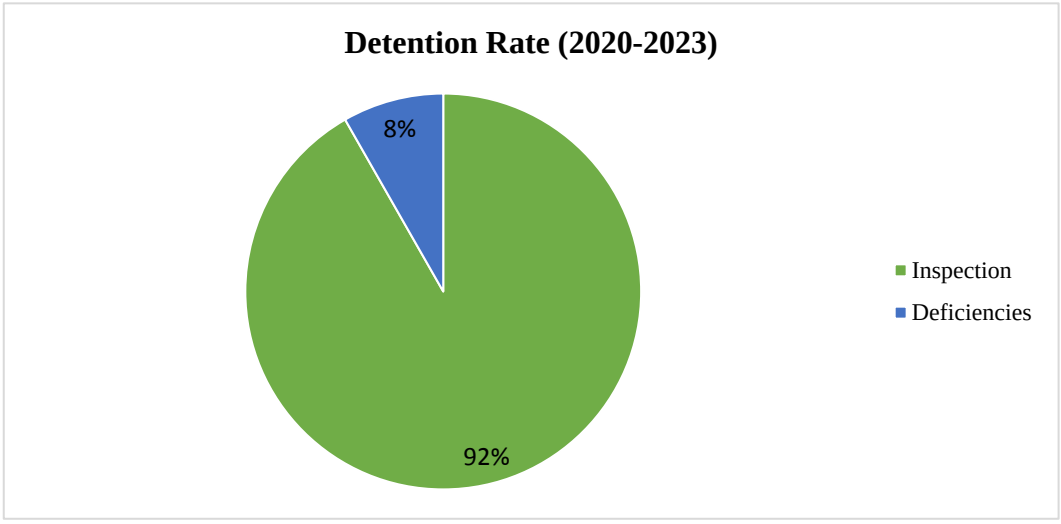
A. Crew Living Standards **B.** Labour Conditions **C.** Fundamental Requirements

D. Employment Agreements **E.** Recreational Facilities **F.** Healthcare and Social Provisions.

V. ISM Code and Additional Regulations

Figure 10 *Detention Rate (2020-2023).*

https://parismou.org)



Source:

We evaluate every vessel's potential risk and past PSC inspection history. This helps PSC promptly spot areas of weakness that could lead to future issues with the vessel's state and seaworthiness and, consequently, the possibility of detention.

Chapter Five

5. Conclusion

Port state control is a vital and important aspect of every maritime industry, and to facilitate the efficiency of port state control. The government, stakeholders, and individuals have a role to play in seeing that this goal is achieved. Our previous analysis of the data from our respondents shows that there are some major problems and issues that keep port state control from working fully. These include citizens not being careful because there aren't enough maritime training institutions, bad port infrastructure and facilities, and unstable politics. The analysis reveals that the respondents are actively addressing all these challenges. Also as presented on chapter four ranging from the period of 2020-2023 the rate of ship detention increased which up to The International Association of Classification Societies (IACS) % meanwhile it is safe to say that the rate of ship inspection directly influenced the rate of ship detention which by extension ensures sea worthiness which finds expression in the reduction of life and collision at sea. Moreover, to minimize the decrease in the number of ships detained, all ships should ensure they meet with the requirements and rules of international conventions. Though Port State Control's efficacy is still a significant concern, Somalia has much opportunity to enhance its marine industry. Political instability, inadequate port infrastructure, obsolete technology, and a shortage of qualified people continue to impede development. These difficulties may be solved, therefore, with smart investments and strategic changes. Somalia has to give developing marine training institutes, modernizing port infrastructure, implementing tougher rules, and promoting regional and international collaboration top priority if it is to strengthen PSC. Ensuring compliance and improving marine safety will also much depend on involving private investors and raising public knowledge. Taking these actions will help Somalia to build a more effective and safer marine sector, therefore promoting commerce, safeguarding its seas, and strengthening its role in world shipping.

Annex 1

Survey

The Impact and Effect of Port State Control. A Case Study in Somalia Major Ports as They Serve as The Point of Transaction of Trades Between Different Countries.

Section A: Demographic data

1. Please select your gender

☐ Male

☐ Female

2. Please select your age

☐ 18-30 years' old

☐ 30-40 years' old

☐ 40-50 years' old

☐ 50 years old and more

3. Please select your job category

- Crewing Manager
- Harbour master
- Technical Superintendent
- Port security

4. Please select your level work experience in maritime industry

☐ Less than 2 years

☐ *2*-4 Years

☐ 4-6 Years

☐ 6-8 Years

☐ 8 Years and above

5. Please select your education level

- Under high school diploma
- High school diploma
- Bachelor’s degree
- Master's degree and higher education

Section B: Duties of Port State Control in Somalia

Section B seeks to recognise the roles in which the port state control in Somalia plays to keep the port safe and ensure proper documentation of ships and their crews.

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	
The port state control in Somalia has to ensure that the local economy has a variety on tourism.						Nasir A. (2024).
The port state control in Somalia must ensure ship certification and inspection.						
The Port state control in Somalia has to ensure Maritime security and safety						
Somalia's port state control has to ensure ships are now at sea by eliminating those that fail to comply with standards.						

Section C: Challenges

Section C intends to clarify some of the major challenges being encountered by port state control and there by hindering their intention of carrying out their roles respectively.

	Strongly Agree	Disagree	Neither Agree nor Disagree	Disagree	Strongly Disagree	
Lack of maritime training institutes and certification is a challenge encountered by port state control						
political instability is a challenge encountered by port state control						Nasir A. (2024)..
Inadequate marine technologies is a challenge encountered by port state control						
Lack of proper port infrastructure and facilities is a challenge encountered by port state control						
Lack of interest by the citizens is a challenge encountered by port state control						

Section D: Solution

Section D: Listed some solutions that will see to curbing the present challenges hindering the port state control in Somalia from carrying their activities

	Strongly Agree	Agree	Neither Agree nor disagree	Disagree	Strongly Disagree	
Function-able port structures is a solution to curb the challenges facing port state control						Nasir A. (2024).
Public enlightenment on the importance of PSC						
Establish maritime training institutes for training of individuals who are interested to pursue a career in maritime field						

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Ethics Committee Chairperson
Assoc. Prof. Dr. Eylem Ümit Atılgan