

Shipping Review

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The International Regime on Transit Rights of Landlocked States within an African Continental free Trade Framework 2



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To be a world-class service organisation that protects and promotes the interest of shippers in Ghana.

Our Mission

To effectively and efficiently protect and promote the interests of shippers in Ghana to ensure quick, safe and reliable delivery of import and export of cargo by all modes of transport at optimum cost.

EDITORIAL

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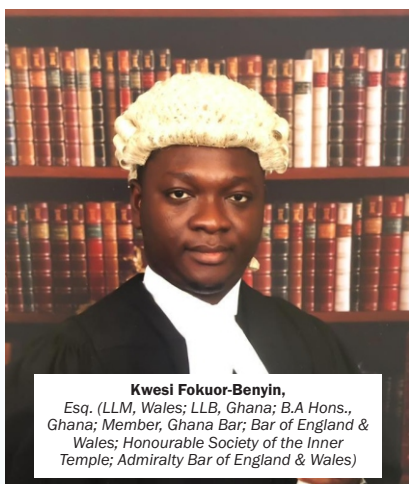


Ghana Shippers' Authority

THE INTERNATIONAL REGIME ON TRANSIT RIGHTS OF LANDLOCKED STATES WITHIN AN AFRICAN CONTINENTAL FREE TRADE FRAMEWORK



“the transit trade of landlocked countries, comprising one fifth of the nations of the world, is of the utmost importance to economic cooperation and expansion of international trade”¹



Kwesi Fokuor-Benyin,
Esq. (LLM, Wales; LLB, Ghana; B.A Hons., Ghana; Member, Ghana Bar; Bar of England & Wales; Honourable Society of the Inner Temple; Admiralty Bar of England & Wales)

Introduction:

About two-thirds of the earth's surface is covered by seawater. The sea offers inestimable natural endowments to humankind, including the provision of food and valuable hydrocarbon resources. It also absorbs greenhouse gases and determines weather patterns and temperatures across the world. A further significant utility of the sea lies in its function as the primary means for integrating the economies of the world, as it accounts for the movement of about 90% of international trade. Historically, the sea has been a major driver of naval and economic power of states. As a limitless treasure-trove of living and non-living resources, the sea

constitutes an immense contributor to the economic growth of states.

However, not all states are fortunate to participate directly in the natural endowments of the sea owing to their disadvantaged spatial and geographical locations. These states are either “landlocked” or geographically disadvantaged states”. This article shall explore the concept of landlocked states within the context of international law and highlight some of the severe economic limitations they suffer due to their status. It shall further examine the doctrinal /theoretical justifications that underlie the juridical rights of free transit and safeguards provided

by the law of the sea to mitigate the inhibitions presented by their lack of maritime domain. Finally, it shall discuss the peculiar case of landlocked African states and proffer suggestions on how the African Continental Free Trade Agreement may be leveraged to reverse the ill-fortunes of landlocked African states.

Landlocked States Defined:

The 1982 United Nations Convention on the Law of the Sea (LOS) defines a “landlocked state” as a “State which has no sea-coast”.² Landlocked states are precluded on account of their geographical location from direct access to the sea. The landlocked states in Africa include the following; Botswana; Burkina



Transit Trucks parked on the shoulders of the street

¹Preamble, Convention on Transit Trade of Landlocked States, done at New York, July 8, 1965

²United Nations Convention on the Law of the Sea, 1982, Article 124 (1)(a)



New Jersey to Chicago, Illinois, which is about the same distance. The West African transport leg takes an unpredictable 13 to 22 days to complete, compared to a predictable five days from Newark to Chicago. Also, it is estimated that shipping a standard container from Baltimore to Abidjan costs about \$3000. However, transporting the same container from Baltimore to the landlocked Central African Republic costs a staggering \$13,000.⁶

Faso; Burundi; Central African Republic; Chad; Ethiopia; Lesotho; Malawi; Mali; Niger; Rwanda; South Sudan; Eswatini; Uganda; Zambia and Zimbabwe. With the notable exception of a few countries like Botswana and Rwanda, the overwhelming majority of landlocked African states have recorded stunted economic and social development.

The reasons for the inhibitions in their economic growth are not all far-fetched, as shall be seen in the next section.

Economic & Geopolitical Limitations:



The overwhelming majority of landlocked states are comparatively less prosperous than their coastal neighbours, thus confirming the belief that there is a direct relationship between unhindered access to the sea and economic development of states.³



None of the landlocked states of the world is a nuclear power or a permanent member of the UN

Security Council. Within the international setup, majority of these states may be characterized as being of secondary geopolitical significance. With the notable exception of few European landlocked states like Switzerland, Austria, Luxembourg, etc., most non-European landlocked states fall into the “very poor basket case” category.⁴

The most notable inhibiting factors on landlocked states are trade restrictions resulting from their remoteness from the world market. Lack of direct access to sea transport entails substantial additional expenses on transshipment, resulting in less competitive international trade and concomitant economic and social regression. Aside from expensive transshipment costs, landlocked states also suffer protracted delays in transit traffic of imports and exports. A study by USAID⁵ for example found that moving a twenty-ton equivalent unit (TEU) container from Tema to Ouagadougou costs five (5) times as much as moving the same quantity of goods from Newark,

In addition to transportation costs and delays, landlocked states also labour under the weight of increased expenses on warehousing stocks, administrative and other delays at port, expenditures for unplanned change of routes and losses incurred on fluctuating exchange rates when transport costs are payable in convertible currencies.

A March to the Sea; Doctrinal & Theoretical Justifications for Access to the Sea within the context of International Law:

Opinions are divided within the international context as to whether there exists a general obligation upon states to grant transit rights through their territorial corridors to neighboring landlocked states. Dissidents of this proposition argue that freedom of transit must be subordinated to the inviolability of State sovereignty. Thus, they argue that trans-border transit by a landlocked state to the sea must necessarily be subject to the consent and approval of the coastal state.

³Study on the Establishment of a Fund in Favor of the Landlocked Developing Countries: Note by the Secretary General, UN ESCOR UNCTAD, at 2, UN Doc. E/5501 (May 21, 1974)

⁴Lewis M. Alexander, The Disadvantaged States and the Law of the Sea, 5 MARINE POLICY 185 (1981) 634

⁵USAID, West African Trade Hub Report, #25

⁶Kishor Uprety, note 3 at p.17

⁷E. Lauterpacht, Freedom of Transit in International Law, 44 Transactions of the Grotius Society 332 (1958–59)

On the other hand, exponents of transit rights have advanced a number of arguments making a strong case for juridical guarantees of transit passage. Lauterpacht argues for instance, that states may legitimately claim a right of transit passage when it can establish the existence of two fundamental conditions; (1) that it can prove the merits and necessity for the right; and (2) that the exercise of the right will not cause disturbance or prejudice to the transit State.⁷

Theory of Natural Rights and Freedom of the Seas:

The notion of freedom of the seas is indeed of ancient provenance, traceable far back to the Rhodians of the Hellenistic Age.⁸ Long before Grotius published his treatise the *Mare Liberum* in 1609,⁹ Queen Elizabeth I of Great Britain is recorded to have declared that “the use of the sea and air is common to all; neither can any title to the ocean belong to any people or private man, for as much as neither nature nor regard of the public use permitteth any possession thereof”.¹⁰ In 1602, Elizabeth I instructed an English envoy to reject Danish claims of ‘property’ of the seas and to state that “although ‘property’ of the sea ‘at some small distance from the coast may yield some oversight and Jurisdiction’, such oversight and jurisdiction did not include prohibition of fishing and much less passage of ships and merchandise, as such prohibition was excluded by the Law of Nations.”¹¹

Today, the principles of freedom



of the seas and of navigation have crystallized into principles of international customary law generally accepted by all the nations of the world. The high seas together with the seabed underneath (called the “Area”) is considered to be *res communis* – i.e. for the common use of all mankind, not subject to exclusivity or appropriation by any individual state. It is argued therefore, that if the high seas is free to all mankind, then it is reasonable to suppose that every people of the earth have the right to access the shores of the ocean and navigate all navigable watercourses that discharge into it, since these are but “only a natural prolongation of the free high seas”.¹² A.H Tabibi advances a theory of innocent right of passage over land territory, arguing that “recognizing the right of innocent passage in favor of landlocked states is the only means to render the principle of the freedom of the seas effective for them.”

It is therefore safe to conclude on

the force of the foregoing, that free access to the sea by all nations of the world is a corollary of the principle of freedom of the seas.

“Without a guaranteed right of transit passage for landlocked states, the principle of free seas would lose its universality and be rendered otiose.”

Transit Rights as International Servitude:

Oppenheim defines international servitude as “those exceptional restrictions made by treaty on the territorial supremacy of a State by which a part or the whole of its territory is in a limited way made perpetually to serve a certain purpose or interest of another State.”¹³ It connotes a situation based on a bilateral or multilateral treaty, whereby the territory of one state or any part thereof is subjected to permanent use by another state for specific objective(s).

⁸ John Wilkinson, “The First Declaration of the Freedom of the Seas: The Rhodian Sea Laws,” 2 OCEAN Y.B. pp. 91-92 (1980)

⁹ Hugo Grotius, *Mare Libervm Sive de Ivre Qvod Batavis Competit ad Indicana Commercium* [The Freedom of the Seas or the Right which belongs to the Dutch to take part in the East Indian Trade] 55 (Ralph Van Deman Magoffin trans., James Brown Scott ed., Oxford University Press 1916) (1608)

¹⁰ Ruth Lapidot, *Freedom of the Navigation, with Special Reference to International Waterways in the Middle East*, The Jerusalem Post Press (1975) p.15

¹¹ TW Fulton *Sovereignty of the Sea* (W Blackwood Edinburgh/London 1911) 110

¹² Norman J.G. Pounds, *A Free and Secure Access to the Sea*, 49 ANNALS OF THE ASSOCIATION OF AMERICAN GEOGRAPHERS 257 (1959)

¹³ See Oppenheim’s *International Law*, vol. I, 670–71 (R. Jennings & A. Watts, eds., 9th ed., Longmans 1992)

The servitude may be permissive or restrictive, but does not entail any positive obligation to act. The principle of international servitude is thus analogous to the private property law notion of “easement,” a right of access held by a proprietor of immovable estate (dominant tenement) over another (servient tenement), which right is appurtenant to the former. In the international context, the landlocked enclave becomes the dominant state whilst the littoral state becomes the servient state—a situation implying a customary right of way.

The controversial nature of this theory is underscored by the attitude adopted by the Permanent Court of International Justice (P C I J) in the Wimbledon Case. The court sailed clear off the matter by refusing to pronounce judgment either for or against the party that sought to propound the theory of international servitude when it reminded the parties that; “The court is not called upon to take a definite attitude with regard to the question, which is moreover of a controversial nature, whether in the domain of international law, there really exist servitudes analogous to the servitudes of private law.”¹⁴ However the PCIJ's successor, the ICJ was a tad more daring in the Right of Passage Case between Portugal and India.¹⁵

In this case, Portugal asserted that it held a faculty of transit of persons and goods, including armed forces between its overseas territories of Damaão (littoral) and Dadra and Nagar-

Aveli (enclave), which right was being violated by India's constant denial of thoroughfare through its intermediate territories. The court found that Portuguese sovereignty over the villages had been recognized by Britain in fact and by implication, and had been acquiesced to by India subsequently.

Therefore, the said villages had acquired the character of Portuguese enclaves within Indian territory. Consequently,



the ICJ concluded that with regard to private persons, officials and goods in general, there had existed a practice of allowing free passage between the Damaão and the enclaves, which practice had in view of the prevailing circumstances, been accepted as law by the parties and given rise to a positive right and a correlative obligation. The court was however, conspicuously silent on whether the right of transit included the passage of armed forces. The court's reticence in this regard is reminiscent of its previous silence on the question, whether

the right of innocent passage within the territorial sea applied to foreign warships, in the 1949 Corfu Channel Case between Great Britain and Albania.

Evolution of Treaty Law on Transit Rights:

Since the turn of the 20th century several international instruments have been prepared, discussed, aborted or adopted on the relationship between landlocked states and the sea.¹⁶ While some only referred to the rights and status of landlocked states by implication, others attempted to address the matter exclusively and in specific context.

1921 Convention and Statute on Freedom of Transit

(The Barcelona Statute):

This Convention followed at the heels of article 23(e) of the Covenant of the League of Nations, which required member-states to make provisions to secure and maintain freedom of communication and transit, and imposed equitable treatment for trade on all members of the League. The primary focus of the Barcelona Convention was to provide a means of enforcing transit rights without prejudice to the sovereignty of transit states.

Two documents were prepared, i.e. the Convention concerning navigable waterways; and the 1921 Statute relating to transit. The Statute requires all contracting states to facilitate freedom of transit by rail or internal navigable waterways. A limiting factor of the Barcelona

¹⁴SS Wimbledon Case (France v. Germany), 1923 P.C.I.J. (ser. A) No. 1, at 24.

¹⁵The Right of Passage over Indian Territory Case (Portugal v. India) 1957–1960 I.C.J. 266.

¹⁶Kishor Uprety, The Transit Regime for Landlocked States 34771 LAW, JUSTICE AND DEVELOPMENT SERIES (2006) 47



affording contracting landlocked states greater facilities than those provided by the Barcelona Statute.



The 1958 Geneva Conference and the High Seas Convention:

The United Nations General Assembly in calling for a meeting on the law of the sea per General Assembly Resolution 1128 (XI) of February 20, 1957, recommended in paragraph 3 that the proposed conference examines the question of free access to the sea as established by international practices and the bilateral treaties. The 1958 Conference provided an opportunity for the first time for a passionate, direct confrontation between landlocked states and transit states regarding right of access.

A draft compromise presented by Switzerland was adopted as the now famous Article 3 of the 1958 Convention of the High Seas. It states that in order to ensure equal enjoyment of the seas with coastal states, landlocked states should have free access to the sea. The coastal state interposed between the landlocked state and the sea must by a common agreement, accord the latter free transit through its territory on a basis of reciprocity; and accord to ships flying its flag the same treatment as it accords its own ships or ships flying the flags of other coastal states.

The article further prescribes that all matters relating to freedom of access and treatment of vessels in port shall be settled between the landlocked state and the transit state by mutual agreement in cases where such states are not already parties to existing international conventions. All in all, article 3 failed to satisfy the concerns of landlocked states for a recognized “right” of free access, and as a pactum de contrahendo,

Statute is that it was inapplicable to overland transit. The United Kingdom signed this treaty on behalf of its colonies and protectorates except South Africa, which as a dominion, could sign in its own right. Nigeria ratified the convention in 1967. The 1985 Northern Corridor Transit Agreement between Kenya and the landlocked states of Burundi, Rwanda, Uganda and the Democratic Republic of Congo makes express reference to the Barcelona Convention in its preamble.

The Statute does not refer to a “right” but only a “freedom” of access. Hence, it appears that it tried to establish an equilibrium between the principles of transit freedom and sovereignty of states. The Barcelona Statute, which came into force on 21st October, 1921 forms the basis upon which most trade agreements on transit that were signed after 1930, were prepared.

The General Agreement on Tariffs & Trade (GATT):

The GATT contains provisions on freedom of transit in Article V. Though it does not specifically seek to address the plight of landlocked states, the said provisions affirm the principles and guarantees laid down in the Barcelona Statute. However, unlike the Barcelona Statute which frantically highlights the balance between transit

freedoms and territorial sovereignty of intermediary states, the GATT does not make a single reference to sovereignty.

Article V of GATT adopts verbatim, the definition of “transit” as is contained in the Barcelona Statute, which includes passage of persons, goods, means of transport, etc. through a territory that is only a portion of a complete journey beginning and terminating beyond the frontier of the state across whose territory the transit takes place. This definition is seriously restrictive. If for example, “journey” within this context means the total shipment from, say, Baltimore through Tema to Niamey, then the overland journey between Tema and Niamey constitutes “transit” under the GATT definition. If, however, the truck journey commencing from Accra to Niamey is considered separately, then it would not constitute transit within the meaning of GATT. In other words, the truck loading cargo in Tema for Ouagadougou is not in transit in Ghana but journeying across Burkina Faso, and technically, GATT rules would not apply. This was not a satisfactory provision for landlocked countries.



However, unlike the Barcelona Statute which concerned only with transit by rail and navigable waterways, the GATT provisions included overland transit, thereby

subordinated transit rights to the good will of transit states.

The 1965 New York Convention on Transit Trade of Landlocked States:

The primary purpose of the New York Convention was to incorporate the rights and obligations of landlocked and transit states into treaty law regarding the movement of goods and people in international transit, and then to achieve universal acceptance thereof. The Convention stipulates in its Principle IV that in order to promote fully the economic development of landlocked countries, the said countries should be afforded by all States, on the basis of reciprocity, free and unrestricted transit, in such a manner that they have free access to regional and international trade in all circumstances and for every type of goods.

Goods in transit should not be subject to any customs duty. Means of transport in transit should not be subject to special taxes or charges higher than those levied for the use of means of transport of the transit country. Principle III also imposed the duty to accord ships registered in landlocked states the same facilities as those registered in coastal or transit states at port.

The OAU (now the AU) in a declaration prior to negotiating the treaty, stated that “African States endorse the right of access to and from the sea by landlocked countries.” Nigeria, a coastal state however insisted on the requirement for bilateral or regional agreements setting forth the conditions for exercising such rights. Significantly, all African countries that acceded to or ratified the Convention were

landlocked, with the notable exception of Senegal and Nigeria.

The neglect of the New York Convention by coastal states, perhaps mirrors their suspicion for universal multilateral treaties and preference for regional or bilateral conventions that allow them to draw the maximum possible benefits without recognizing a juristic right for landlocked states and corresponding duties on transit states.

UNCLOS III and the 1982 Law of the Sea Convention (LOSC):

The third United Nations Conference on the Law of the Sea held in Montego Bay in 1982, produced the 1982 Convention on the law of the sea, which defines the rights and responsibilities of nations in their use of the ocean. It consolidated and replaced the four treaties adopted at the 1956 Geneva Convention of the law of the sea. There are currently 168 state-parties to the Convention. Due to its universal acceptance, the LOSC is often referred to as the “Constitution of the Oceans”.¹⁷

The entire Part X of the LOSC is devoted to the right of access of landlocked states and freedom of transit. Article 125(1) establishes a definitive, guaranteed right of transit passage as follows;

“Landlocked States shall have the right of access to and from the sea for the purpose of exercising the rights provided for in this Convention, including those relating to the freedom of the high seas and the common heritage of mankind. To this end, landlocked States shall enjoy freedom of transit through the territory of transit States by all means of transport.”

The article further states that the terms and modalities for exercising the right are to be agreed between the landlocked and transit state through bilateral, regional or sub regional agreements. Transit states are given the right, in pursuance of their sovereignty, to take all measures necessary to ensure that transit rights of landlocked states do not prejudice the legitimate interests of the transit states.¹⁸ The 1982 UNCLOS Convention is different from the 1958 Geneva Convention in the sense that, whilst the latter only prescribes a “moral” right of free access, the former establishes and guarantees a clear, juridical right of transit passage.

This right is however whittled down by article 125(2) which subjects the terms and modalities for exercising this right to future agreement between the landlocked state and the transit state. Article 125(2), also provides for a pactum de contrahendo. The real challenge here is that, whilst the Convention imposes an obligation to negotiate, it is silent on what happens if the parties involved are unable to reach a conclusion. The question thus is, will a failure to agree under article 125(2) imply the exclusion of the right guaranteed under article 125(1)?

Article 127 exempts traffic in transit from customs duties, taxes and other charges, save for fees levied on specific services provided to facilitate transit by the transit state. Additionally, means of transit and facilities provided for the landlocked states are not to be subject to taxes or other charges that are higher than those levied on local transport in the transit state. Hence, a Ghanaian trucker

¹⁷South China Sea Arbitration PCA Case No. 2012-19, para. 4

¹⁸United Nations Convention on the Law of the Sea, 1982, Article 125 (3)

transporting cargo within Ghana will pay the same road tolls as a Burkinabe trucker moving Burkinabe imports from Tema to Ouagadougou.

Article 128 allows the provision of free zones or other customs facilities at ports of exit or entry in the transit state subject to agreement by the states concerned, whilst article 129 urges transit states to cooperate with their landlocked neighbours in construction or improvement of means of transport in the transit state. In this regard, the audacious Ghana-Burkina Faso Railway Interconnectivity Project which was signed in 2017 between Ghana and Burkina Faso, aiming to construct 1,200 kilometers of railway line from Tema port to Ouagadougou, is a truly admirable move, and deserves utmost commendation.

It is urged upon the two countries to revamp and retool the Volta Lake Transport Corporation and develop the Volta lake as a viable inland waterway for moving cargo and people to complement the rail and road networks between the two states.

Boosting their Fortunes; AfCFTA to the Rescue:

As noted in preceding paragraphs, majority of the poverty-stricken landlocked states are found in Africa. Conversely, the relatively comfortable landlocked states in the world are found in Europe, where they are ensconced between wealthy nations and cushioned by an effective continental integration framework.

They are not hampered by deplorable road and rail networks, and often have the option of navigable inland watercourses. In summary, they are unencumbered by all the

travails landlocked African states suffer.

However,

“*the story for landlocked African states, as bleak as it looks, is not altogether hopeless. The most viable way to mitigate the severe limitations on landlocked states, apart from good governance, is continental integration.*”

This is where the role of the African Continental Free Trade Area (AfCFTA) becomes critical. AfCFTA is an intra-continental trade integration framework designed under the auspices of the African Union (AU) to provide a single continent-wide market for goods and services, business as well as investment. The AfCFTA Agreement connects 1.3 billion people across 55 African states with a combined gross domestic product (GDP) valued at US\$3.4 trillion, constituting the largest free trade zone since the creation of the World Trade Organization (WTO).

One of the lofty goals of AfCFTA, is to eliminate internal borders that hamper (transit) trade, a move that would practically render landlocked African states “non-landlocked” and relieve them of the drastic consequences of that designation.

Removal of intra-continental trade tariffs and free-movement of goods, services and people will bolster the trade prospects for landlocked African states and make them significantly more competitive. Furthermore, the creation of a single, continent-wide market for African states means that landlocked African states can trade internally with their coastal and other landlocked neighbours.

AfCFTA will engender strong economic collaboration between African states, and make African coastal/transit states more sympathetic and pliant to the needs of their landlocked neighbours. More trade will translate into better inter-state transportation infrastructure, and facilitate transit traffic for landlocked states. Eventually, these landlocked states will experience economic transformation and a surge in their general development.

Conclusion & Way Forward:

It is clear from the discussions in this article that landlocked states do not merely have a moral right of thoroughfare through the territory of neighboring states to the sea, but a real, veritable and juridical right guaranteed by international law. Practicalizing this right has however, especially in the case of African states, been rather difficult. Ineffective and corrupt governance, endemic corruption at ports and land borders, deplorable road infrastructure, non-existent rail network and undeveloped potential in otherwise navigable inland watercourses are the least of the myriad problems that militate against free flow of transit traffic in Africa.

It is critical that African governments sit up and plug these holes to reverse our plummeting economic fortunes on the international trade market. Increased collaboration between landlocked and transit states is also essential in this regard.

Finally, all signatories to the AfCFTA Agreement ought to show real commitment in their obligations thereunder to make the scheme successful.

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WORLD MARITIME DAY



By: Jeffery Hewlett
Student, RMU.

Introduction

In the current climate, it is very important for us to reflect and highlight how important the maritime industry is for our country and the rest of the world. It is how we make trading essential to day-to-day goods and services possible to keep powering our industries and support employment.

Maritime is everything connected to the sea or waterways throughout the world, especially in relation to navigation, shipping and marine engineering. The industry has a direct impact on much of our everyday lives.

Think about the oil that powers our cars, many of our vehicles, our electronics, the coffee we drink, the foods we eat and the clothes we wear. Most come from overseas and are sent overseas if manufactured in our home country. So then how do we define the maritime industry?

Definition

The Maritime industry is defined

as consisting of individual shipping, ports, marine and maritime business services and industries, each of which comprises a diverse array of activities. It includes the construction, repair, and scrapping of vessels, as well as the movement of cargo and other materials. It is that industry in which employees perform duties on board commercial, exploratory, service or other vessels moving on the high seas, inland waterways, Great Lakes, coastal zones, harbours and noncontiguous areas, or on offshore ports, platforms or other similar sites.

If we consider the worldwide maritime industry as a system, we observe that a large number of independent rational agents such as port authorities, shipping service providers, shipping companies, and commodity producers play a role in achieving predominant positions and in increasing market share. The maritime industry can, from this perspective, again be defined as a complex system composed of

relatively independent parts that constantly search, learn and adapt to their environment, while their mutual interactions shape obscure but recognizable patterns.

It is in this regard that the International Maritime Organization (IMO), has set aside the 29th day of September every year to celebrate this gallant industry. As the call for a friendly environment is being intensified, the IMO has given this year's maritime day celebration the theme "New technologies for greener shipping: reflecting the need to support a green transition of the maritime sector into a sustainable future, while leaving no one behind."

The theme provides an opportunity to focus on the importance of a sustainable maritime sector and the need to build back better and greener technologies in a post-pandemic world. The IMO actively supports a greener transition of the shipping sector into a sustainable future, and showcases maritime innovation, research and development, and the demonstration and deployment of new technologies.

New technologies for greener shipping

The 2022 theme will allow for a range of activities to delve into specific topics related to the promotion of inclusive innovation and uptake of new technologies to support the needs for a





greener transition of the maritime sector, especially in the context of developing countries, and in particular, the small island developing States (SIDS) and least developed countries (LDCs).

The theme is linked to the United Nations Sustainable Development Goals (SDGs), particularly SDGs 13 and 14 on climate action and sustainable use of the oceans, seas and marine resources; SDG 9 on industry, innovation and infrastructure; and SDG 17, which highlights the importance of partnerships and implementation to achieve these goals.

The IMO's Department of Partnerships and Projects (DPP) was established in 2020 to serve as the gateway for developing partnership opportunities with a wide range of external partners, including the IMO Member States, UN agencies, financial institutions, NGOs, IGOs and the private sector. [Source: IMO website]

Analyzing The Theme

The Sustainable Development Goals (SDGs), also known as the Global Goals, were adopted by the United Nations in 2015 as a universal call to action to end poverty, protect the planet, and ensure that by 2030 all people enjoy peace and prosperity. The 17 SDGs are integrated—they recognize that action in one area will affect outcomes in others,

and that development must balance social, economic and environmental sustainability.

Countries have committed to prioritizing progress for those who are furthest behind. The SDGs are designed to end poverty, hunger, AIDS, and discrimination against women and girls. The creativity, know-how, technology and financial resources from all of society are necessary to achieve the SDGs in every context.

The maritime industry as per its quota to comply with the SDGs, is actively working on the sustainable use of marine resources. Taking a look back into the past, marine vessels ply the oceans with exhaust pipes pointing upwards, shooting tons of thick black gas into the skies.

Looking at present times, that characteristic of marine transport is being faded away. With the emergence of LNG-powered vessels, and a fast-paced development into electric/hybrid vessels, the maritime industry is heading towards the green phase as stipulated by the SDGs. Also, new technologies are emerging aboard the marine craft. Environmentally friendly activities on oceans and other aquatic reserves are being enhanced.

As part of the United Nations family, IMO is actively working

towards the 2030 Agenda for Sustainable Development and the associated SDGs. Indeed, most of the elements of the 2030 Agenda will only be realized with a sustainable transport sector supporting world trade and facilitating the global economy. IMO's Technical Cooperation Committee has formally approved linkages between the Organization's technical assistance work and the SDGs. While SDG 14 is central to IMO, aspects of the organization's work can be linked to all individual SDGs.

History of the World Maritime Day Celebration

The United Nations (UN), via the International Maritime Organization (IMO), created World Maritime Day to celebrate the international maritime industry's contribution towards the world's economy, especially in shipping. The event's date varies by year and country but it is always on the last week of September.

Throughout history, people have understood that international regulations that are followed by many countries worldwide could improve marine safety so many treaties have been adopted since the 19th century. Various countries proposed for a permanent international body to be established to promote maritime safety more effectively but it was not until the UN was established that these hopes were realized. An international conference in Geneva in 1948 adopted a convention formally establishing the IMO, a specialized UN agency that develops and maintains a comprehensive regulatory framework for shipping.

The IMO's original name was the Inter-Governmental Maritime Consultative Organization (IMCO) but the name was changed in 1982 to IMO. The IMO focuses on areas such as safety,

environmental concerns, legal matters, technical cooperation, maritime security and the efficiency of shipping.

World Maritime Day was first held on March 17, 1978, to mark the date of the IMO Convention's entry into force in 1958. At that time, the organization had 21 member states. It now has about 167 member states and three associate members. This membership includes virtually all the nations of the world with an interest in maritime affairs, including those involved in the shipping industry and coastal states with an interest in protecting their maritime environment.

What happens in the maritime industry?

The maritime industry uses computers and cyber-dependent technologies for navigation, communications, ship systems monitoring and control, cargo transfers, access control, passenger and cargo screening, fire detection, financial and other business transactions, and other purposes. Let's explain this in detail per the above, using an instance of buying an item online; and the said item is currently in China.

After placing your order and making payments (depending on your preference), the item is moved from its location to the port: paper works preceding this. This is the start of the maritime industry.

A set of personnel at the port ensure that the item gets aboard a ship safely to your destination. On the ship, a different set of personnel endure the harsh and terrific environment to maintain and navigate the ship: all to get your item to you.

Finally, after the long voyage, and in your home port, another different set of personnel ensure

that the item safely gets off the ship and into a storage facility: booked for your destination.

This is briefly what happens in the maritime industry. Do you now see how important the maritime industry is to you, the nation, and the globe at large?

Importance of the Maritime Industry to the world.

"Maritime transport is the backbone of international trade and the global economy. Around 80 per cent of global trade by volume and over 70 per cent of global trade by value are carried by sea and are handled by ports worldwide.

Global seaborne trade is doing well, supported by the 2017 upswing in the world economy. Expanding at 4 per cent, the fastest growth in five years, global maritime trade gathered momentum and raised sentiment in the shipping industry." United Nations Conference on Trade and Development (UNCTAD) official website.

The U.S Bureau of Transportation Statistics says that in 2020, waterborne shipping carried more tonnage (nearly 1.5 billion short tons) and value (more than \$1.5 trillion) in U.S. trade than any other mode of transportation. Higher-value, light-weight cargo shipped in cargo containers accounts for most of U.S. imports, while lower-value, heavy cargo shipped in bulk contributes heavily to exports.

According to maritimeuk.org: "The UK Maritime Industry facilitates 95% of all UK trade and is larger than both the automotive and aerospace transport industries. The sector not only boasts high productivity and economic impacts but is also a huge contributor to the UK Exchequer.

The Maritime Industry supported

a total of £46.1 billion to the UK's Gross Value Added (GVA) in 2017, an £8.3 billion increase since 2010. To put this in context, the Maritime Industry is larger than other comparable transport industries in the UK, including, Rail and Aerospace and is only marginally smaller than the road transport industry. The industry is relied upon to connect British business with the rest of the world. Never has this been more important than now.

The sector's direct Gross Value Added (GVA) contribution was £17 billion in 2017, a 25% increase compared to 2010 (£13.6 billion). This is larger than the entire Rail and Transport Sectors combined and is an important indicator that Maritime, which greases the cogs of global trade, is a fundamental industry for the continued growth and prosperity of the UK economy. This is evidenced by the far-reaching impact of maritime, as is revealed that for every £1 in GVA directly contributed by Maritime, the industry supports another £2.71 in GVA across the UK economy.

The sector is also found to be a valuable contributor to the Exchequer, having directly generated an estimated £5.3 billion in tax revenues for the UK in 2017, 20% higher than the £4.4 billion in 2010."

Conclusion

From the above it is obvious that the maritime industry is arguably the most important aspect of the world's economy because it is linked to almost every sector.

Let's do our best to show our appreciation to the industry by actively supporting and partaking in its development. Also, the day of appreciation set aside by the IMO as World Maritime Day should be supported and well encouraged.



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- Negotiation and monitoring of service standards of shipping service providers.
- Research on emerging issues in Ghana's shipping and logistics industry.
- Management of maritime databank and publication of regular Digest of Maritime Statistics and Shipping Review – a shipping quarterly journal.
- Facilitation and promotion of the transit trade along Ghana's transit corridor.
- Contribution to Shipping and Logistics Infrastructure to enable it support smooth operations in the sector.
- Provision of relevant information/data as a contribution to the formulation of shipping and logistics policy in Ghana.



GHANA SHIPPERS' AUTHORITY - Providing Shipping Solutions

FINAL YEAR STUDENT OF THE REGIONAL MARITIME UNIVERSITY, ACCRA, GHANA, BUILDS FIRST SEMI-AUTONOMOUS VESSEL, MV PATSSEL

by Mrs. Evelyn Quartey, Head of Marketing, RMU



The model vessel “PATSSSEL” which he built as his Final Year Project Work is an innovation which was conceived in June 2021. During a defense of his Project for the award of a degree on 24th May, 2022, Patrick revealed

that his motivation to build the Vessel was conceived in June, 2021 when he had the opportunity to do his industrial attachment with the Office of the Flag Officer Fleet at the Sekondi-Takoradi Naval Base. During his attachment, he joined vessels to participate in sea trials with the officers which gave him the opportunity to put into practice theories and principles taught in the classroom. It was at that point that his passion for constructing a shipping vessel was birthed.

In the advent of automation of the shipping industry, several trials have been conducted on the feasibility of autonomous ships and the concept has reached a level of maturity. Cutting edge technology when employed on ships could enhance efficiency of seamanship operations such as remote operation of anchors, rudder and general navigation. This Knowledge spurred on Patrick to commence the construction of his model “MV PATSSEL” to serve as a design plan for the construction of the first semi-autonomous ship in Ghana and also serve as a teaching aid.

The purpose of the model ship MV PATSSEL is to aid teaching and learning of Nautical courses such as Shipboard operations, seamanship and navigation. The operational parts of the ship will make it easier for students to understand important seamanship operations such as anchor work, cargo planning, and lights and sound signaling.

The concept of the remotely controlled ship and the interest showed by Mr. Patrick Essel, a level 400 Nautical Science student of RMU, cannot be overlooked. The shipping industry is very dynamic and impacting businesses. The connectivity by Patrick to venture into the design and development of a remotely controlled ship is highly commendable.

In his practical considerations of a container vessel, he has implemented areas which are remotely controlled in ship board operations. This is very relevant for future skills of seafarers' maritime training because interest is growing very fast. It is a work-in-progress and technologies already exist. There are indications that remotely operated ships for the maritime trade will soon be underway.

The RMU continues to churn out talented and innovative minds and build capacity for the maritime and ancillary industries in the sub-region and beyond. With its motto of “Knowledge, Excellence and Discipline,” RMU continues to be a global brand providing world-class education, research and consultancy.

Interested persons may apply to the University to become certified seafarers and maritime professionals, among others.



Patrick Essel is a B.Sc. Nautical Science student of the Regional Maritime University (RMU), who graduated with the June, 2022 group.



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Digitally Protecting and Promoting NTEsthe Story of PPRSD

Between 2015 and 2017, Ghana came under the radar of the EU for the wrong reasons, leading to severe restrictions on exports. Despite favourable concessions as a result of Ghana being a signatory to the Economic Partnership Agreement, the EU in September 2015 placed a ban on some vegetables originating from Ghana, citing the presence of toxins and “pest issues” which made the vegetables “unwholesome for consumption. These products include calabash, eggplant, chilli peppers and the cucumber-like luffa, also known as Chinese okra. As a result, Ghana's economy reportedly lost about 36 million dollars in foreign exchange.

Although the ban was lifted on 1st January 2018, the situation is worrying because the EU is still Ghana's biggest market hence any ban in the future may hamper the progress made in the Non-Traditional Exports (NTEs) sector and Ghana's target of raising \$25.3 billion from NTEs by 2029. The Plant Protection and Regulatory Services Directorate (PPRSD) is an agency under the Ministry of Food and Agriculture, the PPRSD was established in 1965 by an Act of Parliament: Prevention and Control of Pest and Diseases of Plants Act, 307 and replaced by the 'Plants and Fertilizer Act, 2010 (Act 803).

The PPRSD is the Institution with the mandate to organize, regulate, implement, and coordinate the plant protection services needed for the country in support of sustainable growth and development of Agriculture. In short, the department is mandated to ensure that all plant products imported or exported are safe and meet all international requirements and standards.

PPRSD goes Digital

In an attempt to prevent future bans on NTEs to Europe, the PPRSD went digital with its tracing system dubbed 'E-Traceability'. The move was to ensure that Ghanaian agricultural products earmarked for export are fully monitored from the production, handling, transport and export stage. The E-Traceability system ensures food safety because it allows stakeholders in the supply value chain to confidently verify that plant product such as fruits and vegetables

are safe and unrelated to any ongoing food safety incidents.

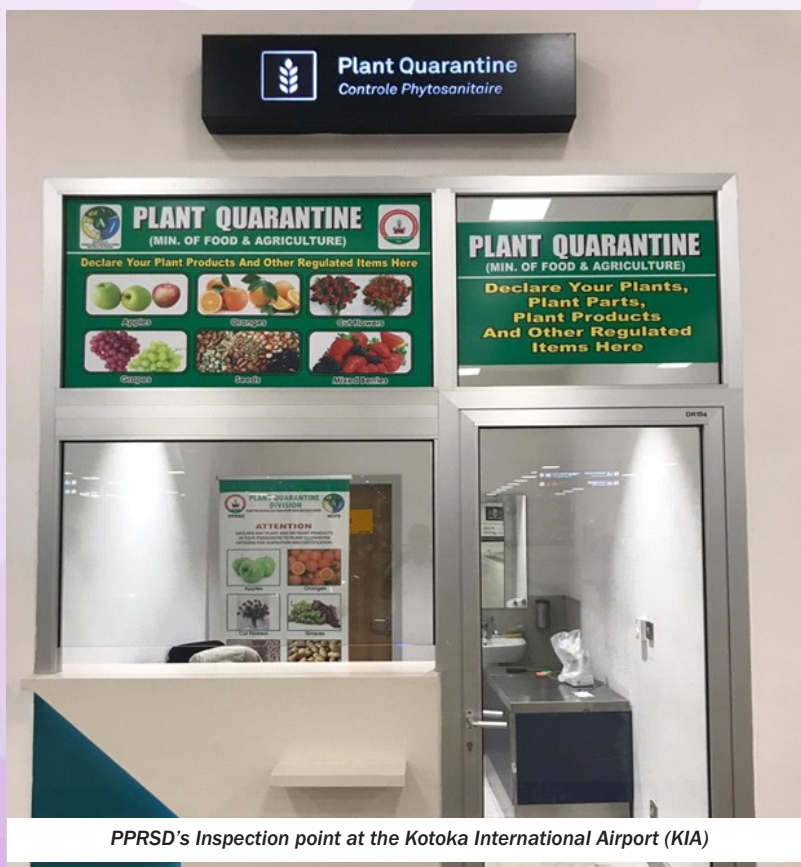
The system also helps in mitigating the incidence of fraud and counterfeiting of plant-based products as well as ensuring trust between exporters and their customers.



The E-Traceability system which became operational in September 2021 immediately resulted in positive feedback. Statistics from the PPRSD at the time of its operationalization indicated that the number of alerts from the EU dropped by 97.1%, from 345 alerts in 2015 to under 10 alerts in 2021. The PPRSD plans to phase out the manual traceability system completely in favour of the E-Traceability system by 2024.



Despite the evidence of positive results from the E-Traceability system since its rollout, patronage has been low due to a number of reasons. Speaking to the Shipping Review Magazine in Accra, the Director of the Plant Protection and Regulatory Services Directorate Mr. Eric Bentsil Quaye said:



PPRSD's Inspection point at the Kotoka International Airport (KIA)

“The E-Traceability System as we all know is a good system that has come to stay to help the food chain, however, its patronage hasn't reached our level of expectation primarily due to the fact that some exporters do not have IT inclined staff to handle their traceability system while others view the system as cumbersome to use.” As a result, Mr. Quaye has called for more stakeholder engagements to encourage exporters to patronize the system.

ePhyto system

The National Plant Protection Organizations (NPPOs) are mandated to ensure the promotion of cross-border trade by adhering to and enforcing the regulations that check the import and export of plant products to prevent the transfer of pests and diseases. It is for this reason that Phytosanitary Certificates are issued to confirm that plants, plant products and other regulated articles earmarked for import/export meet the specified requirements.

Currently, the widely used model of phytosanitary transmission in International Trade is the paper Phytosanitary certificate that accompanies commodity shipments.

The system, when fully functional in Ghana will help reduce the possibilities of fraudulent documentation, data entry anomalies and validation functions by NPPO staff, improve security in the transmission of certificate documentation and Improve planning for the arrival and clearance of plants and plant products.

Over the past years, there have been attempts to put in place a fully functional ePhyto System in Ghana, with several stakeholders championing such calls. The Director of the Plant Protection and Regulatory Services Directorate, Mr Eric Bentsil Quaye is one of such persons.

According to him, the global market is gradually becoming electronic based, thus moving from manual documentation to electronic document transfer. He noted that most countries are now switching to the use of electronic phytosanitary certification transfer (ePhyto) for International Trade and Ghana has developed its system to a point that needs assistance to push it into full operation.



Incubation of Fruits and Vegetables for pest presence before they are exported or when imported.



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THE INTERNATIONAL LEGAL REGIME REGULATING THE DUTY TO RENDER ASSISTANCE AT SEA



By Abdul Haki Bashiru-Dine,
Ghana Shippers' Authority

This treaty both codified customary international law and established new law and institutions for the ocean. UNCLOS is best understood as a framework providing a basic foundation for the international law of the oceans intended to be extended and elaborated upon through more specific international agreements and the evolving customs of States. These extensions have begun to

occur through the application of rules for vessel passage through a jurisdiction or the enforcement of domestic law in the ocean.

The search and rescue activities on the seas are a subject of long-standing legal obligations and frameworks which often become muddled and entangled in the intense political debates surrounding the issue. In this article I discuss legal obligations of states related to the search and rescue. From a legal point of view, states can control their borders and refuse migrants to enter under certain conditions. However, states have clear obligations towards refugees and migrants before they cross the border, including assistance at sea. Even if assistance at sea may function as a “pull factor” and encourage refugees and migrants to attempt to cross the high seas such as in the case of the Mediterranean, there is no legal avenue for states to avoid such assistance. Moreover, if assistance is rendered, this entails further obligations towards refugees and migrants.



BACKGROUND

The law of the sea is a body of public international laws governing the geographic jurisdictions of coastal States and the rights and duties among States in the use and conservation of the ocean environment and its natural resources.

The law of the sea is commonly associated with an international treaty, the Convention on the Law of the Sea (UNCLOS), negotiated under the auspices of the United Nations, which was signed in 1982 by 117 States and entered into force in 1994. At present 133 States have signed and ratified UNCLOS; Canada, Israel, Turkey, USA, and Venezuela are the most prominent among those that have not ratified.

emerge already, making the law of the sea at once broader, more complex, and more detailed than UNCLOS perse.

The law of the sea can be distinguished from two closely related bodies of law: maritime and admiralty. Maritime law is the private law relating to ships and the commercial business of shipping. Admiralty law, often used synonymously with maritime law, applies to the private law of navigation and shipping, in inland waters as well as on the ocean. The latter may also refer more parochially to the legal jurisdiction of specialized Admiralty courts. There may be important overlaps between the public international law of the sea and private maritime law, as may

HIGH SEAS REGIME

All governments manage their territories with laws. This is easy enough to understand with respect to solid ground: when you look at a map, borders usually mark where the authority of one country ends and another's begins. But what about maritime countries, which either border or are completely surrounded by the sea? Do their laws stop at the shoreline? Would that mean that the seas beyond are lawless?

The high seas are not lawless. Well, not completely. According to international law, a maritime country extends outward some distance from its shoreline.



During the 20th century several attempts to develop an international “law of the sea” have been made under the aegis of the United Nations. The results of the third and most-recent United Nations Convention on the Law of the Sea (which took place in Montego Bay, Jamaica, in 1982) were largely successful, with more than 160 countries having signed the agreement by 2017. Several countries, including the United States and others with significant ocean-facing and sea-facing coastlines (such as Colombia, Venezuela, and Turkey) had yet to sign the agreement, however.

Generally speaking, the law of the sea stipulates that maritime countries essentially control their territorial waters from the shore out to a distance of 12 miles (19.3 km), the “12-mile limit.” Within this zone, all laws of that country apply: the country can build, extract natural resources, and either encourage or forbid sea passage through it (or flights over it) just as if it were a parcel of land. Maritime countries are also entitled to an exclusive economic zone (EEZ) made up of the water column and the seabed out to a distance of 200 miles (about 322 km). (The sizes of some EEZs may be limited by the presence of the EEZs of other countries, in which case the overlapping area is often divided equally between the various parties.)

The maritime country that owns the EEZ also owns the sea life and mineral resources found within it, but it cannot prevent ships, aircraft, and other vessels from foreign countries from passing through it and over it.

Nevertheless, there is still a lot of ocean beyond the world's 12-mile limits and EEZs.

How are legal matters handled in the vast stretches of ocean beyond? In these regions, vessels and aircraft from any country are free to pass through, fly over, fish, and extract mineral resources. With respect to crimes committed in these areas, the laws of the country owning the vessel or structure upon which the crime has been committed hold sway. This may seem pretty straightforward, but vessels in the sea are often on the move, which creates jurisdictional headaches for investigators and government officials. For example, which country's laws apply when a person from Country X commits a murder aboard a cruise ship owned by Country Y in international waters, but between the time of the crime and its discovery the ship enters the territorial waters of Country Z?

With respect to international crime such as piracy, human trafficking, and crimes against humanity any country or

international organization can theoretically claim authority over the matter using the concept of universal jurisdiction. This concept could be used to justify the right of one party or another to thwart the criminal activity as it happens, bring charges against the assailants, and try the assailants in their own national (or international) courts. Since the laws of individual countries and international courts are not recognized by all countries, however, there is often no fully accepted referee. Government officials in one country might choose not to recognize the legal authority of another.

THE DUTY TO RESCUE



There is a duty pursuant to international law for a ship to attempt the rescue of persons at danger at sea. This duty is based on a long-standing and strongly felt moral obligation among seafarers.



This is stated, for example, in the United Nations Convention of the Law of the Sea (UNCLOS) Article 98 the International Convention for the Safety of Life at Sea (SOLAS), Regulation V-33. All states recognize this duty.

One implication of this rule is that a state cannot legally prohibit its vessels from rescuing persons at sea: states must accept that their vessels engage in rescue operations. In the International Convention on Maritime Search and Rescue (SAR), coastal states undertake the role to coordinate the SAR in respect of persons in specified areas (Article 2.3). There is a duty to organize such services (UNCLOS Article 98 and SOLAS, Regulation V-7). There are no provisions in the SAR convention that the particular state in charge of a specific area can direct foreign vessels whether to assist or not. Within the 12 nautical miles of territorial

waters, the state has general jurisdiction on other grounds (including the right to direct vessels how to assist or not to assist), but this jurisdiction does not extend to ships in passage assisting other vessels (UNCLOS Articles 17-18).

It is sometimes suggested that migrant vessels heading from Africa to Europe are so unseaworthy, overloaded and in such bad shape, that they are unlikely to make it to the destination. It is thus suggested that the rules of maritime rescue do not apply. I can see no legal basis for this argument. Most likely, the majority of ships in need of a rescue have ended up in this situation because they are unseaworthy, and it would be quite harsh that passengers should pay with their lives for not having ensured the seaworthiness of the vessel. On land, persons in danger are assisted if they have driven too fast, been the passenger of a car driven by a drunk driver, had thoughts of suicide, or caused themselves illness through bad lifestyle choices.

“ *The maritime rules of rescue also apply to stand-by rescuers, and not solely to rescue operations initiated by, for example, freighters coincidentally passing by. As such, even the ships of humanitarian organizations deployed to the Mediterranean with no other purpose than to rescue, can invoke the rules of maritime rescue.*

” There is a long tradition of such specialized rescuers, and this is clearly reflected in the international law of remuneration for rescue. These rules stipulate that professional salvors should receive extra remuneration to compensate for their preparedness (see for example International Convention on Salvage Article 13). These provisions would be meaningless

if the rules did not apply to vessels designated purely to salvage.

In sum, there is a duty and a right to render assistance to persons in danger at sea. This duty applies regardless of whether the rescue operations are believed to have an undesired pull effect, motivating refugees and migrants to travel.

RESCUEES ON BOARD

Rescuers assume primary responsibility for taking care of the rescuees, but there are limits to what they can do. If necessary, the relevant authorities must intervene. At sea, nation states have the duty to actively secure fundamental human rights. This duty was reiterated by The European Court of Human Rights, which stated in *Hirsi Jamaa v Italy* that the “special nature of the maritime environment cannot justify an area outside the law where individuals are covered by no legal system capable of affording them enjoyment of the rights and guarantees protected by the Convention [the European Convention on Human Rights] which the States have undertaken to secure to everyone within their jurisdiction” (*Hirsi Jamaa v. Italy* para. 178).

The relevant authority is principally the state with jurisdiction, which has the opportunity to take legal as well as practical actions. This is primarily the state in which the ship with the rescuees is registered, the flag state (UNCLOS, Article 92). Coastal states have such powers pursuant to the rules of the law of the sea over vessels in their internal waters (very near the coast), and (with some exceptions) over those in their territorial waters (typically within 12 nautical miles from their coast). Thus, these states can and must take action and have some responsibility for securing human rights on board.

It may be difficult to find a port that is willing to receive the rescuees. If no such port is found, the responsibility for the rescuees remains for the rescue vessels and the states having jurisdiction over it. It can be tempting in such cases to disembark the rescuees in any willing port. However, international law requires that rescuees should only be disembarked in a safe port (see Martin Ratowich, *International Law and Rescue of Refugees by Sea* (Stockholm, 2019)). This does not have to be a Western European port, but for example, Libyan ports are not considered safe ports in this respect (see UNHCR and IOM joint statement). Persons who may be political refugees are even better protected (via the principle of “non-refoulement”). If no willing, safe port can be found, the European coastal states and the flag states cannot pass the buck further and must take care of the rescuees.

CONCLUSION

Non-assistance to refugees and migrants at sea is not a legal option. When they are rescued, this entails some obligations for the rescuer and the states having jurisdiction over the rescuer. These obligations prevent disembarkation in an unsafe port and include a responsibility for protecting human rights of the rescuees. This is essential for the protection of migrants.

Unfortunately, even states that generally take human rights seriously often fail to honor these obligations. They ignore their responsibilities to make sure that migrants are rescued and that human rights are respected on board their vessels or visiting vessels. Furthermore, they may allow or even encourage rescuees to be disembarked in a port that is unsafe for them. This is a shameful breach of the best of humanitarian and maritime traditions.

Paying attention to Ghana's handicraft and skincare sectors



Founder of Winamzua Authentic African Jewellery Ms. Fulera Seidu in her bead making workshop

Ghana's handicraft industry has a huge potential in meeting the ever-growing global market demands. The industrial art and craft sub-sector contributed a total of \$30,630,413 (1.08 per cent) of Ghana's non-traditional exports (NTEs) earnings in 2020. The figure represents an increase of 110.88 per cent from \$14,524,610 in 2019, and is attributed to the increasing demand for made-in-Ghana ceramic products and expansion in capacity of production plants.

However, it appears revenue from Ghana's handicraft industry is in danger of decline as a result of some challenges faced by exporters of handicrafts. Financial constraints are at the top of these challenges. The overwhelming impression from the UNESCO Conference in 2000 was that the crafts organizations and craftsmen generally feel unsupported, under financed, under promoted and undervalued

“For Ghana to take advantage of the rising global demand for handicrafts, thus increasing its export revenues and making the industry more sustainable, strategies such as offering

cheaper loans, encouraging equity investment, encouraging the use of commission agents, and offering business management training needs to be adopted.

These concerns were reiterated by Founder of Winamzua Authentic African Jewellery, Ms. Fulera Seidu. According to her, she has had difficulties in securing loans in the twenty (20) years since she ventured into the business of producing and exporting handicrafts.

“Winamzua” can be interpreted to mean 'Nature' or 'God's friend' among the people of Kusasi in the Northern part of Ghana where Ms. Fulera Seidu hails. Some of the

products She manufactures for export are Basket-ware, ceramic products, beads, necklaces, pottery, leather products, paintings and other forms of art and craft which display the African cultural heritage.

From handicrafts to skin care products

The lack of readily available credit facility to help improve and expand the production of handicrafts for export by Winamzua Authentic African Jewellery, prompted Ms. Seidu to establish “Nzua Natural Body Care Products” as a subsidiary of her handicraft export company, which she says “has been my saviour financially” and her “plan B”. The motivation was to use the proceeds from her skin care business to finance the handicraft production and export business.

Speaking to the Shipping Review Magazine in an interview, Ms. Seidu who is also the Acting President of the Handicraft Exporters Association of Ghana (NAHE) said, “skin care products sell faster and I reinvest proceeds from my skin care sales into my handicraft business because I want to ensure its sustainability”. The flagship skin care product by Nzua Natural Body Care Products is the BLACK SOAP which is produced and exported on pre-order basis.



The black Soap - Nzua Natural Body Care's flagship product

The Nzua Black Soap which is made from cocoa pod, shea oil, coconut oil and herbal extracts helps to nourish the skin and keep it clean, beautiful while maintaining the colour without bleaching. Only locally sourced

and natural raw materials are used in the making of the products.

The handicraft and skin care enterprise has successfully produced and exported about five (5) tonnes of assorted products to some parts of Africa and Europe only in the half year of 2022.

Leather production between Ghana and Burkina Faso

Ghanaian Leather Producers appear to be losing the market to their counterparts in Burkina Faso due to the difference in quality. Leather which is a key material in the production of jewellery, bags, foot ware, wallets among others need to undergo tanning where the skin or hide of an animal is treated or processed to eliminate bacteria and bad smell. According to Ms. Seidu, leather produced in Ghana is not properly processed.

As a result, many artisans who use leather in their craft, including her have no choice than to import it from Burkina Faso where they are sure of quality. "In Ghana some people are trying with tanning the leather but those in Burkina Faso do it better. Leather made in Ghana is raw and so it carries a lot of bacteria and usually has a bad smell. Leather from Burkina Faso is the best for what we do, so we import from them" she said.

She added that Ghanaian artisans are generally hardworking, but they need to pay attention to detail. She believes Ghanaian leather producers are capable of producing high quality leather and appealed to them to invest time and effort in their line of work. "Those who produce leather in Ghana like to focus more on making money than making high quality leather so they spend little time to produce more, they should spend more time and focus on quality rather than quantity", she noted.

Skills Training in handicrafts and body care products

The passion and general attitude with which Ms. Seidu works has attracted a lot of artisans to her workshop seeking training. Earlier in her career, she worked with like-minded NGOs to train and build the capacity of artisans and others interested in learning the craft.

She later decided to open her doors to the public especially artisans who want to acquire knowledge and skills in the manufacture of handicrafts and skin care products of international standards. Ms. Seidu then devised an interesting strategy to provide equal assistance to all persons interested in learning, where she would charge a fee for the training of artisans in urban areas and used the proceeds to fund training and capacity building for artisans in deprived communities, mostly in the Northern part of Ghana.

Each year she spends at least two (2) weeks in the Northern regions for this purpose and prefers the one-on-one approach to teaching because it has proven to be more effective.

Exporters in the handicraft industry especially those who export leather, textiles or anything that can harbour bacterial are required to obtain a

certificate from the Ghana Museums and Monuments Board which Ms. Seidu believes many of her colleagues are ignorant of. She said "I do not think the Ghana Museums and Monuments Board is enforcing this law and many exporters don't know about it."

Appeal for support

She appealed to the Ghana Standards Authority to prioritise the certification of handicrafts for export in order to ensure the standardisation of the sector.

Data Collection among handicraft exporters is another issue of concern to the leadership of the National Association of Handicraft Exporters. Ms. Seidu appealed to the Ghana Export Promotion Authority (GEPA) to intensify efforts at data collection in the sector. This she believes will help in policy formulation and decision making.

For a long time, members of the National Association of Handicraft Exporters had received little assistance from government but this year, (2022) Winamzua Authentic African Jewelry was lucky to get a government grant for the first time in its 20 year history through the Ghana Enterprise Agency (GEA). She said "we have been able to procure some machines with the grant and that is helping the business".





REGULATING THE MARITIME INDUSTRY

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Oil Palm can be the next biggest commodity ...the story of Praise Export Services Ltd.



Staff of Praise Export Limited at work in the production factory

The food and beverage markets in Africa is expected to grow three times its current value to reach US\$1 trillion by 2030. A large chunk of this growth is down to the export industry which is largely made up of the huge amounts of fresh produce flown out of the continent daily.

Currently, agricultural products make up a third of Ghana's total exports with cocoa beans and other fruits having the lion's share. The trend appears to be changing as exporters of agricultural produce are diversifying to focus more on canned or processed foods. This is because exporting processed agricultural produce rather than raw commodities increases the value of the products and generates more business activity, creates jobs, increases income, and greater tax revenues among others.

One of such entities blazing the trail in this sector is Praise Export Services Limited, a wholly owned Ghanaian food processing company who has over the years mastered the art of processing agricultural produce for export to Europe, USA, Canada and Australia. The company which is located at Pokuasi has played its

role in the steady increase of earnings on Non-Traditional Exports (NTEs), particularly in the last 5 years.

According to the Ghana Export Promotion Authority (GEPA), earnings from Non-Traditional Exports increased from \$2.84 billion in 2020 to \$3.33 billion in 2021. Oil palm products which form the base of the company's exports is listed among the top ten (10) leading NTE products for 2021.

Founder and Current Managing Director of Praise Export Services Limited Mr. Godwin Edem Adordie established the company in response to the challenge of food spoilage he witnessed while working in a grocery store in the

UK. Large quantities of fresh fruits and vegetables imported to the UK from Africa quickly went bad on the shelves in many grocery shops including where he worked. With the experience gained in the UK in dealing with perishable fruits and vegetables, Mr. Adordie returned to Ghana and established Praise Exports Services Limited in 1994, initially exporting fresh fruits, vegetables and tubers.

The Turning Point

The company was inclined to diversify its operations to focus more on exporting processed agricultural produce after a container fully loaded with yam went bad even before it arrived at its destination. The 2004 incident although tragic, gave the company a new perspective on exports as it begun to adopt advanced methods of preservation of foods such as canning and fermentation.

Mr. Adordie decided to pilot the processing of millet and other ingredients needed for the preparation of millet porridge, otherwise known in the local parlance as "Hausa koko" into flour. The positive feedback from friends and close relatives who had tried his "Hausa koko" flour



Workers of Praise Export Limited applying labels to some canned products



spurred him on to diversify and include other agricultural produce to the catalogue of processed foods for export by the company.

Scaling up

Currently, Praise Export Services Limited processes and exports more than 10 food items such as the African Red Oil Palm, Palm Cream Concentrate, Pea Aubergine, pepper sauce (shito), Banku mix, Tom brown, Plantain, cocoyam and yam fufu mix among others. The company which currently has more than 160 permanent staff has also ventured into the export of processed agricultural produce such as gari, barbecue powder, chilli powder and melon seeds.

Identity

After it was established, the company adopted the deer as its symbol to signify its core values which are grounded in growth and innovation. Head of Compliance and Training at the Company Mr. Mark Sepenoo said “A deer grows a new horn each year so we chose that animal as our symbol because at Praise Export Services Limited, we strive to be consistent in growth through innovative means.”

Oil Palm Fruit and its export potentials

Research has shown that Ghana's economy cannot afford to depend solely on the export of Cocoa beans. This brings to the fore, the need to diversify and expand the export base of

Ghana's economy to generate enough foreign exchange for economic transformation.

In this respect, the palm oil sub-sector of the agricultural industry needs to be considered for promotion. Aside the numerous health benefits derived from the oil palm fruit, it is said to have positive improvements in the lives of those involved in the production and processing value chain.

Head of Compliance and Training at Praise Exports Services Limited Mr. Mark Sepenoo made a case for the prioritisation of oil palm fruits as Ghana's main agricultural export commodity: “When you take the palm oil, right from planting to harvesting and selling of the oil palm fruits, you have a lot of people coming into the value chain.

The farmer derives his returns from the sale of the oil palm fruits. From the fruits you can get the palm oil, there is the potential to also get palm kernel oil, the shells of the palm kernel are also used in charcoal making and the fibre ends up as fertiliser. Even the stem of the palm trees can be used to produce alcohol after its useful life,” he noted.

In comparison to Cocoa which has been the main cash crop for Ghana, Mr. Sepenoo believes that palm oil “has more value on the local front than the cocoa seeds.”

Covid-19 imput

In 2019, a year that saw many companies experiencing huge challenges due to the adverse effects of the COVID-19 pandemic, Praise Export Services Limited begun to record tremendous growth as demand for their products soared.

In the year 2020, when the global economy shrunk by about 5.2%, Praise Export Services Limited successfully exported 145 containers full of processed agricultural produce, making it the best year for the company in its 28-year history.

The company's profit margin also hit a record high as a result. According to Mr. Sepenoo, the management of the company ensured no staff was laid off during the pandemic when job losses became the norm.

Awards and CSR

Praise Export Services Limited has received 9 awards over the last decade for its outstanding contribution to Ghana's export industry. These awards include the Made in Ghana Awards 'Hall of Fame' for Food Processed (Palm Oil) in 2014; Ghana International Star for Leadership in Quality – (Star For Quality Award) in 2015 received in Paris, among others.

The company is conscious of its responsibilities to the communities where its factory and farms are located. The company provided financial assistance, stationery and assorted items to St. Joseph Catholic School and Katapor Basic School at Pokuasi in 2019 and 2020 respectively to help facilitate their activities. The company donated furniture to the Mayera Faase Health Center at Pokuasi in 2022 and plans to do more in the coming years for educational and health institutions in the catchment area.

Ghana Shippers' Awards

MSC wins Company of the Year as 65 others are honored at the 5th Ghana Shippers' Awards

The 5th edition of the Ghana Shippers' Awards came off on 19th August 2022 at the Kempinski Hotel in Accra with many shippers and providers of shipping services winning awards for their contributions to the growth of the shipping and logistics sector.

The Mediterranean Shipping Company (MSC) won the coveted "Company of the Year" award and dominated the Performance category of the Awards together with the Cocoa Marketing Company Ghana Limited.

MSC was adjudged the Shipping Line of the Year as well as the Liner Operator of the Year. MSC's performance was backed by data on its performance in Ghana's maritime trade sector during the period under review.



Representatives of MSC with their awards

Cocoa Marketing Company Ghana Limited was also adjudged the Shipper of the Year, Exporter of the Year and Liner Exporter of the Year at the awards ceremony, for its contribution to the growth of the industry.

In the Competitive category, Tacotel won the "Terminal Operator of the Year" award while Ghana Link Services Network Limited, operators of the Integrated Customs Management System (ICUMS) platform won the "Trade Facilitation Organization of the Year. Global Cargo and Commodities Limited won the "Logistics Service Provider of the Year Award".

A total of sixty-six (66) companies and individuals were awarded for the exceptional work they had done in the year under review.



A cross section of winners at the 5th Ghana Shippers' Awards

The event was organised by the Globe Productions in partnership with the Ghana Shippers' Authority and Graphic Business to recognize individuals and companies that play key roles in Ghana's international trade and transport sector. The Awards are aimed at distinguishing excellence in the trade and transport industry as well as encourage industry players to be more transparent and compliant with laid down procedures in the trade and transport industry.

In her welcome address, the Chief Executive Officer of the Ghana Shippers' Authority, Ms. Benonita Bismarck said the global maritime trade environment is beginning to see improvements following the devastating impact of the COVID - 19 pandemic.

According to her, the post-COVID-19 pandemic recovery has been slow and difficult for all sectors of the global economy with the hardest hit sector being global supply chains.

She said, the relatively high cost of shipping, particularly in sea freight costs, poses a burden on shippers and port users in general. She noted that, this will therefore require strengthening domestic measures and trade procedures to reduce costs at the ports and ensure efficiency in supply chains. To achieve this, she encouraged all stakeholders in the maritime trade, shipping and logistics sector to consolidate their efforts to bring about harmony, transparency and efficiency in their operations.

The Deputy Director General of the Ghana Maritime Authority GMA, in charge of Operations and Technical, Mr. Daniel Appianin, reiterated the Authority's commitment to intensify efforts to create an enabling environment for all players in the sector to thrive. He called on stakeholders to develop innovative means that would sustain the sector and make it an enabler of economic growth and poverty reduction.

The Deputy Minister of Transport Hon. Frederick Obeng Adom who represented the Minister of Transport used the occasion to inform players in the shipping and logistics sector of government's

commitment to accelerate ongoing measures to streamline charges at the ports and reduce the cost of shipping.

He also noted that, processes geared towards developing service standards for the operations of shipping lines, terminal operators, freight forwarders and other service providers needed to be fast-tracked.

SME SPECIAL RECOGNITION

The 5th Ghana Shippers' Awards also highlighted the efforts of SMEs in supporting the growth of Ghana's Shipping and Logistics Industry. It was also to promote and motivate SMEs in the Shipping and Logistics industry to compete globally.

Company Profile of the five (5) SMEs honoured at the Awards

2K Farms Limited

2K Farms Ltd was established in 2000. The company is primarily into the production of non-traditional fruits (eg. papaya, passion fruits, pineapples, and coconut) for export and for local processing companies. The company serves European importers, fruit processing Free Zone Companies and individuals in Ghana. It is located at Bawjase in the Central Region.



Founder of 2K Farms Mr. Emmanuel Carr (right) and his Farm Supervisor Rexford Ofori

SAMTAK ENTERPRISE

Samtak has operated in the poultry industry since 2003, predominantly dealing in live birds. Located in Kumasi in the Ashanti Region, the company has a capacity of 500,000 birds on a 40-acre land. Samtak imports about 30,000-day-old chicks from the Netherlands every month.



Secretary of SAMTAK ENTERPRISE Dzugble and Clearing Agent Terra Brown

JEFFAG FARMS LTD

Jeffag Farms was established in 2002 and has produced high-quality, healthy and delicious Pineapple fruits for the export market over the years. The company exports averagely five (5) tons weekly, mainly to the United Kingdom, Germany and Switzerland. It is located in Nsawam in the Eastern Region.



Managing Director of Jeffag Farms Limited Stephen Adjei.

JOVEG FARMS LTD

Joeveg Farms was established in 2008 with a focus on agro-processing. It has been a leader in the export of fresh and healthy vegetables to local and international customers mainly in the United Kingdom. It exports about 1300kg of vegetables twice a week. The Joeveg Farm Packhouse is located at Kasoa in the Central Region.



CEO of JoeVeg farms Joseph Agbevor.

PAT K. POULTRY FARMS

Pat K Poultry was established in 2006 and deals in poultry products such as poultry drugs and feeds. The company imports day-old chicks on average of five (5) pallets every month from Belgium and Netherlands. It is located in Dorma and Oyarifa in the Bono and Greater Accra Regions respectively.



CEO of Pat K. Poultry Farms Patricia Dzesu

African Landlocked Countries' Participation in the Ocean Economy: A Gendered Perspective on Deep Sea and Related Careers



By Anab Abudu,
African Landlocked countries Advocate
& Freelance Researcher

An estimated 97% of the world's water is found in the oceans which cover about 71% of the earth's surface. Its vast coverage of the earth means that, it has a huge influence on weather patterns, temperature, the food supply of humans and other organisms,¹ including absorbing greenhouse gases to keep climate change in check and facilitating communication and trade.² The oceans have also been fundamental in shaping human history and civilisation.³

A recent publication by UNCTAD reported that over three (3) billion people mostly in developing countries depend on ocean resources as a means of support thus contributing to poverty eradication. Despite this huge dependence on the oceans for livelihood, National Geographic reports that only 20% of the world's oceans have been mapped, explored or seen. Thus more than 80 percent of the ocean has never been mapped,

explored, or even been seen by humans. Further, it suggests that a far greater percentage of the surfaces of the moon and the planet Mars has been mapped and studied more than our own ocean floor.⁴

This presents huge opportunities for participation in the ocean economy by all countries. It is noteworthy that more than half of the world's deep seabed area falls outside national jurisdictions and is recognised as the common heritage of all of humankind.

For landlocked countries however, their lack of direct access to seacoasts has limited their interest in the oceans, and its related resources and opportunities. For instance, landlocked countries like Chad, Niger, Zambia and Zimbabwe are in excess of 2,000 km from the nearest seacoast. This situation not only limits their interest and participation in the ocean

economy but also poses significant challenges to their economies, particularly in terms of engaging with global markets. This is because over 80% of global trade is by maritime which is often seen as the backbone of economic growth and development.

While the United Nations Convention on the Law of the Sea (UNCLOS) of 1982 recognises the right of "every state, whether coastal or landlocked to sail ships flying its flag on the high seas", African landlocked countries have not fully exploited the economic opportunities that the maritime industry offers. These opportunities include training seafarers for navigation on the high seas, manufacturing shipping parts, shipbreaking, or the less reputable practice of lending flags of convenience.

Ethiopia has been the exception, which maintains sea access through the port of Djibouti, runs



¹National Geographic, 2022. Ocean. <https://education.nationalgeographic.org/resource/ocean>

³UNCTAD, 2014. The Oceans Economy: Opportunities and Challenges for Small Island Developing States. <https://sdgs.un.org/sites/default/files/publications/2294%28UNCTAD%2C%202014%29%20Oceans%20Economy.pdf>

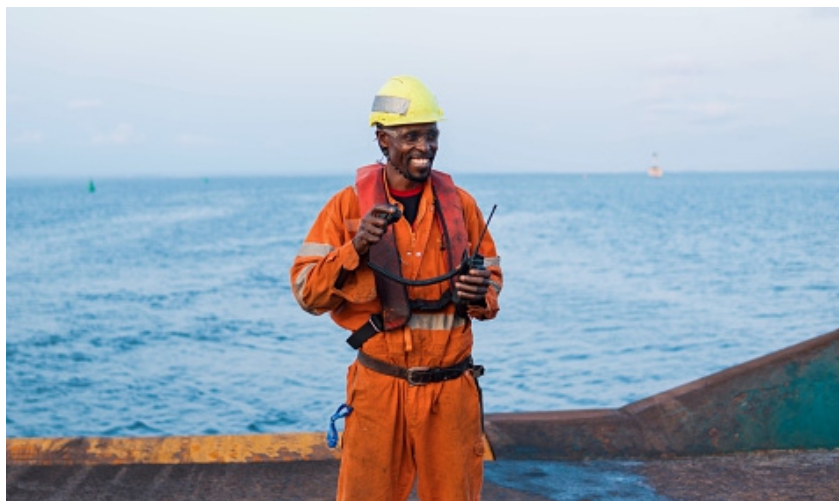
⁴National Geographic, 2022. Ocean. <https://education.nationalgeographic.org/resource/ocean>

⁵BBC, 2018. Why landlocked Ethiopia wants to launch a navy. www.bbc.com/news/world-africa-44369382.amp?espv=1

a national shipping agencies (the Ethiopian Shipping & Logistics Services Enterprise), trains seafarers and in 2018 hinted of reviving its naval force which was disbanded after Eritrea became independent in 1993.⁵ Several agencies and institutions including the Ethiopian Maritime Training Institute (EMTI) and Ghana's Regional Maritime University have contributed to training young Ethiopian seafarers to export their skills on ships all around the world. The maritime industry and related sectors are thus more popular in the country than in other landlocked countries.

The ocean economy as described by the OECD “encompasses ocean-based industries (such as shipping, fishing, offshore wind, marine biotechnology), but also natural assets and ecosystem services that the ocean provides (fish, shipping lanes, CO₂ absorption and the like)”. The global value of the ocean economy is estimated to be over three (3) trillion dollars.

It presents a huge opportunity to boost economic growth and tackle unemployment, food insecurity and poverty, especially with the rise of new activities such as offshore wind energy, growing aquaculture and marine biotechnologies.



Rights of landlocked countries to the oceans and ocean economy

“UNCLOS recognises that no country, including landlocked developing countries (LLDCs), should be left behind in benefiting from this economy because the convention gives them rights to access and to use the ocean space including the marine resources. Articles 69 on Right of land-locked States, Article 125 on Right of access to and from the sea and freedom of transit, Article 136 on Common heritage to mankind and Article 140 on Benefit of mankind confer right of access and benefit from ocean resources to landlocked countries.” Further, LLDCs, like all other States, enjoy the high seas freedoms of navigation and overflight and of laying submarine cables and pipelines, and other internationally lawful

uses of the sea related to these freedoms (UNCLOS, Art. 58(1)). These rights granted to landlocked countries under UNCLOS are essential to achieving the objectives of the Vienna Programme of Action (VPoA) and ensuring that all can benefit from the blue economy.

All Parties to the 1982 United Nations Convention on the Law of the Sea (UNCLOS) are automatic members of the International Seabed Authority (ISA) - the organization through which Parties to UNCLOS shall organize and control all mineral-related activities in the international seabed area, known also as “the Area.”

Although landlocked developing countries make up 10% of the membership of the Authority, only 20 out of the 32 landlocked developing countries in the world have so far become parties to UNCLOS and members of the Authority. From the view point of African landlocked countries, only 11 out of the 16 are member states of the Authority,⁶ except Burundi, Central African Republic, Ethiopia, Rwanda and South Sudan.

Gender participation in the ocean economy

According to the ISA the best



⁶(https://isa.org.jm/files/documents/EN/SG-Stats/Statement_HARARE_BLUE_TALKS_Access_to_Maritime_Benefits_for_Landlocked_States.pdf -



available global estimates in ocean science were provided in 2020 through the Global Ocean Science Report GOSR (IOC-UNESCO, 2020). In that report data was provided by 40 countries. It showed that on average women make up to 37% of ocean science personnel reflecting the historical gender gap in STEM education.

The Women in Deep-Sea Research (WIDSR) Project

In 2021, the Authority in partnership with the United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (UN-OHRLS) launched the Women in Deep-Sea Research (WIDSR) project.

The WIDSR project aims at addressing the critical challenges faced by women scientists from developing States, particularly from the Least Developing Countries (LDCs), LLDCs and Small Island Developing States (SIDS), in accessing opportunities for careers and leadership roles in deep sea research with a view to strengthening the resource base of such countries in highly technical and emerging areas of knowledge. The project also focuses on improving the availability of data and

information on the current status of women scientists in deep-sea research in LDCs, LLDCs and SIDS and identifying critical barriers and potential solutions in relation to women's participation and leadership in deep-sea research and related fields and activities.

Apart from other countries in LLDCs and LDCs group, the report focused on three (3) African landlocked countries – Botswana, Lesotho and Malawi.

Findings of the WIDSR 2021 report on LLDCs

Even though the overall field of interest for the study was deep-sea research and related disciplines and activities, the scope of the study was expanded to include transferable skills from expertise in related sectors in landlocked countries obviously because of their limited interest and investment in these activities.



Some of the key findings of the report are:

1. While the report showed that among the surveyed population, 92% of the participating SIDS echoed the importance of investing in deep-sea research, followed by 60% per cent of LDCs and 40% per cent of LLDCs recognize the importance of engaging and investing in deep-sea research for their countries reaffirming their lack of interest in oceans activities because of their remoteness from seacoasts.
2. The lack of engagement with the international ocean science community was seen as a particular barrier for women from LLDCs.
3. The key challenges faced by (women) students in deep-sea research are lack of career guidance and internship opportunities and lack of job opportunities in the country.
4. The report also found that while most of the surveyed countries have at least one or two government departments or public institutions with engagement in deep-sea research, LLDCs reported fewer than LDCs and SIDS.



5. The top five career challenges listed by individual survey respondents from LLDCs, in directly addressing their lack of access to and connection with the ocean were listed as follows:
 - a. The difficulty in getting a deep knowledge of the marine industry.
 - b. The subject of deep-sea research not being one of interest nationally.
 - c. Lack of communication and cooperation with maritime countries.
 - d. Lack of national experience in conducting ocean science research.
 - e. Lack of appreciation of the importance of the Law of the Sea.
- and proper pay scale.
- vi. Engineering streams at universities being predominantly male-dominated.

Conclusions of the report

The report concluded that gender related issues are well addressed at the highest level in the constitutions of all the profiled LLDCs, with a varying range of provisions. Botswana's Constitution has been assessed as relatively having less protection for women. Lesotho's Constitution uses 'he' and language pertaining to men, despite also mentioning equality. Overall, data availability is limited, particularly, in relation to national and institutional budgetary contributions in deep sea research as well as gender-disaggregated information in relation to education and skills training.

All LLDCs profiled have in place national gender policies, two linking gender and development (Botswana and Lesotho), and one resulting in a commission to implement and monitor its gender policies (Botswana). One profiled LLDC (Botswana) has a STEM-specific gender policy in place. While the major economic sector in the profiled LLDCs is not related to ocean resources and comprises of mainly land-based

mining or agriculture, most have a range of national policies that relate to the ocean and water resources addressing the smaller fisheries, aquaculture and water sectors, and most of these policies do not address women or gender equality. The exception is Lesotho's Minerals and Mining policy which supports gender equality. Malawi has policies relating to women's roles in key decision-making around sustainable environmental management.

In tertiary education enrolments, women are more represented than men in all the profiled LLDCs however, the overall enrolment rates remain mostly low.

Recommendations based on the report

Governments, national statistics offices and organisations must promote standardisation of gender-disaggregated data collection and reporting in fields related to deep-sea research.

Governments of landlocked countries must increase budgetary allocation in deep-sea research/ocean-based sectors and include gender considerations in the expenditure.

Governments of landlocked countries, must support the participation of women deep-sea researchers/careers in international ocean science initiatives, such as conferences, meetings, workshops, etc.

International and regional organisations like the AU, ECOWAS, SADC, EAC, etc., must promote and support early career mentoring programmes in landlocked countries for women in deep-sea research and make allocations for their participation in regional maritime and ocean-related programmes.

Even though engagement with students in the individual survey was low, at 10% of responses, the main challenges listed by them in succeeding in deep-sea research included:

- i. Lack of career guidance
- ii. Lack of finances to do field work.
- iii. Lack of available internship opportunities in the country.
- iv. Lack of proper education system in relation to deep-sea research fields.
- v. Lack of job opportunities

Post Pandemic World heightens shipping risks

This article is part of the Allianz Global Corporate and Specialty's Safety and Shipping Review 2022.
Experts: Ulrich Kadow and Lesiba Sethoga



While the Covid-19 pandemic resulted in few direct claims for the marine insurance sector, the impact on the welfare of crews and the boom in shipping and port congestion, exacerbated by the Ukraine invasion, raises potential safety concerns.

Demand for crew is currently high with the shipping boom, yet following the Covid-19 pandemic many skilled and experienced crew are leaving the industry, having endured many months, and in some cases, years, stuck on vessels. For those that choose to remain, commercial pressures are running high, which can lead to mistakes and shortcuts.

High demand for shipping is also affecting the risk profile of certain sub-sectors, including container shipping. The global fleet is ageing, yet values and exposures are rising. High freight rates are also leading some operators to carry containers on bulk carriers, where crews are not trained or experienced in handling containers, while such vessels are not designed to carry them.

Crew crisis – a skill shortage in the making

Seafarers were the unsung heroes of the pandemic, keeping the world supplied with food, energy, raw materials and manufactured goods. Yet, Covid-19, and now Russia's invasion of the Ukraine, has taken its toll on the industry's workforce.

Covid-19 restrictions and travel bans meant hundreds of thousands of crew members were stranded on ships, some for years. At its peak in 2020, it was thought that up to 400,000 [1] seafarers were unable to be repatriated, falling to 200,000 in 2021. The Covid-19 crew crisis is now largely over, but the experience is likely to have long-lasting effects.

“The health and wellbeing of crew has always been a critical factor in safety,” says Captain Rahul Khanna, Global Head of Marine Risk Consulting at AGCS. *“However, morale among seafarers is currently low and the pandemic has had an impact on the mental health and well-being*

of crew. Now crews face a rising workload, while the ever-growing burden of compliance is making the job less attractive.”

In what has been termed the 'great resignation', the pandemic prompted many workers to rethink their work life balance, with some choosing to retire or switch careers. The combination of the pandemic and current working conditions risks a future skill shortage for the shipping industry, according to Captain Nitin Chopra, Senior Marine Risk Consultant at AGCS.

“During the pandemic hundreds of thousands of seafarers were unable to leave their vessels or see their families for a prolonged period. What they have endured will have a lasting impact, and it is likely many seafarers will not return. Ship owners in some segments could feel the pinch. We do not want to see dispensations or special considerations being given by flag states,” says Chopra.

During March and April 2022, a number of vessels owned by ferry operator P&O Ferries were detained by UK authorities over safety concerns [2], including crew familiarization and training. The operator had previously made over 800 crew redundant and replaced them with lower paid workers.

Crew welfare and retention rate is a risk factor considered in underwriting, explains Justus Heinrich, Global Product Leader Marine Hull at AGCS. *“Our major clients have crew retention*

[1] Covid-19 crew change crisis still a challenge - IMO Secretary-General, March 19, 2021

[2] BBC, P&O ferry detained at Dover fails second safety check, April 13, 2021



programs and we see a lot of investment in attracting and retaining crew, as well as welfare management,” says Heinrich. “From the perspective of our risk assessment, we like to see high levels of crew retention and evidence of good people risk management. Particularly with more modern vessels and technology, the ability to attract and retain experienced crew is critical.”

Russia's invasion of Ukraine has further ramifications for a global maritime workforce already facing shortages. Russian seafarers account for just over 10% of the world's 1.89 million seafarers, while around 4% are from Ukraine [3].

With many direct flights to Russia suspended, and with fewer vessels calling at Russian and Ukrainian ports, seafarers from these countries may struggle to return home or re-join ships at the end of the current contracts. Ultimately, seafarers in the Black Sea are in a perilous situation, stuck onboard vessels or in ports with dwindling supplies and under fire, which is yet another blow for the industry and global supply chains, given crew levels

have not yet returned to normal levels.

Regular crew changes are required across the world to ensure the flow of manpower is maintained. Last year, the International Chamber of Shipping and shipping trade association BIMCO [4] warned there could be a “serious shortage” of officers within five years if action is not taken to increase training and recruitment levels. The report predicted that there will be a need for an additional 89,510 officers by 2026, yet there was a shortfall of 26,240 certified officers in 2021.

Higher values, conversions and older vessels increase exposures. The economic rebound from Covid-19 lockdowns has created a boom time for shipping, with huge increases in charter and freight rates. While higher rates are a positive for many in the industry's finances, changing the use of vessels to take advantage of this, and extending the working life of ships raises warning flags for underwriters.

Container shipping is in high demand

High demand for container and

bulk shipping has seen the value of vessels rise dramatically, while charter and freight rates have skyrocketed. Charter rates in the container and LNG markets hit an all-time high last year, and a decade high in the dry bulk market, while values remain well above historical averages, according to [VesselsValue](#) [5].

The value of a five-year old Panamax boxship more than tripled from \$22mn in January 2020 to \$82mn a year later. Charter rates for a Panamax have increased 274% over the same period. Last year also saw record values for bulkers, with a five-year old Supramax increasing in price by 46% from \$19m to \$27m [6].

In addition, the International Monetary Fund [7] has warned that the invasion of Ukraine by Russia in February will exacerbate already high shipping costs and keep them – and their inflationary effects – higher for longer.

“Rising values and charter rates have created a mismatch for insurers,” explains Captain Anastasios Leonburg, Senior Marine Risk Consultant at AGCS. “Older vessels now command higher values, while the accumulation risks have increased with larger vessels and more value on board. This results in a significant increase in the risk profile, which is not necessarily reflected in premium.”

At the same time, the impact of inflation resulting in rising claims costs adds to this challenging environment. Higher freight rates and a shortage of container ship capacity has tempted some

[3] International Chamber of Shipping, Supply chain issues will be compounded by lack of Ukrainian and Russian seafarers, says global body representing international shipping, March 10, 2022

[4] BIMCO, New BIMCO/ICS Seafarer workforce report warns of serious potential officer shortage

[5] VesselsValue, Trade Report 2021

[6] VesselsValue, Insurance market braces itself for post pandemic value changes

[7] International Union of Marine Insurance, Disruption to global logistics and supply chains remains widespread: Clarksons



Port congestion puts crews, port handlers and facilities under additional pressure.

Congestion at the US ports of Los Angeles and Long Beach reached record levels in November 2021, with 116 container ships either in port or at anchor, while in March 2022, Los Angeles recorded its third-busiest month ever [10] as work continued to clear marine terminals of cargo and reduce the number of ships waiting at sea.

At the same time, repeated outbreaks in China, resulting in the staggered lockdown of Shanghai in March/April 2022 for example, and Russia's invasion of Ukraine is compounding ongoing supply/ demand pressures for shipping, which have resulted in port congestion, higher freight fees and longer transit times.

Overall, port congestion globally is running above the levels seen last year, with specific container fleet congestion trending towards previous highs, Clarksons Research [11] noted in March 2022, while the impacts of the invasion are likely to create further inefficiencies across the maritime transport system.

Port congestion puts crews, port handlers and facilities under additional pressure, increasing risk at a critical stage of a ship's journey, according to Captain Anastasios Leonburg, Senior Marine Risk Consultant at AGCS.

"Loading and unloading vessels is a particularly risky operation, where small mistakes can have big consequences," says Leonburg. "Busy container ports have little space while the experienced labor required to handle the containers properly is in short supply. When you add in fast turnaround times and port

operators to use bulk and product carriers to transport containers. It has also led some tanker operators to explore the possibility of converting vessels. Swedish tanker shipping company Concordia Maritime and ship designer Stena Teknik have announced a feasibility study into converting tankers into container vessels [8].

The use of non-container vessels to carry containers can raise questions around stability, firefighting and the securing of cargo, according to Captain Nitin Chopra, Senior Marine Risk Consultant at AGCS: *"Bulk carriers and tankers are not designed to carry containers. Crews may not be trained or experienced enough to handle containers or respond appropriately to an incident at sea. Carrying containers could also change the maneuvering characteristics of a vessel and affect how it behaves in bad weather and strong winds."*

Converting a vessel or changing its use would likely be viewed as a material change in risk profile and could be categorized by underwriters as a higher risk."

With demand for shipping high, owners are also extending the

working life of vessels. Even before the pandemic, the average age of vessels in the global merchant fleet was rising – 21.75 years in 2021, or 14.7 years for vessels greater than 2,000 gross tonnage (GT). This compares with around 19 years a decade ago, and 13 years for vessels greater than 2,000 GT, according to the IUMI Stats Report 2021 [9].

Analysis has shown older container and cargo vessels (aged between 15 and 25 years old) are more likely to result in a claim, says Justus Heinrich, Global Product Leader Marine Hull at AGCS. *"Newer ships need less maintenance and have the latest technology, which typically translates to a lower risk. Older ships are more likely to suffer from corrosion, while systems and machinery are more prone to failure and breakdown. Of course, that is not to say we don't also see well-managed and maintained fleets composed of older vessels as well."*

Port congestion and commercial pressures heighten risk

Covid-19 measures in China, a surge in consumer demand and the invasion of Ukraine have all been factors in ongoing unprecedented port congestion.

[8] Concordia Maritime, Technical design study on conversion launched, February 8, 2022

[9] International Union of Marine Insurance, Public Statistics, Autumn 2021

[10] The Port of Los Angeles, Port of Los Angeles posts record March, best first quarter, April 12, 2022

[11] International Union of Marine Insurance, Disruption to global logistics and supply chains remains widespread: Clarksons

congestion, this may result in a significantly heightened risk environment.”

Port risks are already increasing with larger ships, which concentrates large volumes of trade into the fewer larger ports that have specialist infrastructure. Accumulations of cargo exposures at mega ports have been rising, while commercial pressures increase the risks of mistakes and accidents. Ports are also increasingly reliant on technology, where an outage or cyber-attack could effectively close a port.

“Commercial pressures are already a contributing factor in many losses that resulted from poor decision-making,” says Captain Nitin Chopra, Senior Marine Risk Consultant at AGCS. “The pressure on vessels and crew is currently very high. The reality is that some may be tempted to ignore issues or take shortcuts, which could result in future losses.”

AGCS analysis shows that 75% of shipping incidents involve human error.

Ports and shipping face heightened cyber threat

The shipping industry continues to fall victim to cyber-attacks. In

February 2022, a container terminal at Jawaharlal Nehru Port Trust, India's busiest container port [12], was hit by a ransomware attack. It is just the latest to be affected, following ransomware incidents at US and South African ports in recent years. Earlier this year, a number of European oil terminals were also affected by a cyber-attack.

Cyber criminals have also targeted shipping and logistics companies. US-based freight forwarder Expeditors was hacked in February, 2022 [13], while Hellmann Worldwide Logistics [14] suffered a ransomware attack in December last year that disrupted operations for weeks. In recent years, some of the world's largest shipping companies – Maersk, Mediterranean Shipping Company, COSCO and CMA CGM have all been targeted.

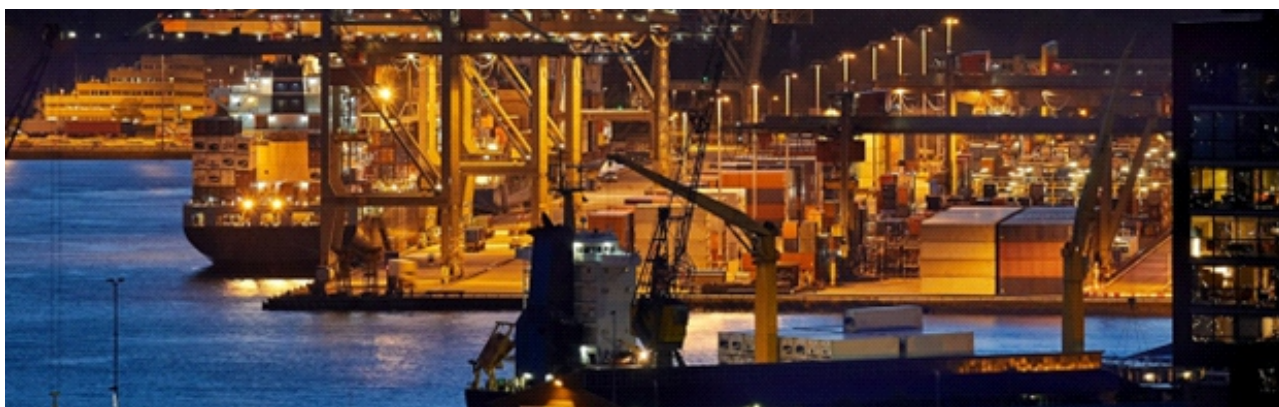
According to a recent industry survey [15] just under half (44%) of maritime professionals reported that their organization has been the subject of a cyber-attack in the last three years. Of these, 3% agreed to pay a ransom, which averaged at around \$3mn. It also found 32% of organizations do not conduct regular cyber security training while 38% do not have a cyber response plan.

“Cyber risk is a major concern and we do see more and more incidents involving non-marine operations, such as ports,” says Régis Broudin, Global Head of Marine Claims at AGCS. “As the industry becomes more reliant on technology and automation, the potential for disruption from a cyber-attack or technical failure increases. And with the increased connectivity of ships, it is only a matter of time before it will also affect vessels.”

Security agencies have warned of a heightened cyber risk due to the conflict in Ukraine. NATO warned vessels in the Black Sea faced the threat of GPS jamming, Automatic Identification System (AIS) spoofing (prior to the Ukraine invasion there had already been a number of these incidents, reported in the Middle East and China), communications jamming and electronic interference.

The US Cybersecurity and Infrastructure Security Agency also warned the maritime transportation sector could be a target for foreign adversaries.

“There is concern that shipping assets and ports could become collateral damage if the conflict in Ukraine results in an increase in cyber activity,” says Captain Rahul Khanna, Global Head of Marine Risk Consulting, AGCS.



[12] The Maritime Executive, Indian container terminal diverts ships due to ransomware attack, February 22, 2022

[13] The Stack. \$16bn freight forwarder "Expeditors" hit by crippling hack

[14] Security Week, Ransomware operators leak data stolen from logistics giant Hellmann, December 2020, 2021

[15] Safety4Sea, Report: Shipowners pay average of \$3.1mn as ransoms due to cyber attacks, March 22, 2022

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