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Our Vision

To be a world class service organisation that ensures for Shippers in Ghana, quick, safe and reliable delivery of import and export cargoes by all modes of transport at optimum cost.

Our Mission

To effectively and efficiently manage Ghana's commercial shipping and to protect and promote the interests of shippers in relation to international trade and transport logistics.

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THE UNION OF AFRICAN SHIPPERS COUNCILS:
An Evolutionary Review of Existence and Perspectives

Azoh-Mbi Edward Chi-Malang, UASC

INTRODUCTION

Ikechuku Chris Iheduru (1996) (an international shipping political economist) has advanced lack of unity among developing countries as one of the major obstacles to attaining development objectives.

West and Central Africa (WCA) however successfully put its economic, cultural and ideological differences aside to create some 'organic solidarity' notably in the area of shipping by the initiative of establishing Shippers' Councils and operating them under the umbrella of the Union of African Shippers' Councils (UASC), along with the Ports Management Association of West and Central Africa (PMAWCA) and other specialised organs of the Maritime Organisation of West and Central Africa (MOWCA), the main fountain of regional maritime policy.

This put an end to fragmented shipper operations besides closing the sub-regional leadership gap that existed in the sector, hampering collective bargaining and consultation on transport conditions.

Establishing national Shippers' Councils and national shipping lines, inter alia, strongly supported in 1968 by UNCTAD was one of the strategies used to foster the equitable participation of developing countries in the carriage of trade generated by their economies, which was previously the monopoly of the great maritime nations. The initiative which formed part of the New International Maritime Order (NIMO) in 1965 fitted into the ultimate aim of trade facilitation and poverty alleviation.

It was a step boldly taken to narrow the gap between the rich (traditional ship-owner nations) getting richer and the poor (traditional shipper countries) getting poorer in the midst of a booming world economy.

In response to UNCTAD's support (*UNCTAD document n° TD/8/C.4/127 Sup.2 of 21 January 1975*) for the creation of a countervailing force against the collusion of ship-owners, African countries took to stage one unity by establishing shippers' councils, the first in Africa being that of Cote d'Ivoire in 1968.

After a number of Shippers' Councils had become operational on the continent, it was soon observed that ship-owners and Liner Conferences maintained their dominance over the industry to the greatest detriment of shippers, thereby out rightly defeating the main objectives of economic development and adjusting the shipper/ship-owner balance of power.

In a bid to address this situation at sub-regional level, WCA councils moved to stage two unity by further pooling their resources in order to strengthen their position. Consequently, UASC was established to replace the former Regional Negotiating Committee, created in compliance with an UNCTAD recommendation to undertake regular negotiations of freight rates and transport conditions with liner conferences.

Initially in the 80s, freight rate negotiations were formal, serious and fruitfully undertaken in broad daylight with conferences such as AWAFC,UKWAL, CEWAL, FEWAC, MEWAC, COWAC and EWAC, giving

Shippers' Councils their full worth and chance to play a decisive role in international trade and transport. The glory of this historical parity to the demand side soon became a nightmare to the supply side of the sector and it did not take long for the seesaw to be overturned.

Along the lines, besides the material and financial difficulties, war and other geo-political factors caused some of the Union member councils to drop out, just as the Union itself galloped in and out of activity, simultaneously fighting for its own survival, that of member councils as well as for the welfare of shippers. With time, more councils were established or reactivated, objectives expanded, the Union became stronger and its visibility increased though without much success in freight rate negotiations for a continent with the highest freight rates in the world even though not the furthest shipping destination. Various Memoranda of Understanding were signed with major international institutions, followed by a series of meetings held with ship-owner associations in attempt to gain the past glories of sensible discussion of freight rates and conditions of carriage with the joint-declarations hardly ever being respected by the other side.

In general, the Union has endeavoured to respond to both national, sub-regional and international policy expectations and assignments, notably in the areas of trade and transport facilitation, transport observatories, Training programmes and other shipper and staff training programmes, Cargo Tracking Note, National Shippers' Day celebration, non-maritime country trade and transport problems, Single Windows, regional integration, negotiation, follow-up and implementation of international maritime and trade conventions and other regulations, etc. The Union's commitment is evident from increasing high-level participation and often emphasised in the state-of-the-union addresses by various chairmen.

Finally, in 2014 (resolution n°4/CD/02/2014, resolution n°1/CD/11/14), following the rising membership concern for a system transformation agenda, the Union practically embarked on the new initiative of a *"2015 – 2020 Vision and Strategy" study,* chaired by the CEO of Burkinabe Shippers' Council (CBC) Mr. Ali TRAORE. Its swot analysis makes a strategic diagnosis of the Union's strengths, weaknesses, opportunities and threats, while the final report strongly recommends complete restructuring with a new organisational chart, strengthening the human resources and sharpening measures for the improvement of performance, project conception and execution, improved visibility, active lobbying of member governments, optimised shipper satisfaction, greater credibility and international cooperation with relevant Regional Economic Communities and international organisations in the sector. Though obliged to play on a rough African and maritime terrain, the Union has managed to come a long way. Presently, this is the way forward even if abruptly taken in terms of change management, it is hoped that the new road map would progressively take the Union to destination.

THE BIRTH OF UASC

It may be necessary to recall that global governance of the maritime sector is the responsibility of the International Maritime Organisation (IMO), while at sub-regional level, WCA maritime policy is developed and implemented by the Maritime Organisation of West and Central Africa (MOWCA), the former MINCONMAR (Ministerial Conference on Maritime Transport for West and Central Africa). MOWCA, based in Abidjan, comprises four specialised organs, namely, Ports Management Association of West and Central Africa (PMAWCA-AGPAOC) based in Lagos Nigeria; Regional Maritime University of Accra, Ghana (RMU), Regional Academy of Maritime Science and Technology, Abidjan; (Académie Régionale des Sciences et Techniques de la Mer (ARSTM); African Ship-owners' Association (ASA) and the Union of African Shippers' Councils (UASC-UCCA) based in Douala (Cameroon) which is the subject of the present discussion.

MOWCA, based in Abidjan, comprises four specialised organs, namely, Ports Management Association of West and Central Africa (PMAWCA-AGPAOC) based in Lagos Nigeria; Regional Maritime University of Accra, Ghana (RMU), Regional Academy of Maritime Science and Technology, Abidjan; (Académie Régionale des Sciences et Techniques de la Mer (ARSTM); African Ship-owners' Association (ASA) and the Union of African Shippers' Councils (UASC-UCCA)

based in Douala (Cameroon) which is the subject of the present discussion.

The Union of African Shippers' Councils was established by the 3rd ordinary session of MINCONMAR held in Accra (Ghana) from 23 - 26 February 1977 as a specialised organ in charge of defining and implementing shipping policy in the sub-region. In accordance with the relevant proviso, UASC comprises the Shippers' Councils or similar organisations in WCA countries and presently has eighteen (18) active members listed in the table below.

In accordance with the Headquarters Agreement between UASC and the Republic of Cameroon signed in November 1988, the organisation's headquarters (General Secretariat) is based at the Centre des Affaires Maritimes in Bonanjo Douala, Cameroon, within the premises of the host-council, the Cameroon National Shippers' Council (CNSC) that statutorily backs it up materially and financially.

The Union's governing organs include a biennial General Assembly and Steering Committee. Its Bureau comprises an honorary Chairman and Vice with a mandate of two years, permanent Treasurer, Auditor with a mandate of two years and an elected Secretary-General who has a mandate of four years, renewable once.

Membership

UASC membership spans across francophone (majority), Anglophone, Luxophone and Hispanophone countries in the sub-region, though for now, Union proceedings take place in three official or working languages (French, English and Portuguese). The list of members.

Union Objectives

The main objectives of UASC are as follows:

- *Strengthen the consultative and negotiating mechanisms with liner conferences and ship-owners servicing the sub-region;*
- *Reduce the incidence of transport cost on the economies of West and Central African countries;*
- *Rationalise traffic and optimise maritime transport services in member States;*
- *Promote national merchant shipping business while ensuring a fair cargo-sharing system in accordance with the recommendations of the UNCTAD Code of Conduct for Liner Conferences;*
- *Promote any co-operation policy for the protection of the interest of member states in respect of problems in the carriage of goods;*

Basically, the foregoing objectives were theoretically listed from the onset. However, as institutions are prevented by regulatory, technological, organisational and environmental changes from being static, there is a constant shift in priorities and challenges requiring a re-adapting of objectives towards optimised value-adding, both for the immediate service users (shippers) and the community in general.

Consequently, the Union's objectives have evolved in basically three categories. Statutory objectives outlined in the Union's Constitution as stated above, are primordial and thus sustain the daily activities of the Union and attaining them is a key motivator to member financial and material contributions.

N°	Member Shippers' Council	Language	Status
1	Angola National Shippers' Council (CNC)	French	Active
2	Benin National Shippers' Council (CNCB)	French	Active
3	Burkinabe Shippers' Council (CBC)	French	Active
4	Cameroon National Shippers' Council (CNSC)	French/English	Active
5	Central African Republic's Shippers' Council (CCAF)	French	Active
6	Chad Shippers' Council (	French	Active
7	Congo Shippers' Council (CCC)	French	Active
8	Cote d'Ivoire Shippers' Council (OIC)	French	Active
9	Gabon Shippers' Council (CGC)	French	Active
10	Ghana Shippers' Authority (GSA)	English	Active
11	Guinea Shippers' Council (OGC)	French	Active
12	Guinea-Bissau National Shippers' Council (CNC-GB)	Portuguese	Active
13	Mali Shippers' Council (CMC)	French	Active
14	Niger Council of Public Transport Users (CNUT)	French	Active
15	Nigerian Shippers' Council (NSC)	English	Active
16	DR Congo Shippers' Council (OGEFREM)	French	Active
17	Senegal Shippers' Council (COSEC)	French	Active
18	Togo National Shippers' Council (CNCT)	French	Active
19	Equatorial Guinea Shippers' Council	Spanish	Inactive

Member countries yet to establish a Shippers' Council include Sao Tome and Principe, Gambia, Sierra Leone, Liberia and Mauritania.

- *Simplify administrative and trade formalities in international maritime traffic;*
- *Encourage maritime retraining (and information) centres in countries where necessary.*

Secondary objectives such as membership expansion and reactivation, strengthening of cooperation among member councils, fund-seeking and diversification, defence of the CTN, communication, etc., are meant to sustain the organisation itself with her members and are therefore

Congratulations

DR. KOFI MBIAH

The Ghana Shippers' Authority Local Union members of the Maritime and Dockworkers Union are proud and delighted to congratulate Dr. Kofi Mbiah, Chief Executive Officer of the Ghana Shippers' Authority on his appointment by the IMO Secretary General to serve on the Governing Board of the IMO International Maritime Law Institute (IMLI).

IMLI is an international centre for the training of specialists in maritime law.

The letter appointing Dr. Mbiah to this high position highlighted his personal attributes and contribution to the global maritime industry; namely Chairman of IMO Legal Committee, Visiting Professor at the World Maritime University and membership of drafting Committees of various international maritime instruments.

The Union believes Dr. Mbiah's sterling leadership qualities and steadfast contribution to the development of the maritime industry are at the core of the several awards he has won over the years. These include the IMLI Graduate International Achievement Award (2013), the African Maritime and Energy Evergreen Award (2014), the IMANI Top Five Most Inspirational Public Service Leaders in Ghana, 2014, and the Africa Maritime Energy CEO of the Year 2015 Award.

Indeed, Ghana Shippers' Authority Local Union members of the Maritime and Dockworkers Union are proud to be associated with such an accomplished achiever.

Congratulations!!!

crucial to her significant survival as well.

Moreover, considering that the organisation's ultimate purpose is development and welfare for the sector, remote objectives underlying its existence and policy result from the expectations of the wider maritime community coupled with assignments from higher levels of cooperation such as the African Union, World Bank, African Development Bank, WTO, GSF, UNCTAD, etc.

Underlying objectives include regional integration; integration of Sub-Sahara Africa into the world political economy; promotion of women in the maritime sector; economic growth and poverty alleviation; meaningful participation in the sector's regulatory developments such as the Rotterdam Rules; implementation of international maritime conventions, adjusting the transport user/supplier balance of power, trade and transport facilitation.

Union Projects

Over the years, Union's projects have evolved from the creation of a Regional Freight Exchange; putting in place a harmonised finance system for the Union and members; creating a legal data base (comprising legal material such as the enabling acts of member councils); creating more councils and reactivating dormant member Shippers' Councils; promoting the Sealed Grid System; improving the efficiency of Sub-Saharan Trade Corridors and the management of Juxtaposed Check-points; promoting the establishment of Single Windows by member councils; developing a new freight rate negotiating strategy; generalising, harmonising and defending the Cargo Tracking Note and implementing the UASC 2015-2020 Vision and Strategy study.

CONTEXT, EVOLUTION AND PERSPECTIVES

The setting of the stage for the establishment of governing maritime bodies in the sub-region began with the adoption by the first MINCONMAR Conference held in Abidjan on 7 May 1975 of the Maritime Transport Charter for West and Central Africa named the "Abidjan Charter". While in 1976 in Accra (Ghana), at the 3rd MINCONMAR ordinary session, the convention on the establishment of the Ministerial Conference and creation of UASC was signed.

The Union began operations in 1986 and the first Secretary-General (the only former General Manager of a Shippers' Council to become UASC Secretary-General) Mr. GANDAHO Innocent (from Benin National Shippers' Council, CNCB) was elected and the Union took over the freight rate negotiation functions of the Regional Negotiating Committee (RNC). For some time, the Union effectively played the role of freight rate negotiator. Deep crisis within the Union soon rushed the second mandate of the first Secretary-General to an end in 1995 and thereafter, an interim Secretariat headed by Mr. Emmanuel EDOU (then General Manager of Cameroon National Shippers' Council) was put in place by the host-country.

Seeing that the regional system of maritime transport and policy framework was ineffective to the extent of compromising the region's potential for trade and economic development, the cardinal aim of the round table on shipping services in Western and Central African countries jointly organised from 23-26 June 1992 by the World Bank and MINCONMAR (and her specialised organs), with the participation of UNCTAD, SSATP and IMO, it was to enhance the international competitiveness of Sub-Saharan economies through improved efficiency of their maritime transport, increased cooperation and regional economic integration.

The strategy equally implied a new orientation for shippers' councils especially with regard to objectives as the Code of Conduct for Liner Conferences embodying cargo-sharing and freight negotiations became obsolete. All else had to give way to liberalised world trade and transport system that soon followed the new international policy of globalisation.

The second Cotonou round Table by the same organisers held from 3-6 June 1997 recognised that regional maritime policies and practices needed to reflect increasingly competitive realities of the sector's international commercial environment.

A series of in-depth studies recommended by Cotonou 1 and

aimed at identifying underlying problems that could contribute to the elaboration of a comprehensive new policy frame for the sub-region including redefining the mission and role of Shippers' Councils, analysing the costs of the transport chain, setting up national monitoring units on transport; evaluating regional cooperation organisations and clarifying the status of West and Central African shipping, became the focus of the time.

Whether these studies were ever carried out or not, they reshaped the mindset of the region's maritime sector and particularly Shippers' Councils; set the stage for the use of different performance indicators and the shifting of priorities.

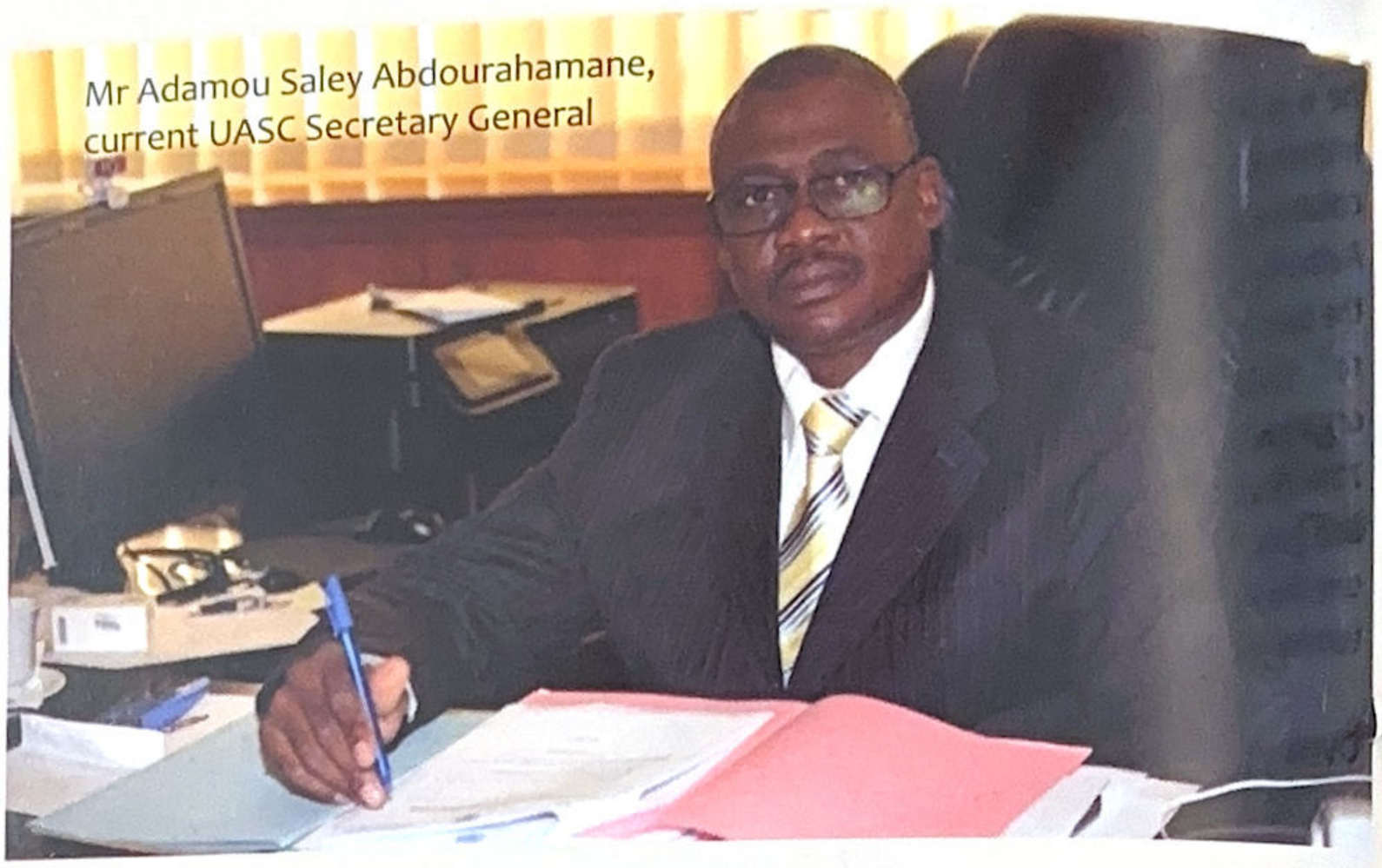
In 1997, the second Secretary-General Mr. Sita DJERMA (graduate of the World Maritime University) was elected at the 3rd ordinary session of the General Assembly in Cotonou, following a 1996 extraordinary session in Dakar (Senegal) where decisive measures were taken, notably to chart a new course for the organisation.

On being installed in office, Mr. Djerma was assigned the task of revitalising the Union in compliance with the relevant policy options expressed by the 1992/1997 MINCONMAR /World Bank round tables held in Cotonou, notably recommending a review of Shippers' Council objectives. Shortly thereafter, Union activities had to follow a Master Plan of Reforms adopted in July 1998 in Accra by member councils.

From 1998 to 2001, the Union made significant strides in carrying out its statutory functions steadily and its visibility in the international scene. Thus in 1999, the first edition of the African Shippers' Day was celebrated in Accra, Ghana.

A July 2009 General Assembly held in Libreville (Gabon) placed the fourth UASC Secretary-General Mr. Serigne Thiam DIOP (former Technical Director of Senegal Shippers' Council, COSEC) at the helm of the Union.

Despite the pressures of a restricted mandate sealed in a prior gentleman agreement by members, DIOP on his part carried the Union's international cooperation, credibility and



Mr Adamou Saley Abdourahamane, current UASC Secretary General

visibility to a height in one mandate based on systematic international presence and the signing of a number of Memoranda of Understanding (MOU) and Cooperation Agreements: (MOU with AUTF - 13 June 2011 in Paris; Cooperation Agreements with UNCTAD - June 2011 in Geneva; ESC - 26 July 2012 in Ouagadougou; ICC - 17 May 2013 in Paris). As such, these organisations including UNCITRAL, AU, UEMOA, etc., became goodwill associates and partners of the Union.

His mandate was also notably marked by his collaboration with the African Group in Geneva on the defence of the Cargo Tracking Note (CTN) or Advanced Shipment Information System (ASHI) that was under threat of elimination by WTO.

Historic African leadership by the Union in the negotiations leading to the adoption of the *International Convention on the Carriage of Goods, Partly or Entirely by Sea* called *Rotterdam Rules*, following which UASC was specially invited to the signing ceremony in the city of Rotterdam, all enhanced the Union's reputation and aspirations. Discussions resumed with conferences: (ECSA - 16 July 2010 and 12 April 2012; EWATA, AWATA).

The Union became a full member of the Global Shippers' Forum (GSF) in 2010 and the third UASC Secretary-General became the first African to accede to GSF Board membership at the GSF Annual General Meeting held in London from 8-9 April 2013.

The fifth Secretary-General, Mr. Adamou Saley ABDOURAHAMANE (former Technical Director of Niger Council of Public Transport Users, CNUT) was elected in a 2013 General Assembly in the Democratic Republic of Congo.

Besides a demonstrated debt recovery commitment, strict budget execution and fruitful canvassing of funds for Union projects, the peculiarity of his mandate is that it coincides with the commissioning of the 2015-2020 *UASC Vision and Strategy* study and

he is to be the chief architect to implement the new vision in collaboration with Ghana Shippers' Authority (GSA), newly acceding to the post of Union Chairman at the 10th UASC General Assembly organised in Accra on 27-30 January 2016. As each Union bureau comes and goes, the Union waits for the one that would steer the ship to the turning point.

OVERVIEW AND CONCLUSION

UNCTAD conferences and World Bank studies highlighting and instigating the implementation of the policy of establishing Shippers' Councils by developing countries in 1968 thereby formally opening a door for Africa in the New International Maritime Order (NIMO), has ever since remained a commendable initiative that objectively took third world shipping issues at heart, gathering international consensus and making formidable strides by setting the stage for a balanced shipping market relationship.

Besides underscoring the central role of international maritime transport in the world economy, such policy capitalises on the role of Shippers' Councils as a central means of optimising the participation in and benefits from the international trade and transport system of a country in particular as well as fostering its overall economic development with the special effect of undermining poverty.

The formation of Shippers' Councils and designating them as managers of the demand side of transport services was the first step towards alleviation, followed by their wisdom to act through a union. As the sub-region promptly took to UNCTAD/WB directives and successfully created respectable national shipping lines working in agreement with equally national Shippers' Councils in cargo-sharing and effective negotiation of transport conditions as a whole, this was a first-ever change of regime in the political economy of North–South merchant shipping relations.

This new mechanism held developing countries up for a while at near parity with traditional maritime nations before the powers that be rushed in to change the rules of the game using international policy tools such as privatisation that was to be perfected by liberalising the global economy. Thus the historical break-through that ushered in the new favourable maritime climate for LDCs was quickly lost due to the South's political inaptness to sustain it. Shippers and their institutions are consequently back to the same nightmares of the old maritime world order.

As a further step, shippers and their organisations worldwide have realised that affiliating to a world body such as the Global Shippers' Forum is another stride towards position consolidation and capacity-building aimed at instituting a sustainable win-win shipping market order.

The issue has been a long time battle and by now, old weapons are already worn out. Contemporary actions such as the global anti-surcharge campaign, industry self-regulation exemplified by the adoption of best shipping practices, widened high level cooperation on multimodal cargo safety and shipping contracts, slotting shippers' interests into the international regulatory machinery to mitigate the burdens pushed on to the them by the supply side in instances such as the compulsory container weight verification, reduction of shipping gas emissions, the P3 Alliance attempt, etc., have began to open the way forward as shippers' organisations become prominent partners of the globalised trade system.

As the umbrella of WCA shippers' organisations, UASC has gone through the thin and thick of financial, material and political stumbling blocks to attain its objectives by arousing and coordinating member councils towards increased performance and result orientation.

In seeking cost-efficiency, facilitation, transparency and generally streamlining the global trade and transport logistics chain in order to render African foreign trade more competitive and inherently beneficial, the quest for greater shipper satisfaction remains a concern.

This of course means that the African shippers' kingdom is yet to come. If the best business practices of the supply side could confront those of the demand side of carriage by sea, a reliable working consensus could be arrived at if jointly accepted and implemented.

A lot has been said and done by shippers' organisations about the dwindling economies of developing countries amid flourishing world trade largely considered due to irrational costing, baseless surcharges and irregular transport conditions, whereas the shippers' piper keeps blowing his trumpet louder and louder to the deaf ears of the merchant marine. Development experts liaising with economic researchers, have comprehensively explored and reflected upon the relevant key issues and possible solutions needed to bring vital and sustainable change to the sub-sector, but their strategies have always only worked for a while before being offset by visible machinery that keeps the shipper sinking while the ship-owner is floating in luxury.

The complexity of the maritime industry sustains a broad array of potentially rival interests from numerous sub-sectors competing for finite resources and power, listing another reason for shippers' organisations to be apt to determine which priority of actions will be most beneficial and the probability of reaching the expected results.

Besides being questioned by development advisers, Africa is answerable to her shippers for paying the highest freight rates and bearing the greatest world trade constraints in a continent which is not the furthest loading and discharge point on the map. It is difficult to understand the logic of comparable advantage with respect to distance in African shipping, especially when the return trip is fully guaranteed of precious raw materials.

Shipping lines buoyantly blame it on the state of African ports, equipment and procedures, if not about the overall cost of doing business in Africa, but those are just a few of the entries on the user's side; the rest have to be accounted for by the supply side. Multimodal or door to door logistics chain operators are good at blaming each other for the poor performance of the system to which they all contribute in the absence of the poor shipper who hands his goods over to them for delivery, but who nevertheless has to pay the greatest share of the price of system inefficiency. It is possible to imagine what the situation would have been like without national, regional and global shippers' organisations doing what they can to tone-down the situation.

An increased workload resulting especially from international cooperation, coupled with regional assignments from the African Union Maritime Transport Action Plan, the African Maritime Transport Charter, the Integrated Maritime 20-50 Strategy for Africa (2050 AIM STRATEGY) have expanded the UASC agenda. With the Union's five WCA hinterland or geographically disadvantaged member countries, the Almaty Programme of Action aimed at addressing the special needs of landlocked developing countries within the New Global Framework for Transit Transport Cooperation for Landlocked and Transit Developing Countries equally merits attention. Besides, all this only add to various other international commitments such as implementing the WTO Trade Facilitation Agreement, the Rotterdam Rules, Container weight verification, control of shipping emissions, etc., thereby multiplying the demands on African shippers' organisations in terms of proficient participation, focus and timely response.

In the final analysis, the evolution of African Shippers' Councils has been both dynamic and eventful. After several decades of individual and collective action, they have achieved only what they have been able to bargain for with a weak hand in an obscure market. The capacity problem is understandable to experts and some governments, yet it is of their distinguished interest to avoid being seen as being there only for themselves rather than existing entirely for the shipper.

Their approach and commitment including the tools therefore have to be subject to the Total Quality Management principle of continuous assessment.

Nevertheless, the conclusions that have cast some doubts on the expected results of the struggle so far and led the GSF and partners to contemplate taking the shipper's problem to UN agencies while lobbying governments, educating and sensitising shippers and calling on ship-owners to put all their cards on the table by substantiating their rate calculations and business practices, have equally motivated the latter to schedule a series of tariff-setting analysis and cost-related studies that would serve as key levers in the fight for mutual cost-efficiency of the intercontinental trade and transport logistics chain.

BRIEF HISTORY AND ACHIEVEMENTS OF THE GHANA SHIPPERS' AUTHORITY

Formation of Ghana Shippers' Authority

The Ghana Shippers' Authority (GSA) was established by NRCD 254 on 5th April, 1974 and was subsequently inaugurated on the 18th February, 1975 at the Ministry of Trade & Industry Conference Hall by the then Commissioner for Trade. It has over the years collaborated with private and public organizations in the maritime industry to pursue its primary objective of protecting and promoting the interests of Ghanaian shippers in relation to port, ship and inland transport problems in order to ensure safe, reliable and cost effective maritime transport and logistics

The GSA started operations as a subvented Agency under the ministerial supervision of the Ministry of Trade. Following the passage of the Ghana Shippers Authority Cargo Sharing Regulations L.I 1347 in 1987, the Authority weaned itself from government subvention and became a net revenue earner supporting the foreign exchange requirements of the Central Bank.

Over the years, the GSA has grown into a formidable organization with Branch offices in Tema, Takoradi and Kumasi. The Tema Branch was the first to be established. It was followed by the opening of offices in Takoradi and Kumasi respectively.

In the early 1990s, the GSA's activities begun to expand, and coupled with the prevailing liberalization in the country at the time, it became imperative to establish the "Import/ Export Shipper Committees". These were to assist in effectively addressing the needs of importers and exporters on shipping matters affecting their interest. Consequently, in 1994, the GSA commenced the formation of sectoral Shipper Committees as a medium for bringing the GSA's activities to the doorsteps of shippers in Ghana. There are presently 10 regional committees located in each of the country's 10 Regions.

For over a decade, the Authority operated under the corporate name – Ghana Shippers' Council. In 1998 however, by virtue of the Laws of Ghana (revised edition) 1998, Act 562, the corporate name was changed to Ghana Shippers' Authority. The change in name took care of the transformation the Council had experienced over the years and brought it in tune not only with the Constitution of the Republic of Ghana but also in accord with the dynamics of modern shipping practice as far as the demand side of shipping was concerned.

Role of the GSA

The GSA together with its sister Shippers' Councils have for many years played their basic role of protecting and promoting the interest of shippers (importers and regulations set out modalities for:

- Creating a consultative

platform between the GSA and shipping service providers that operate along the logistics chain in the transport industry with respect to international trade;

- Negotiating charges in relation to shipment and clearance of cargo from the ports;
- Negotiating minimum standards and quality of shipping services to be rendered to shippers;
- Provide information to shippers in Ghana through the use of Advance Shipment Information.

The foregoing seeks to clearly establish the fundamental role of the Ghana Shippers' Authority as a protector of shippers' interests.

KEY ACHIEVEMENTS OF THE AUTHORITY

Services to Shippers

- The GSA has established ten (10) vibrant Import/Export Shipper Committees in the ten regions of Ghana. This is a Committee of shippers who meet regularly to discuss issues of concern to them and suggest ways in which these issues could be addressed to enhance their competitiveness in international trade.
- Shipper Complaints & Support Units (SCSU) are small office units of the GSA that are purposed to assist shippers through the provision of real-time support services in their trade and transport transactions at the frontiers. Presently, there are five (5) SCSUs located at Aflao, Elubo, Takoradi, Kotoka International Airport (KIA) and Paga.
- The GSA has since its establishment been able to educate shippers on their roles, rights and responsibilities in their logistics chain. Shippers have almost always received information on programmes, policies and measures that effect their trade and transport transactions.
- GSA has been able to resolve hundreds of complaints received from shippers over unjustifiable dealings with them by some shipping service providers. Shippers have either received compensation for damage to their cargo, refund for overcharging, or demurrage and rent waivers in many cases.
- MOBISHIP, an initiative of the GSA, is a mobile information system by which shippers are able to access information on vessel arrivals at the ports. It enables shippers to proceed quickly with their cargo clearance processes, thus reducing cargo dwell time at the ports.
- As part of its mandate to carry out studies on activities affecting shippers, the GSA has been able to put out a number of publications for the benefit of shippers in particular, and the shipping industry as a whole. The following are some of these key publications:
  i. Shipping Review – A quarterly magazine that gives information on shipping in Ghana

Seminar for Journalist

and other relevant news.

ii. Maritrade – A publication of papers presented by renowned scholars in the area of international maritime trade.

iii. The Admiral – A publication of papers presented at the annual Maritime Law Seminars for Judges of the Superior courts in Ghana by distinguished academics and practitioners in maritime law.

iv. Digest of Maritime Trade Statistics – Periodic publications on Ghana's maritime trade statistics.

Trade Facilitation

- GSA's efforts at trade facilitation are manifested in its support and indeed its participation as a shareholder in the Ghana Community Network (GCNet) project. The GCNet has served as an electronic platform for quick clearance of goods from the port and for providing assurance for the collection of government revenue.
- GSA has signed MOUs with counterparts in Burkina Faso, Mali and Niger for the unfettered use of the Ghana corridor for their transit trade.

Judges Seminar

- Two Transit Shipper Committees (one in Tema and one in Takoradi) comprising relevant stakeholders in the transit trade have also been established for the purpose of discussing and eliminating bottlenecks in the transit trade in Ghana.

- The GSA, in collaboration with the West Africa Trade Hub (WATH), has been undertaking studies on challenges on Ghana's transit corridor, and for advocacy for their removal or reduction. The major problems have been illicit road checkpoints, bribery, and time wasted at these check points.

- Advocacy - At the international level, GSA has represented the interest of shippers in Ghana by making useful inputs in the Rotterdam Rules, which would be the international legal framework for the international carriage of goods with a sealink.

- Advocacy - At the local level, GSA has made representations to various agencies, protecting the interest of shippers in policies, measures and programmes such as the following:

i. Reduction in clearance steps from 25 to about 15 presently

ii. The fixing of the foreign exchange rate for one week, instead of the daily changes in the rates.

Negotiation of Freight Rates and Charges at the Ports

- Cocoa Freight Negotiations - For over 15 years, the GSA has in collaboration with Cocoa Marketing Company been undertaking cocoa freight rate negotiation on behalf of Ghana. The negotiated freight rates, which apply to each cocoa season, has given stability to Ghana's cocoa economy, and resulted also in cost savings to the country on average, these negotiations have resulted in an estimated savings of USD 10million a year.

- Negotiation of Other Port Charges. Following the passage of Li2190 in 2013, GSA was able to negotiate the tariffs of the Ghana Ports & Harbours Authority (GPHA) and that of Freight Forwarders in Ghana. Consequently, these agreed rates were published in the national

Takoradi Logistics Platform

dailies for the information of all shippers under the caption 'DON'T PAY MORE'.

Research and Development

The GSA has been conducting research into problems and challenges confronting shippers in Ghana. The research is to help the GSA to formulate appropriate solutions to shippers' problems. The key research projects conducted so far include the following:

i. Pilfering at the Port at the Ports of Takoradi and Tema
ii. Cargo Clearance procedure, taxes, duty and charges at the Banjul port in the Gambia
iii. Evaluation of the Benefits of the Transit Trade in Ghana
iv. Impact of proposed upward review of shore-handling rates.
v. A Study of the Impact of the GCNET System on Cargo Clearance Procedures Impact of Demurrage Payments on the Activities of Shippers

Contribution to Maritime Infrastructure

- Boankra Inland Port (BIP) Project - Although not realized yet, the GSA was able to acquire 400 acres of land at Boankra in the Ashanti Region and put up a three storey administration block for the purpose of establishing an inland port. The Boankra Inland Port (BIP) project has now been re-packaged together with the Eastern Railway line for development by Government. Indeed a Transactions Advisor has been selected to package the project for funding.

- Takoradi Logistics Platform (TLP) – The GSA has also established an oil services platform near Takoradi, known as the Takoradi Logistics Platform (TLP), to be used by operators in the Jubilee Oil fields and other similar fields.

- Shippers' Centres - A Shippers' Centre is a building facility, which firstly houses GSA's offices, and has computer facilities for use by shippers and other operators in the transport logistics chain. The first Shippers' Centre was established in Takoradi. A 12-storey Shippers' House is under construction in Accra. The Accra Shippers' House is expected to house its Head Office as well as a ship brokerage hall, which will create the medium for the establishment of a freight market in Ghana. It is expected to be a Centre of "maritime technology" linking the ports of Tema, Takoradi, the Kotoka International Airport as well as the Boankra Inland Port by satellite.

- Warehouses - The GSA has seven large warehouses at a prime location at the Tema Harbour, to provide warehousing facilities to shippers, including shippers of landlocked countries transiting through the Tema port. The object is to provide quality warehousing services to shippers and to continuously ensure prompt delivery of services through the provision of cargo handling and haulage services to shippers to facilitate movement of goods.

AWARDS

Over the years GSA has been recognized and awarded by many local and international organizations as follows:

- The Most Innovative Shippers' Organisation in Africa – awarded by the Union of African shippers' Councils (UASC) in 2002

- Third Prize – African Shippers' Councils - Best Practice - 2004

- Best Maritime Agency in Trade Facilitation in West Africa for the Year 2007 – awarded by the West Africa Maritime Awards

- The Most Innovative Shippers' Council in West Africa for the Year 2008 – awarded by the West Africa International Magazine

- Best Agency in Trade Facilitation in Africa for the Year 2010 and 2013 – awarded by the African Shipping and Oil Digest

- International Quality Crown Award - 2012 by Business Initiative Directions.

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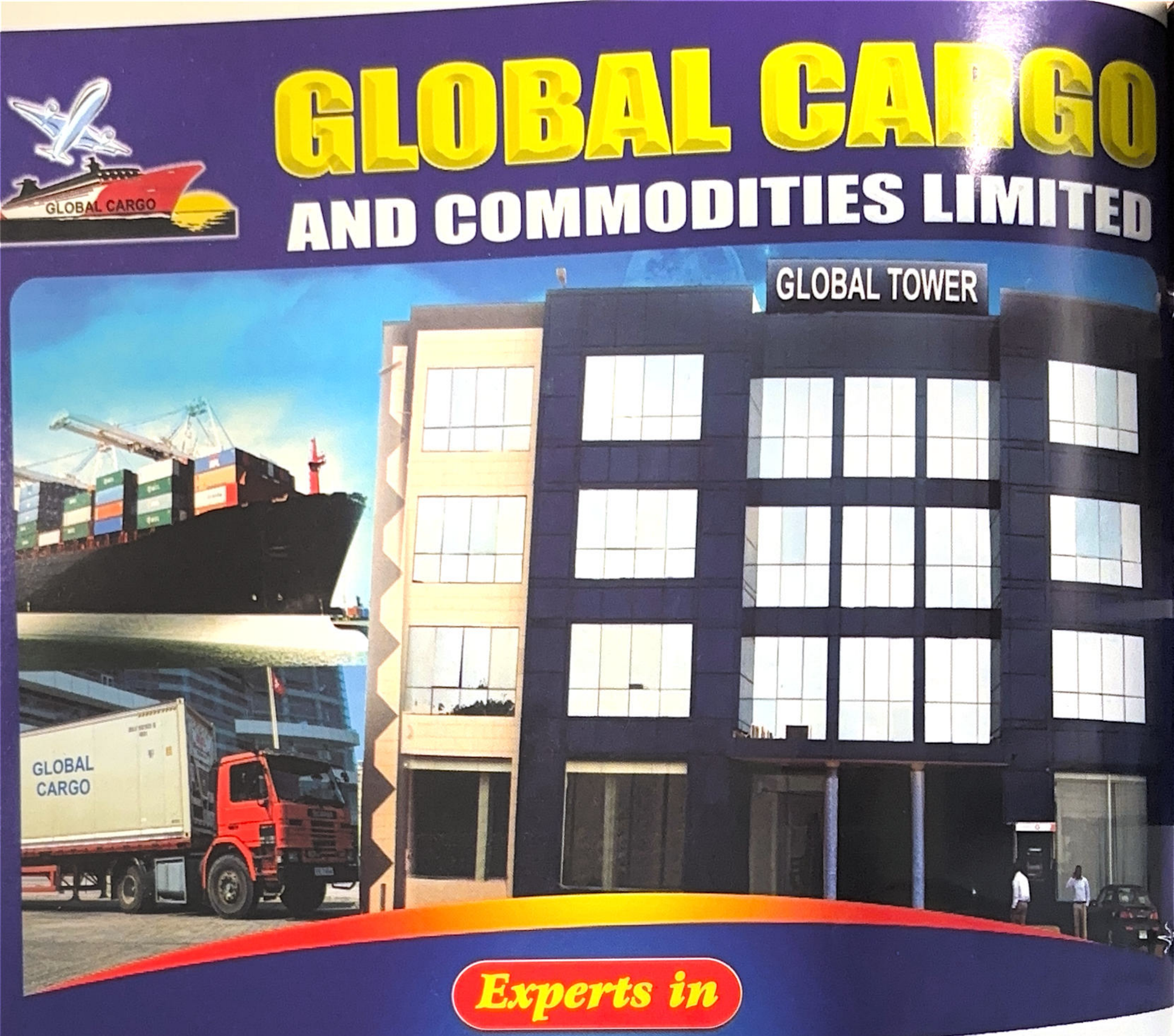

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UNRAVELLING THE COMPLEXITIES OF MARITIME BOUNDARY DELIMITATION

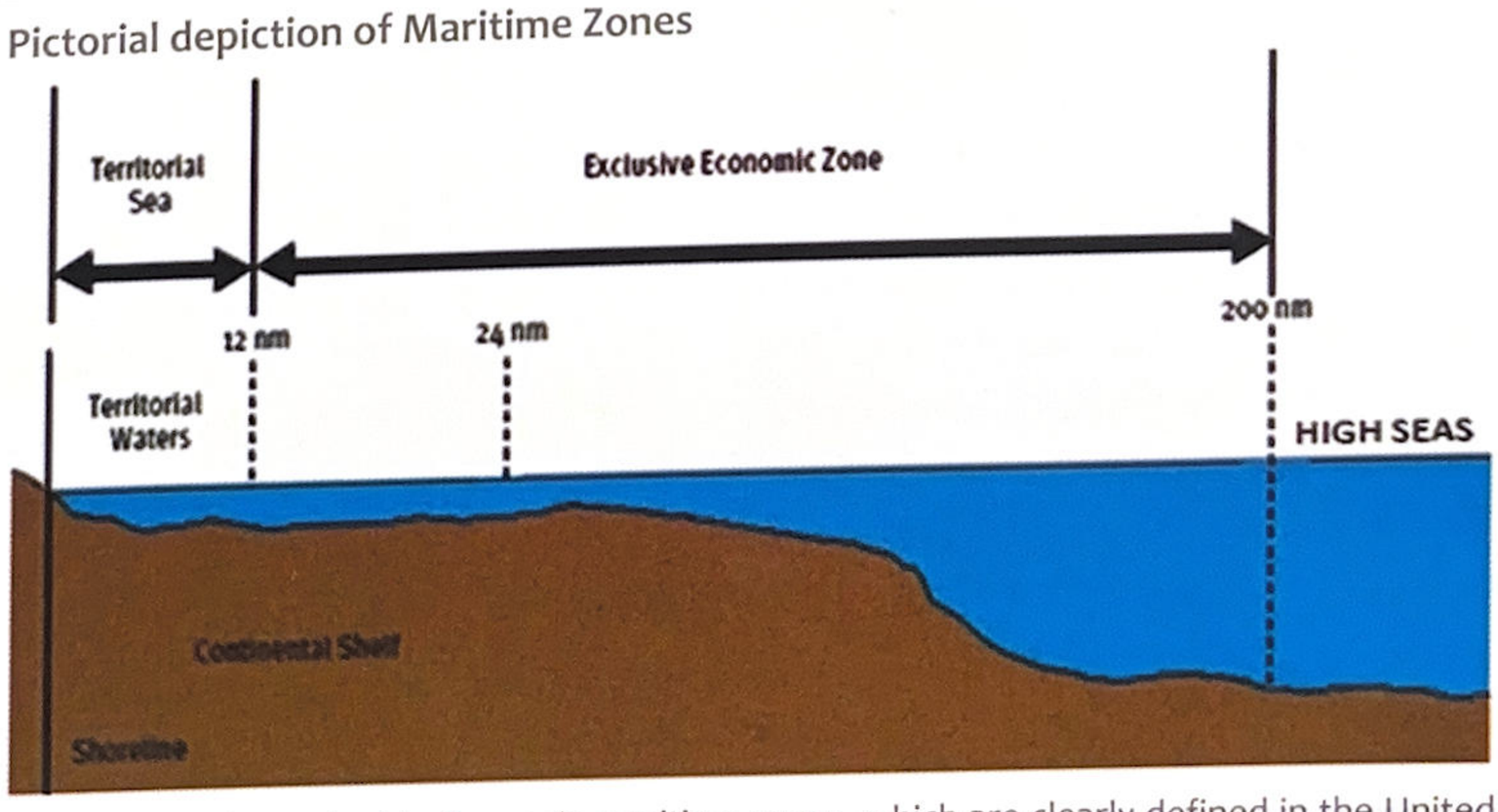
DR KOFI MBIAH*[1]

INTRODUCTION

To a very large measure, countries the world over have succeeded in defining the territorial limits of their land boundaries and hence their territorial sovereignty with respect to such boundaries. It is however safe to say that the determination of the limits of their maritime boundaries (delimitation) as well as the accompanying rights and jurisdictional issues have striven for mastery within the realms of contemporary international law..

The maritime zones which are the subject of delimitation, relate in a very profound way, to the outer seaward limits, accentuated by the extension of the maritime rights of coastal states. The importance of these maritime rights have assumed new dimensions of interest due to improvements in technology. Undoubtedly, this has provided unbridled access and opportunities for maritime resource exploitation by coastal states in ways hitherto unimagined. At the onset, it would be important to draw a distinction between the declaration of maritime limits which is essentially a unilateral act by coastal states to determine their maritime spaces and maritime delimitation which involves the demarcation of maritime boundaries between two or more states where there is an overlap leading to competing legal claims.

Pictorial depiction of Maritime Zones



The diagram above depicts five main maritime zones, which are clearly defined in the United Nations Convention on the Law of the Sea.[2]
Territorial waters , Contiguous zone, Continental shelf, Exclusive economic zone , High seas

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[2]The United Nations Convention on the Law of the Sea. Montego Bay, 10 December 1982. Entered into force 16 November 1994.

The territorial waters are the waters, which are adjacent to the territory of the coastal state and measures 12 nautical miles from the baselines determined in accordance with the United Nations Convention on the Law of the Sea.[3]

The Contiguous Zone

Under Article 33 of the United Nations Convention on the Law of the Sea, the contiguous zone refers to the zone abutting the territorial sea and measuring 24 nautical miles from the baselines from which the breadth of the territorial sea is measured. In this zone, the coastal state may exercise the control necessary to prevent and punish infringements of its customs, fiscal, immigration or sanitary laws within its territory or territorial sea.

Continental Shelf

The United Nations Convention on the Law of the Sea also provides under Article 76 for the Continental Shelf. The Continental Shelf comprises the seabed and subsoil of the submarine areas that extend beyond the territorial sea of the coastal state, throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, where the outer edge of the continental margin does not extend up to that distance.[4]

Exclusive Economic Zone

The Exclusive Economic Zone (EEZ) is an area beyond and adjacent to the territorial sea but may not extend beyond 200nm from the baselines from which the breadth of the territorial sea is measured. The Coastal state has sovereign rights in the EEZ to explore, exploit, conserve and manage the natural resources of the waters superjacent to the seabed and of the seabed and its subsoil.[5]

High Seas

The High Seas is a zone beyond the Continental Shelf and EEZ which is open for use by all states except in respect of resources of the seabed of the ocean floor and subsoil thereof, exploitation of which is to be managed by the International Seabed Authority, set up under UNCLOS for the "common heritage of mankind".[6]

Maritime delimitation and the exploitation of natural resources

According to Prosper Weil,

> *The quest for the exploitation of resources has called for a demarcation of maritime boundaries of neighbouring states with opposite or adjacent coasts. Every time the maritime projections of two states meet and overlap, each of them must inevitably forego the full enjoyment of maritime jurisdictions it could have claimed had it not had the geographical misfortune to find its appropriation in conflict with that of its neighbour.*[7]

In such situations the need for the erection of "good fences" becomes imperative as good fences make good neighbours.[8] Where there are competing legal claims between opposite and adjacent states, none of the states concerned can delimit its boundaries unilaterally.[9]

Where the fences are not determined timeously, especially in situations where the disputed maritime zones abound in natural resources, then, as made out by Lord Curzon-" frontiers are indeed the razor's edge on which hang suspended... issues of war and peace.[10]"

A few countries have had such confrontation and civil strife where the maritime boundaries were blurred[11]. The delineation of these boundaries for the purpose of providing certainty is what is commonly referred to as Maritime Boundary Delimitation. It may thus in essence be defined as:

"the process of establishing lines separating the spatial ambit of coastal state jurisdiction over maritime space where the legal title overlaps with that of another state.[12]

Maritime delimitation has assumed new levels of importance and dimensions due to the extension of the maritime rights of coastal states and the consummate appropriation by states of extended maritime zones of 200 nautical miles or more, commonly referred to as the Exclusive Economic Zone. It needs

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[3]Article 3
[4]Limits of the Continental shelf; Art 76 (2)
[5]Article 56
[6]Words attributed to the distinguished delegate of Malta, Arvid Pardo during the negotiations of the UNCLOS
[7]See Prosper Weil, The Law of Maritime Delimitation – Reflections, p.3, Grotius Publications Limited, Cambridge, 1989
[8]In the words of Robert Frost in his poem " Mending Wall"
[9]See for example, - The Gulf of Maine Case, ICJ Reports 1984, p.229, para 112
[10]See the text of the 1907 Romanes Lecture by Lord Curzon of Kedleston
[11]An example is the conflict between Cameroon and Nigeria in relation to the Bekassi Peninsula
[12]The International Law of the Sea, Yoshifumi Tanaka, Cambridge University Press, 2012.United Kingdom . p.187

be stated that very much in the same way as land boundaries were and continue to be the subject of disputes, the demarcation of sea areas has also been in most cases contentious. It is fair to say that there has been a dramatic increase in contentions for boundary delimitation with the extension of the various maritime zones. Before the advent of the United Nations Convention on the Law of the Sea (UNCLOS), and the crystallisation of the customary international law of the sea, maritime territories over which coastal states laid claim with respect to sovereignty were rather limited. Indeed the maritime zones associated with the territory of a state were at various times, three[13] or six nautical miles for the territorial sea, before their eventual extension to 12 nautical miles under customary international law and the UNCLOS.

In view of the proximity of the maritime zones to the land, the issues of boundary delimitation was not that pronounced. Thus, the extension of maritime zones with its associated economic rights formed the basis for neighbouring states to assert their claims to a particular line as its boundary. Be that as it may, there are always political undertones as this may also border on issues of sovereignty, the assumptions of political rights and to some extent, security considerations.

It is common knowledge that while the world has largely succeeded in demarcating its land boundaries between states and can readily provide a map of the world covering the land borders of various states, the same cannot be said of the maritime boundaries as there still remain hundreds of delimitation of various maritime boundaries between states yet to be made.

THE HISTORICAL DEVELOPMENT OF THE LAW

In the history of the demarcation of boundaries and the erection of fences, there seemed to have been no law. On land, this was largely guided by conquest or rather historical antecedents. The same could be said with respect to the demarcation of maritime areas which for a very long time did not have any corpus of law as its determinant. Consequently, the determination of sea boundaries was guided by the rules of natural justice and a sense of fairness once land boundaries have been established.[14]

To arrive at a fair result in the delimitation of essentially the territorial sea and the continental shelf, the underlying principle of equality and the sovereignty of states is paramount. Consequently, any delimitation has to be based on equality of sacrifice, quantitative or proportional; equality of resultant areas, the allocation of surface areas or the divisions of the economic resources.[15]

The law with respect to maritime delimitation is of recent origins. Before the second world war, the delimitation of maritime jurisdiction by states was essentially with respect to the territorial sea and this was achieved through agreements between states with equity as the underlying principle. After the Second World War, the crave for resources beyond land territories and the immediate environs of the sea, coupled with increased awareness of the resources of the seabed and improvements in technology, led to claims of continental shelf resources which then resulted in the new maritime zone known as the Continental Shelf. A landmark proclamation was made by Harry Truman, former President of the United States of America to the effect that the natural resources of the subsoil and the sea bed of the continental shelf beneath the high seas[16] and contiguous to the coast of the United States was subject to its jurisdiction and control. It brought a fresh awakening to states and changed dramatically the claims of states to continental shelf resources. This proclamation[17] opened the floodgates to similar declarations by other states, which then crystallized to become customary international law.

The law of maritime delimitation is often said to be inchoate and buried in the legal consciousness of states. It is incontestable that the primary rule of international law for the delimitation of maritime boundaries is through agreement by the parties. This was later to find clear expression in the delimitation of the territorial seas.[18]

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[13]The three nautical miles is commonly referred to as the *Cannon Shot Rule* in reference to the distance traveled by the cannon when shot from the coastline.

[14]See P.Weil p.5

[15]See P. Weil, The Law of Maritime Delimitation - Reflections, *supra* note 7 at p.5

[16]This was at a time when the limits of the territorial seas were fixed at 3 nautical miles and outer limits beyond the territorial seas was considered as High Seas.

[17]Proclamation No 2667 of 28th September 1945, President Truman's Proclamation on U.S. Policy Concerning Natural Resources of sea bed and fisheries on High Seas

[18]Article 12 (1) of the Territorial Sea Convention.

In that determination, the parties invariably rely on international law. The international law with respect to maritime delimitation is not so much derived from treaties but state practice and pronouncements of judges which has often been referred to loosely as the international law on the subject but lacking that essential element of *opinio juris*[19] necessary for its crystallisation into customary international law..

Thus the rules which constitute the law of maritime delimitation cannot be expressed as *jus cogens*[20]. It is important to mention that arising out of the need to settle claims of boundaries with respect to the territorial sea by agreement, the extension of the maritime zone also fell to be decided accordingly.

It is often said that the delimitation of maritime boundaries must be effected by agreement between the parties within the framework of international law. This view is now embodied in treaty law and expressed in Articles 74 (1) and 83 (1) of the United Nations Convention on the Law of the Sea. Article 74 (1) states.

> *The delimitation of the Exclusive Economic Zone between states with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.*

A similar provision is made in Article 83 (1) dealing with the delimitation of the continental shelf between states with "opposite or adjacent coast."

With respect to treaty law, the Hague Codification Conference of 1930 is always an appropriate place to commence when examining the role of treaty law in the delimitation process. The Hague Conference concentrated its efforts on the delimitation of territorial waters between opposing states. Two principles emanated from this conference; the first was that, the application of the median line for determination of territorial sea boundaries was considered appropriate with the caveat that there could be a deviation from the median, if justified by reasons of *geography, history or other circumstances.*

The second was with respect to lateral boundaries; the principle of division by lines perpendicular to the general configuration of the coastline was found most plausible and believed to yield an equitable result.

The *traveaux preparatoire* of the Hague Codification Conference indicates that the issues discussed therein were protracted and hence the conference could not reach any agreement for inclusion of the clauses in the draft Convention.[21] Then came the International Law Commission (ILC), formed within the United Nations system and made responsible for the codification of international law.

After protracted negotiations, the ILC made a request to the General Assembly of the United Nations to convene a Diplomatic Conference for the first United Nations Conference on the Law of the Sea[22]

The Conference adopted the ILC draft articles with at best some cosmetic modifications. An equidistance rule based on the general principles of equidistance which allowed for some exception was replaced by the equidistance/ special circumstance rule. The Conference thus dealt both with the delimitation of the territorial sea and that of the continental shelf. Under Article 6 of the Convention dealing with the Continental Shelf -provided as follows:

> *Where the continental shelf is adjacent to the territories of two or more States whose coasts are opposite each other, the boundary of the continental shelf appertaining to such States shall be determined by agreement between them. In the absence of agreement and unless another boundary line is justified by special circumstance, the boundaries shall be determined by application of the principle of equidistance/ median line from the nearest point of the baseline from which the breadth of the territorial sea of each state is measured".*

With respect to the Territorial Seas, Article 12(1) provides as follows:

Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every

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[19] subjective obligation of states having a binding character
[20] premptory norm binding on States without a scope for derogation.
[21] See Jagota S.P, Maritime Boundary, Martinus Publishers, July 1985, pages 40 - 50
[22] See General Assembly Resolution N1009 (XI) Dated 21st February 1957

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point of which is equidistant from the nearest point on the baselines from which the territorial sea of each of the two States is measured. The provisions of this paragraph shall not apply however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial sea of the two states in a way which is at variance with this provision.

The 1958 Conventions thus provided in very clear terms for both the Continental Shelf and the Territorial Sea. Even though it also provided for the Contiguous Zone, it seemed to have taken -notice of the special characteristic of the Contiguous Zone. The provision for the Contiguous Zone was thus different from those of the Territorial Sea and the continental shelf. It provided as follows:

Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its contiguous zone beyond the median line every point of which is equidistant from the nearest point on the baselines from which the breadth of the territorial sea of the two States is measured.

Thus, even though the provision on the contiguous zone still refers to agreement by the parties and the use of the equidistance line, it makes no references to historic titles or special circumstances in view of the unique characteristic of the contiguous zone. The UNCLOS did not see the need to provide for the contiguous zone.

THE ROLE OF LAW IN THE DELIMITATION PROCESS.

In propounding theories on delimitation of maritime boundaries, some commentators and indeed some jurists and scholars have asserted that the role of law is secondary to the method or methods adopted to delimit the boundaries. The assertion is that it is only when the boundaries have been as it were, scientifically determined that the Law gives its blessing by ascribing to it equity.[23]

It needs however be stated that from the progressive development of the rules on maritime delimitation, that assertion is fallacious. Indeed the determination of the line delimitating the boundaries is as much a legal concept as the method adopted in doing so. If that were not so thenit would be tantamount to a situation in which the end justifies the means in the delimitation of maritime boundaries. To treat maritime delimitation as bereft of an underpinning rule of the law would undoubtedly shroud the concept in uncertainty and unpredictability.

In the absence of a rule a law which forms the basis of maritime delimitation, states would consider that submitting themselves to judicial determination or arbitration would be akin to embarking on voyage without a shore. All the elements of the rule of law upon which its decision would in the first place be made would be meaningless.

Indeed, delimitation must be rooted in the rule of international law[24]. It must be based on the legal nature of the title to the area in dispute, must produce an equitable line of demarcation in accordance with the tenets of equity.[25]

DEVELOPMENT OF THE LEGAL RULES OF DELIMITATION THROUGH THE JUDICIAL PROCESS

It needs be stated at the onset that there has been a number of judicial decisions dealing with the subject of maritime delimitation. However, there is no clear-cut line of judicial precedent properly so called, that could be relied upon by States without derogation. In the determination of various issues attending to maritime delimitation, the courts and tribunals have very often quoted previous decisions

[23]P.Weil, op cit

[24]See the traveaux preparatoire of the International Law Commission (ILC), 1930. Also see Shabtai Rossene, 1975, Conference for the Codification of International Law, Oceana Publications.

[25]P. Weil p 7.

but it needs be stated that such citationsare only with respect to particular principles and have thus not formed a basis for adoption as judge-made law. They do not therefore qualify as judicial precedent and are not binding on courts or tribunals of similar jurisdiction.

Thus, in order to appreciate the judicialpronouncements it would be useful to examine each decision based on peculiar facts distinguishable from the other decisions and needs to be envisioned within the time in which they were delivered.

Maritime delimitation is subject to volatility and not susceptible to a consistent application of the laws. It is, therefore, not surprising to see the courts determine each case based on its special circumstances. In the words of Weil,

> *The law of maritime delimitation is resistant to the deductive approach. It is a discontinuous ensemble, in which various principles and rules of law co-exist, with no hierarchy between them, and without it always being possible to determine their mutual relation with precision: Correlation and complementariness or synonymy with different formulations for the same concept or principle; or again, inconsistency and incompatibility. One is dealing not with a logically articulated legal system but a ballet of concepts".*[26]

See P. Weil, The Law of Maritime Delimitation - Reflections supra note 7 at p.11

The 36th Annual Conference was held in Halifax, NS

Indeed, the literature abounds with various concepts within the framework of maritime delimitation. The law on delimitation is replete with jargon and terminology such as; equality, equitability principles, special circumstances, relevant circumstances, adjacency, opposite coast, geography, geomorphology, geology, and proportionality or disproportionality. For example, - within the context of delimitation, the word "equity" can connote and indeed has connoted different meanings at different times. Several questions arise in relation to equity including -, whether equity is consistent with- respect for nature in all its forms, does it include a reduction of the inequities between states or to give more to the poorer state than to the richer state?.

It thus becomes clear that the conceptual framework has been anything but clear. It needs be stated that even though the *Libya/Malta* case took the opportunity to review previous cases and redefine concepts of maritime delimitation, the grey areas still remain. In recent times however, there is growing consciousness amongst States that juridical or arbitral settlements may one day fulfill the time cherished principles of appropriate regulation, precision and certainty.

PRINCIPLES OF MARITIME DELIMITATION

The Declaratory Principle

As pointed out earlier, in view of the closeness of the land domain to the immediate sea areas, the issues that attend to delimitation with respect to these zones was not pronounced.

The Truman Declaration in respect of the Continental Shelf and the quest to harness the resources of the seabed which led to the development of the continental shelf was to create the basis for delimiting the shelf itself.

In the *North Sea Continental Shelf* case, the dominant theme for the delimitation of the sea areas was the natural prolongation of the land mass. The court pronounced as follows:

> *"A state's continental shelf constitutes a natural prolongation of its land territory into and under the sea, and the rights of the state in respect of the shelf exist* ***ipso facto and ab initio*** *by virtue of its sovereignty over the land and as an extension of it"*[27]

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[26] See P. Weil, The Law of Maritime Delimitation - Reflections supra note 7 at p.11

[27] See Judgement of the I.C.J, 20th February 1969 delivered by 11 votes to 6

It is thus clear that in the view of the court, the sovereignty which a state enjoys over its land territory extends to the landmass under the sea and that the legal regime applicable is that of soil and sub-soil.

It is therefore without doubt that it reached the conclusion that;

> *Delimitation is a process which involves establishing the boundaries of an area already, in principle, appertaining to the coastal state and not the determination* **de novo** *of such an area. The process of delimitation is essentially one of drawing a boundary line between areas which already appertain to one or other of the states affected"*[28]

Such an approach implies that in truth, there is nothing to delimit. The determination of the boundaries is only to establish title, thus it is declaratory and this led to the legal rejection of the equidistance principle.

Indeed, the court pointed out that equidistance, clearly cannot be identified with the notion of natural prolongation.

Even though the ICJ pronounced on the adoption of natural prolongation as a means of determining the boundaries, it recognized that difficulties could arise in the rigid application of the principle of natural prolongation.

It therefore pointed out that in exceptional cases; the idea of allocating to each state what belonged to it as a gift of nature may be unworkable and that the delimitation would involve a deliberate act to divide. In pronouncing on the exceptions it stated:

> *"Delimitation must take account of the physical and geological structure so far as known or readily ascertainable, it must be effected in such a way as to leave as much as possible to each party, all those parts of the continental shelf that constitute a natural prolongation of its land territory into and under the sea".*[29]

It continues:

"If this objective cannot be achieved because the claims of several states converge, meet and intercross and cause overlapping then it is a question of "division" of these overlapping areas"[30].

Thus, it is clear from the above that in the view of the ICJ in the North Sea Continental Shelf Case, the theory of natural prolongation enjoyed a pride of place even though it admitted of variations of the theory on the basis of exceptional circumstances.

ABANDONING THE DECLARATORY PRINCIPLE

Slowly but surely, the ICJ re-evaluated the natural prolongation theory and distanced itself from the pure and physical reading of the concept of natural prolongation.

The clearest demonstration of a departure from the natural prolongation concept enunciated in the *North Sea Continental Shelf* case was made in *Libya/Malta*. The inherent weakness of the natural prolongation concept, especially where there are challenging circumstances coupled with the appreciation of the value of distance combined to shake the very foundations of the natural prolongation concept.

The slow movement in the rejection of the natural prolongation concept gathered momentum in the *Tunisia/Libya* as well as the Gulf of *Maine* case between the United States and Canada. So also was the situation in the Guinea /Guinea *Bissau* case. It thus becomes clear that the concept of natural prolongation was only an appropriate means of making a declaration where there is a separation of the continental shelves. Even the factors for consideration are varied and convoluted. The question arises in this context whether the determination should be made based on the depressions and escarpments on the seabed or the geological formations of the seabed, that is, a distinction between geomorphology and geology as was the case in *Tunisia/Libya*.

The challenges with the reliance on nature were even more pronounced in *Libya/Malta*. Here Libya impressed upon the court that the rift zone marked geologically, the boundary between two tectonic plates depicting a clear separation between Libya's natural prolongation and that of Malta. This zone was about a hundred kilometers in width. Thus, the issue arose as to whether the natural boundaries if so declared by the court as impressed upon it by Libya would delimit the continental shelf, the continental margins or the

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[28] See paragraphs 18-20 of the ICJ judgment

[29] See the North Sea Continental Shelf Judgement, I.C.J., para 101

[30] *Ibid.* para 101

tectonic plates.

Another weakness of the concept of natural prolongation is that nature and equity are not synonymous and it may only be by sheer coincidence that an equitable result would be achieved in the adoption of the concept. Indeed, in the words of Weil:

"the principles of equity, equality of state and non- encroachment would be compromised if the whims of nature were allowed to dictate maritime boundaries to governments and international tribunals"[31]

Thus the reasoning of the Court in the *Malta/Libya, and Guinea/Guinea Bissau* provided the vibrations of the death knell to the Natural Prolongation theory.

THE ARRIVAL OF UNCLOS AND THE ADVENT OF THE EXCLUSIVE ECONOMIC ZONE

Long after 1958, a number of States still had difficulties with the principles enunciated under the 1958 Geneva Conventions. Consequently, efforts at crystallizing the rules as developed at the Second United Nations Conference on the Law of Sea[32] could not see the light of day. It was not until the Third United Nation Conference on the Law of the Sea that a comprehensive regime was developed for the seas in its entirety encompassing as well maritime boundary delimitation. It is said of the UNCLOS that its conceptual underpinnings as a package is its most significant quality. It is also fair to say that in achieving that package a lot of flexibility is introduced which sometimes opens the floodgates for varied interpretations. Be that as it may, the Third United Nations Conference on the Law of the Sea remains the most comprehensive and bold attempt to deal with the legal issues relating to the sea and in particular legal rules with respect to maritime boundary delimitation.

During the negotiations on maritime boundary delimitation, there were protracted debates; with one group in support of the equidistance line. In their view, the equitable principle for delimitation was vague and subjective and ought to be rejected.[34]

The group that supported the equitable approach leaned towards the reasoning of the International Court of Justice (ICJ) in the North Sea Continental Shelf case which relied on the equitable principle[35].

After long and winding debates which eventually had to receive the compromised blessing of the President[36] of the Conference to make it acceptable, the Conference adopted the provisions of UNCLOS as presently couched in Articles 74 (1) and 83 (1).

There is no doubt that the compromise text is vague and very subjective and could lead to differing conclusions. As mentioned earlier, one needs to appreciate UNCLOS as a package so that sometimes a compromise is reached despite challenges in workability. In effect, while the 1958 Geneva Conventions were clear in their intent and purpose with respect to definite rules of law regarding maritime boundary delimitation, the rules as provided for in the 1982 Convention was so watered down that it failed to provide any definite rules with respect to the delimitation of maritime boundaries. At best it only provided a framework for the delimitation of maritime boundaries and left the gravamen of the issues to be determined by the judicial process.

It however crystallised developing claims by States to take control over their natural resources by codifying the claims with respect to the continental shelf and the superjacent waters above it. The exclusive economic zone developed under UNCLOS is a zone *sui-generis* arising out of the crave for the patrimony of the seas especially by Latin American countries and Arvid Pardo's assertion that the "seas are the common heritage of mankind."The exclusive economic zone is thus a legal concept not deriving from nature.

Unravelling the complexities of maritime boundary delimitation requires an appreciation of the fact that the drawing of lines and the "erection of fences",very much akin to land boundaries, emanate from the choice of states, and the decisions of international courts and tribunals.

Thus governments and judges do not limit themselves to purely scientific facts in the delimitation of maritime boundaries. Indeed in the

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[31]P.Weil, The Law of Maritime Delimitation - Reflections, p28

[32]This spanned the period 1973 -1982

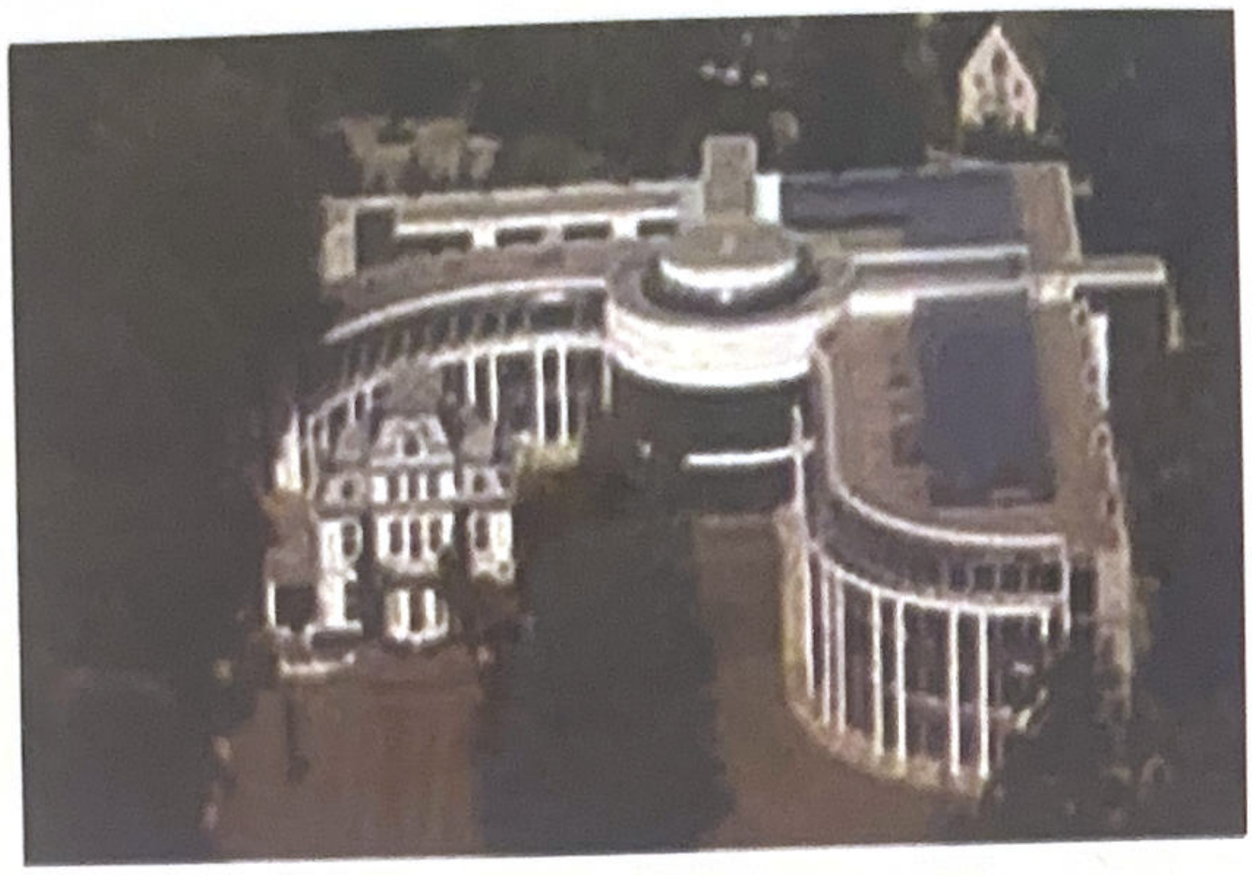
[33]Denmark, Norway, United Kingdom, Canada, Greece, Italy, Japan

[34]See Adelade A. O, Towards the formation of sea boundaries between states with adjacent or opposite coast, Virginia Journal of International Law Vol 9 1979 P. 214

[35]These countries included France, Kenya, Liberia, Poland, Romania and Turkey.See Doc/ CONF.62/L.78

Gulf of Maine case, the court stated as follows:

> *... a delimitation, whether of maritime boundary or of a land boundary is a legal-political operation, and... it is not the case that where a natural boundary is discernible, the political delimitation necessarily has to follow the same line".*[37]



These limitations with respect to the natural prolongation concept coupled with the fact that some countries physically had a short or non-existent continental shelf led to the utilization of the Distance Principle. Hence, under the UNCLOS, States aregiven the right to claim the soil and subsoil of maritime areas adjacent to their coast up to a distance of 200 nautical miles regardless of the physical configuration of the seabed. This led to a fusion of the Continental Shelf with that of the Exclusive Economic Zone in certain respects.

In view of the fact that some countries had a longer continental shelf beyond the stipulated 200 nautical miles with an inclusion of the slope and rise - the continental margin was agreed upon.[38]

THE DELIMITATION PROCESS-METHODS AND PRINCIPLES

In the delimitation process, the tenets for delimitation are based both on the rule of international law as well as technical and scientific application of the theories of maritime delimitation. From a steady stream of cases it is apparent, the projection of two clear approaches of maritime delimitation. The first approach is underlined by a single operation starting from relevant circumstances involving the application of equitable principles to arrive at an equitable result. In this approach, the unique and distinguishing features of the factual situation are paramount. The legal issues are relegated to the background. Before considering the second approach, it is important to mention that there seems to be a common trend in the decisions of the courts or arbitral tribunals with respect to methods. It is easily discernible that as far as the courts are concerned, all methods are legally interchangeable and no matter the stage reached in the process of delimiting the boundaries, they are lawfully at liberty to combine the approaches in whatever proportion they deem appropriate and equitable.

The second approach sees the delimitation process as a two (sometimes three) pronged approach encapsulated first in the legal title to the area in dispute as determined by the desire to attain an equitable result. This approach sees the first delimitation of the boundary as predictable and undeniably equidistance based on the legal title. This first step however only seems to produce a provisional line as its result. The second stage of this approach would then examine relevant circumstances, in relation to the facts in issue whereupon they are subjected to the test of equitable principles based on the law. In effect, it is only when it passes the test of equity that the provisional equidistance line can become final. If it does not, then it has to undergo the requisite adjustments in order to produce an equitable solution. The lack of precision in the approach adopted by the courts rears its head in the *Tunisia/Libya* case where the court stated as follows;

> *"... Nor does the court consider that it is in the present case required as a first step, to examine the effects of a delimitation by application of the equidistance method in favour of some other only if it considers the result of an equidistance line to be inequitable... equidistance is not in the view of the court either a mandatory legal principle, or a method*

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[36] As late as a year before the final acceptance of the Convention, the disagreements continued. It was not until late August 1981 that a compromised text offered by President of the Conference Mr Koh was found acceptable by the two schools of thought. See Doc A/CONF.62/L.78.

[37] See Gulf of Maine Para 56

[38] See Article 76 which provides an elaborate definition of the Continental Shelf.

[39] Tunisia/ Libya, para 1

having some privileged status in relation to other methods.[39]

The ambivalence in approaches is also to be seen in the *Guinea/ Guinea Bissau* award which states that "*the equidistance method is first one among many and that there is no obligation to use it or give it priority in the pursuit of the essential objective of the equitable solution*". What this depicts is that at all times, despite the existing ambivalence, an equitable solution is paramount and it is so regardless of the approach adopted.

In the *Libya/Malta* (1985), the court sets off with an "initial" equidistance line with an inference that it is in conformity with the distance criteria. The provisional line is then checked against the relevant circumstances with a view to correction by making the necessary adjustments. It is after this that the line is subjected to the test or proportionality or disproportionality.

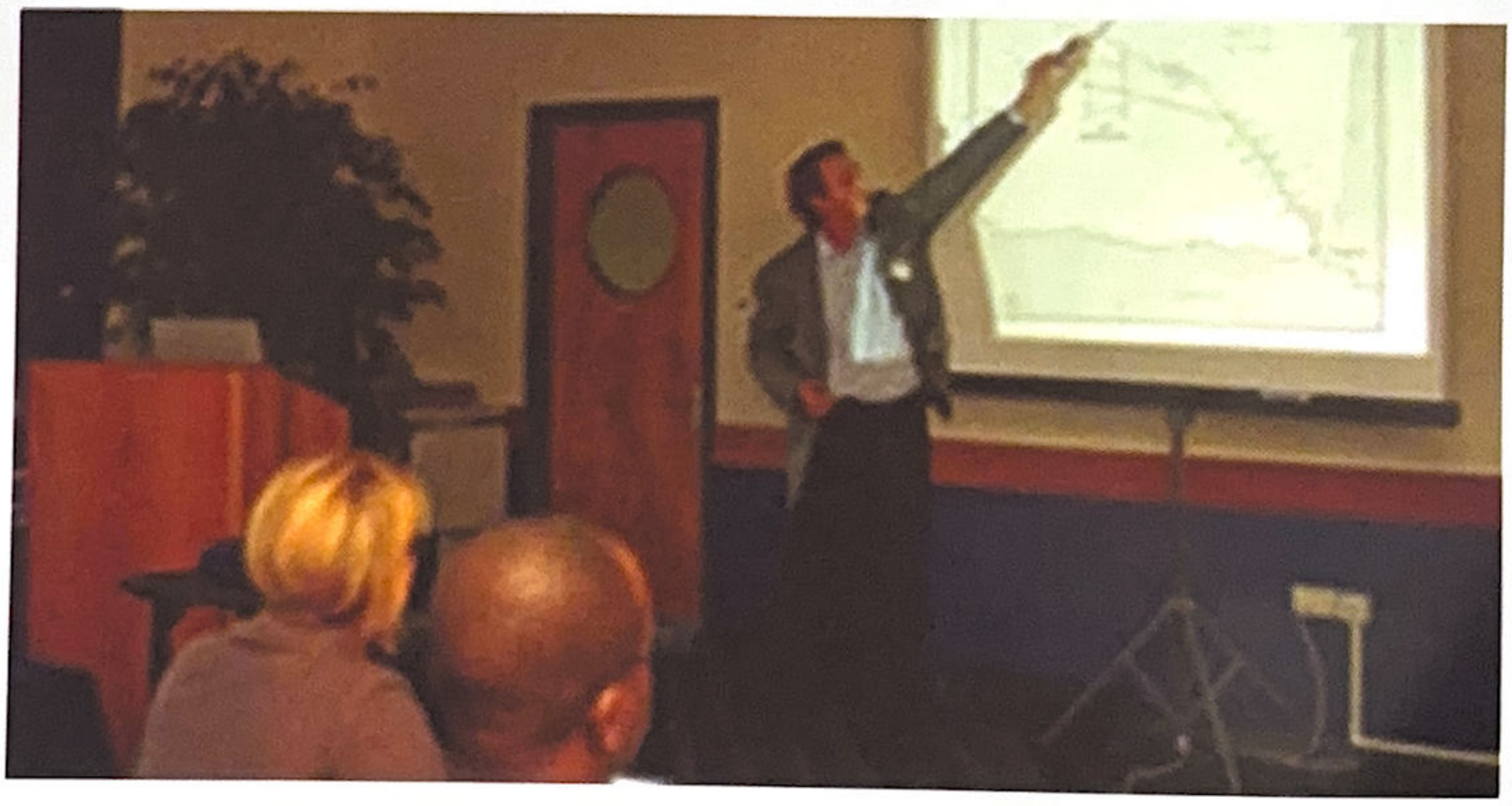
Again, it must be noted that even though this approach seems clear on the face of it, the court again wades into the ambivalence surrounding the methods when it states that it is not conclusive to infer that it would be bound in all cases even of a similar nature to follow the same approach. It is thus clear that while there are approaches adopted by the courts which are discernible and could be deciphered from the reasoning behind the delimitation, the process itself is indeterminate. Each judgment proceeds on its own appreciation of the facts before it. In the view of some jurists and commentators if " the impact of distance consideration on the actual delimiting had the court to begin with equidistance, the same logic should lead to the same result in all future cases"[40]

APPLICATION OF THE PRINCIPLES

At this stage, it is important to examine the application of the principles adopted by the courts and arbitral tribunals in the determination of the disputes that come up for adjudication.

Equidistance

As pointed out earlier, there is no one criteria which takes precedence over the other. It can however be safely said that in the delimitation of the territorial sea and the continental shelf, the concept of natural prolongation even though not completely forgotten has now been given the status of a second, if not third or fourth fiddle.



The equidistance method seems to be the preferred method for the courts and other arbitral tribunals in some of the cases that have come before them. But again this has not enjoyed the status of sacrosanctity. Equidistance has been defined as;

" the line every point of which is equidistant from the nearest point of the baseline from which the breadth of the territorial sea of each of the two states is measured[41]

For a principle or method that seeks to strike a balance between predictability and flexibility, objectivity and discretion, the equidistance principle was highly favoured and found expression in early treaty law.

In principle, the adoption of the equidistant method portends a reflection of the nature of the coastlines upon which the baselines of the coastal states are drawn. It needs be borne in mind that the determination of the baselines is itself not uniform as states may adopt normal baselines in consonance with the sinuosity of the coast, or straight baselines which connect the outermost islands, promontories and rocks[42]

Indeed, the 1958 Conventions treated the equidistance method as binding upon parties in the absence of an agreement, historical titles or special circumstances.[43]

The adoption of the equidistance method was however to lose its

[40] See Weil. P. , The law of Maritime Delimitation-Reflections, *supra* note 7 at page 199

[41] The 1958 Geneva Convention on the Territorial Sea and Contiguous Zone Article 12.

[42] For a further appreciation of the determination of the baselines, see Lewis M. Alexander, the delimitation of maritime boundaries. Political Geography Quarterly. (1986) Vol 5.p. 22

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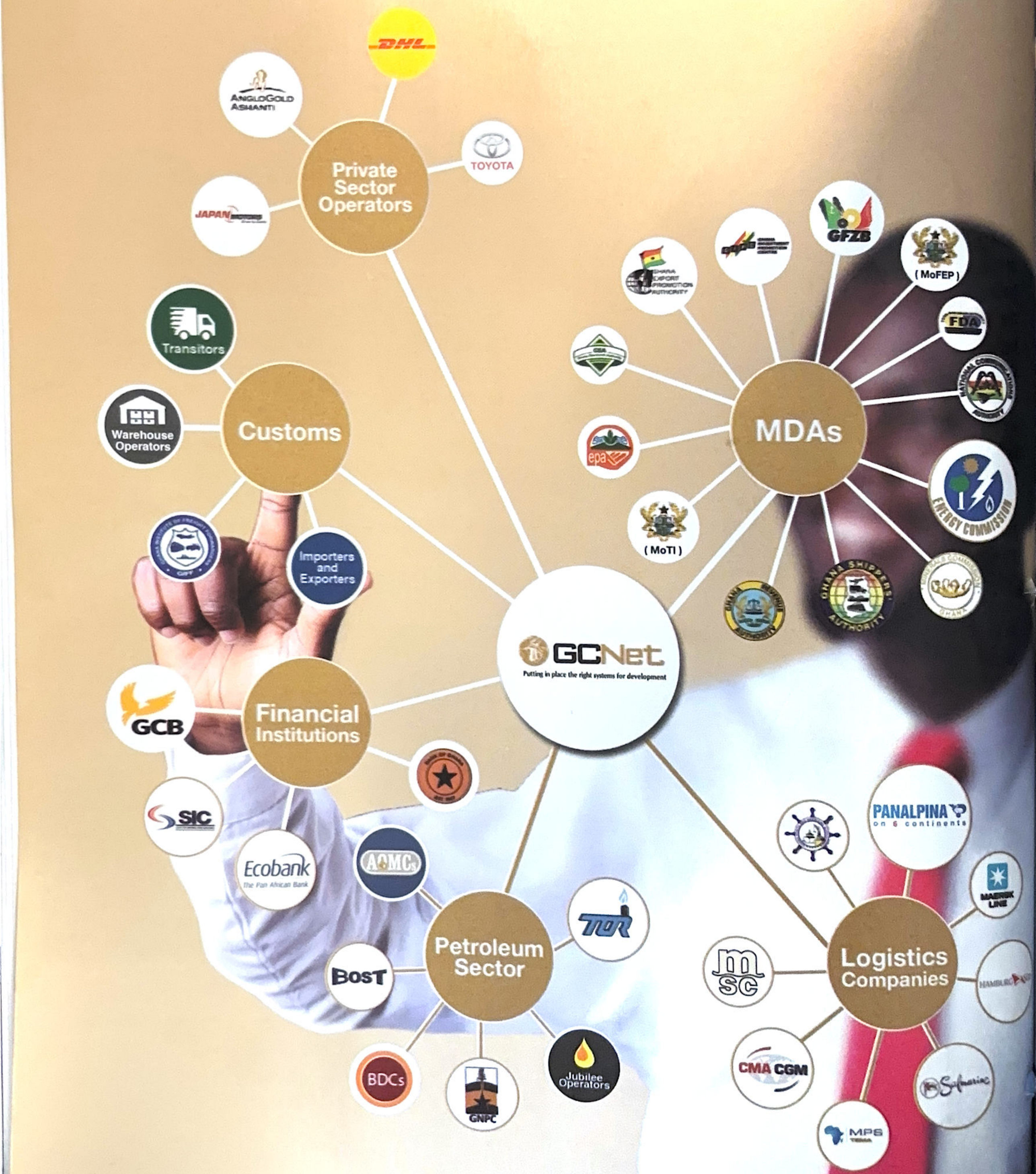

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significance after the *North Sea Continental Shelf* case (1969). A string of cases then followed which established that equidistance was not a binding rule of law , but only one method amongst others and has furthermore not crystallized as customary international law.

Indeed, consequently, with respect to treaty law, the words "equidistance" and "median line" as used in the earlier conventions[44] did not find their way into the text of Articles 74 and 83 of the United Nations Convention on the law of the Sea (1982) dealing with the Exclusive Economic Zone and the Continental Shelf.

Despite the watering down of the principle of equidistance as a preferred method, State Practice and arbitral tribunals have still found its adoption convenient especially when combined with the Special Circumstances Rule.

As remarked by Judge Jimenes De Arechaga , "naturally in all cases the decision maker looks at the line of equidistance even if none of the parties has invoked it".[45]

It is to be noted that in the *North Sea Continental Shelf* case between Denmark, the Federal Republic of Germany and the Netherlands, the ICJ jettisoned the principle of equidistance as in its view it did not to lead to the key objective of equity because of the configuration of the coast. It is important to add that even though the court rejected the equidistance principle it nevertheless pointed out that "it has never been doubted that the equidistance method of delimitation is a really convenient one"[46]

In *Tunisia/Libya* the court noted that:

> *Treaty practice as well as the history of article 83 of the draft convention of the Law of the Sea, leads to the conclusion that equidistance may be applied if it leads to an equitable solution: "if not, other methods should be employed.*

In the *Gulf of Maine*, the Chamber was called upon to determine "the course of a single maritime boundary that divided the continental shelf and fisheries zone between the respective states". Here again, the Court indicated that the equidistance method has not assumed the status of customary international law and did not have a binding character, it may therefore be used where appropriate and it did so.

Again in *Guinea/Guinea Bissau*[47], the Court examined the general configuration of the coast, between the two states and even went further to examine the coast of West Africa, noting that the general configuration including the presence of some islands made the application of the equidistant method inapplicable as it would lead to an inequitable result.

The International Court of Justice was again in 2002 called upon to pronounce on the boundary dispute between the adjacent states of *Cameroon/Nigeria*. In reaching its Judgment, the Court referred to the case of *Qatar / Bahrain* where it stated as follows:

> *.....for the delimitation of Maritime zones beyond the 12 miles zone, it would I first draw an equidistance line and then consider whether there were circumstances which might lead to an adjustment of that line*[48]

It is important to note that in *Cameroon/Nigeria*, the Court adopted the equidistance method but before drawing the equidistance line, the Court established the relevant coast and the location of the base points for the construction of that line. It is only after this establishment, that the Court applied the relevant circumstances necessary for the adjustment of the equidistance line. It therefore established that the equidistance line represents for all intents and purposes of the delimitation, an equitable result. In this case therefore, it would seem that the necessary special circumstances were taken into consideration before the adoption of the equidistance method which then was not adjusted further to arrive at an equitable result.

There is thus no doubt that the practice of states have largely been influenced by the equidistance method. This view is confirmed by S.P Jagota when after analyzing state practice, he concludes that "in 100 agreements concluded among 59 states, the equidistance method, whether true or modifying was privileged"[49]

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[43]See Articles 6 and 12 of the general provisions of the territorial sea and continental shelf.

[44]The 1958 Geneva Conventions did not find their way into the text of Articles 74 and 83 of the United Nations Convention on the Law of the Sea (1982) dealing with the delimitation of the Exclusive Economic Zone and Continental Shelf.

[45]See the separate opinion of Judge Jimenes De Arechaga in Tunisia/Libya (ICJ) paragraphs 34 to 39

[46]Paragraph 85

[47]See Guinea/Guinea Bissau: Dispute Concerning Delimitation of the Maritime Boundary, Feb. 14, 1985.11 Md.J Int'l L 93 (1987)

[48]See Cameroon/Nigeria paragraph28

[49]See Jagota S.P. Maritime Boundary Delimitation op cit

Thus, it is indubitable that even though the courts have considered the method of equidistance as not having a binding character or priority within the scheme of methods, it nevertheless has proven to be the most reliable approach as far as states are concerned. Its appeal is attributable to the achievement of certainty and predictability. It also readily lends itself to adjustments where special circumstances so require.

EQUITY AND THE EQUITABLE PRINCIPLE OF MARITIME DELIMITATION

Sometimes it could be a little misleading to talk about the "Equity" and "Equitable Principle" of maritime delimitation, for indeed equity is the very foundation upon which delimitation of maritime boundaries is established. Since the Truman Declaration, the words equity and equitable have reverberated in treaty law as well as various judicial pronouncements with respect to maritime delimitation. In the Truman Declaration, he asserts that where the continental shelf of United States overlaps with that of another state, the boundary shall be determined in accordance with equitable principles.

A deeper reading of the decided cases would quite clearly depict an understanding of maritime delimitation as not relying on equity as a method of delimitation, but solely an underlying principle that cannot be departed from when delimiting the maritime boundaries.[50] It needs be borne in mind that there is no specific equitable principle in maritime delimitation that is generally applicable to all cases. In effect, even though references would at all times be made in respect of equitable principles such as "the principle of non- encroachment" the principle not to "refashion nature" and "not to seek to make equal "what nature has made unequal", in each case, it would be dependent on the facts on hand and would not enjoy the force of general application as a rule of equity in all cases.[51]

THE SINGLE MARITIME BOUNDARY

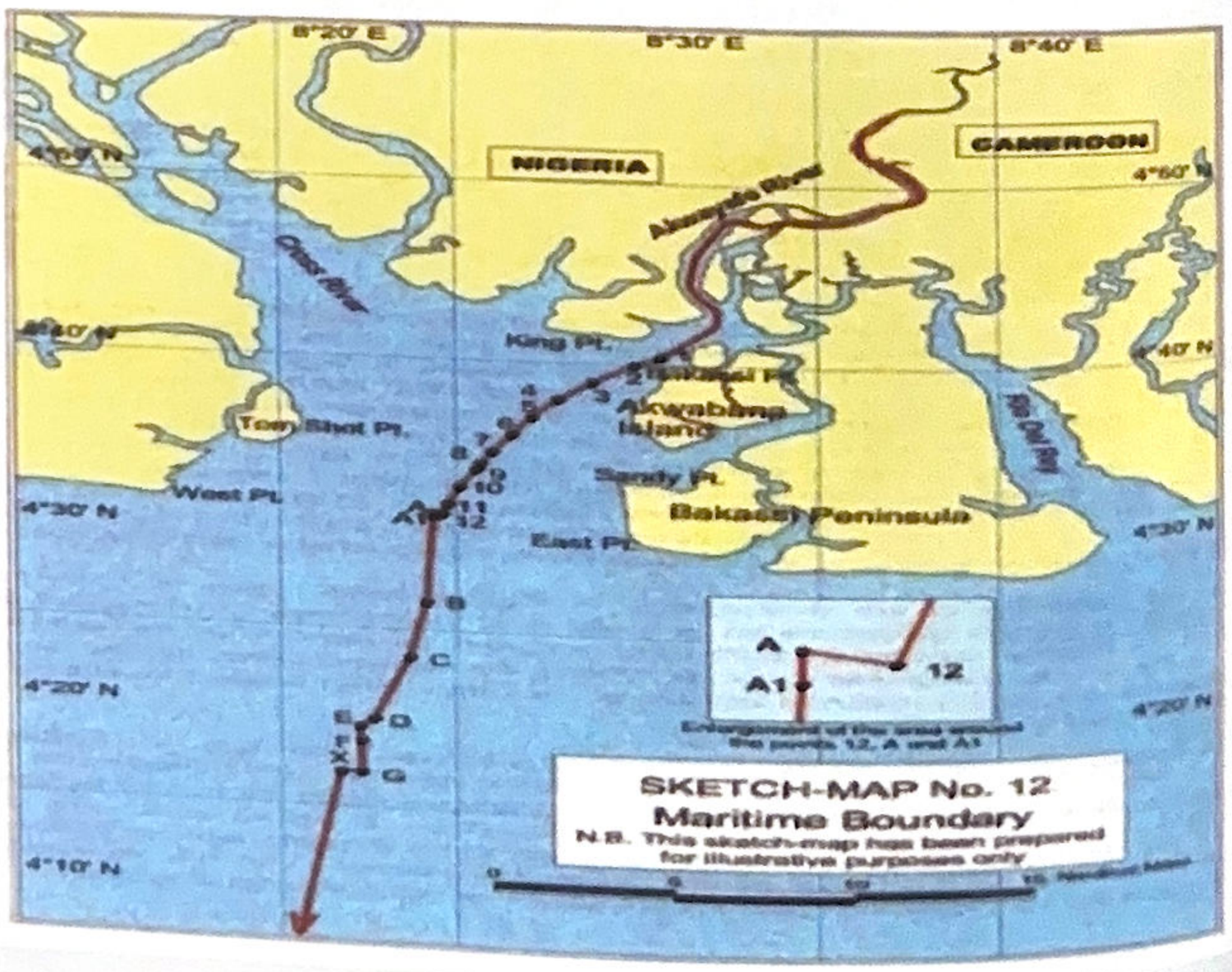
In the very recent history of maritime boundary delimitation, some states have in the interest of simplicity, certainty and convenience resorted to the adoption of a single maritime boundary for ascertaining the line of demarcation beyond the territorial sea.

This approach to delimitation of maritime boundaries has been made relatively possible in view of the distance criteria that apply both to the EEZ and the Continental Shelf where the continental margin extends up to 200 nautical miles. The same may not be said of situations where these particular zones for one reason or the other as permitted by law, go beyond the 200 nautical miles for both the EEZ and the continental shelf.[52]

In adopting the choice of the Single Maritime Boundary, the issue that arises is whether the distance principle which characterized the EEZ and clothed it with legitimacy has so permeated the rule with respect to the demarcation of the Continental shelf so as to control the delimitation of both the EEZ and the Continental shelf. In the *Libya /Malta* case, the court in examining the application of distance in a uniform manner to the two zones stated as follows;

"in the view of the court, even though the present case only related to delimitation of the continental shelf and not that of the EEZ, the principle and rules underlying the latter concept cannot be left outof consideration"[53].

- **2002 Cameroon/Nigeria case**



[50]See Cameroon/ Nigeria (2002) paragraph 294.
[51]Libya paragraph 24.
[52]See UNCLOS, Article 57 and 76, See also the issue of grey areas as determined by ITLOS in the Bangladesh/Myanmar case.

Indeed, they cannot be left out of consideration when one considers the similarities and not the differences between the two zones. The courts view in this regard may have been well informed by the United Nations Convention on the Law of the Sea which states:

" in the exclusive Economic Zone the coastal state has

(a) *sovereign rights for the purpose of the exploring and exploiting , conserving and managing the natural resources, whether living or non living , of the waters superjacent to the seabed and of the sea-bed and its sub soil, and with regards to other activities for the economic exploitation and exploration of the zone, such as the production of energy from water currents and winds*[54]

The trend has therefore been that where states have declared their EEZ as of right and by law, their quest for delimiting their Continental Shelf diminishes and often opt for a single maritime boundary for all their zones.

The Principles of Proportionality and Disproportionality

As pointed out earlier, there are no established principles in maritime delimitation that apply per force or on the basis of accepted legal rules or custom to all cases.

There are however concepts relating to the equitable principles which underpin the demarcation of maritime boundaries generally. One such concept is the concept of proportionality or disproportionality. While not being a principle of uniform application to all cases of maritime delimitation, it nonetheless has featured prominently in the delimitation of many maritime boundaries, in view of its relation to achieving an equitable result.[55]

This concept has developed through many years but has its origin in the position taken by the Federal Republic of Germany in the *North Sea Continental Shelf* case. Germany contended that each state concerned should have a "just and equitable share" of the available continental shelf, proportionate to the length of its coastline or sea frontage.[56]

In the *Anglo-French*Continental Shelf case.[57] The Court reasoned as follows:

It is disproportion rather than any general principle of proportionality which is the relevant criterion or factor ... there can never be a question of completely refashioning nature... It is rather a question of remedying the disproportionality and inequitable effects produced by the particular geographical configurations or features"

It is thus clear from the above reasoning that the essence of proportionality was the application of a corrective measure arising out of an inequitable result deriving from geographical peculiarities of the coast. Proportionality is thus not a method in itself but a means by which the underlying objective of equity is attained, thus proportionality must be seen as a function of equity..

OTHER METHODS

At this stage, it is important to mention that there are other methods for maritime boundary delimitation such as the perpendicular line to the general direction of the coast, normally applied in determining maritime boundaries between adjacent coasts–(The Angle Bisector).

Again, as mentioned earlier a number of other factors and circumstances come up for consideration in the delimitation of maritime boundaries. These are only factors that receive attention in order to arrive at a just and equitable result in the delimitation process. These may border on the configuration of the coast, the existence of islands or other elevations, geology and geomorphology, historical, social and economic circumstances. Above all, the conduct of the states concerned may come into play in the determination of maritime boundaries. Here the rules of opposability, knowledge of a particular situation or circumstance or conduct amounting to estoppel or acquiescence may be invoked by the court. The court may also in arriving at a fair and equitable result take due cognizance of security and political considerations.

DISCERNIBLE PHASES AND APPROACHES

In the midst of the complexities and

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[53] Lybia/ Malta, Paragraph 33

[54] UNCLOS Art 55

[55] For the further appreciation of the principle of proportionality as it relates to boundary delimitation, see Tanaka Yoshifumi, Reflections on the concept concept of proportionality in the law of maritime delimitation; International Journal of Coastal and Marine Law, September 2001 pg 44.

[56] See the North Sea Continental Shelf case paragraph 15

imprecision is discernible two phases of judicial rule making.[58] The first has conveniently been referred to by Tanaka as the *Result Oriented Equity Approach* and the second as the *Corrective Equity Approach.*[59] An analysis of the case law with respect to maritime delimitation would show that the two arguments that bedeviled the 1982 Conference on the United Nations Conference on the Law of the Sea continue to rear its head.

A line of cases, commencing from 1969 to 1992 depict a leaning towards the "equitable principle". It began with one of the earliest cases, the North Sea Continental shelf Case.[60] In that case, the International Court of Justice (ICJ) held that "delimitation must be the object of agreement between the States concerned and that such agreement must be arrived at in accordance with equitable principles"[61] In its judgement the court made some profound statements worth recalling.
It said: " *There is no other single method of delimitation the use of which is in all circumstances obligatory*" It continued:" *It is necessary to seek not one method of delimitation, but one goal*".[62]

Indeed, despite the fact that there has been no certainty with respect to a particular applicable rule of law, that goal it must be said, remains the underpinning determinant for maritime boundary delimitation - the attainment of an equitable result. This is what is referred to by Tanaka as the Result Oriented equity Approach. The adoption of this approach by the courts entails flexibility and does not therefore bind the court to any method or defined rule of maritime delimitation.

It is important to point out that within the period under consideration there had been instances when the international tribunals have adopted different approaches to maritime delimitation. In the *Anglo French Continental Shelf* case, the Court of Arbitration applied the Equidistance- Special Circumstance rule with requisite modifications. The court Stated as follows:

"*The Court notes that in a large proportion of the delimitation cases known to it, where a particular geographical feature has influenced the course of a continental shelf boundary, the method of delimitation adopted has been some modification or variant of the equidistant principle rather than its total rejection*". The court continued to make a reasoned judgment with respect to its appreciation of the rules of maritime delimitation. It stated further:

"*it seems to the court to be in accord not only with legal rules governing the continental shelf but also with State practice to seek the solution in method modifying or varying the equidistant method rather than to have recourse to a wholly different criterion of delimitation*"[64]

The two cases cited above depict the uncertainty that attends to the judicial pronouncements regarding maritime boundary delimitation. While the two cases sought the goal of an "equitable result",the approaches for arriving at the same were different.

A number of cases go to show the leanings of the courts in respect of the two approaches. In the *Tunisia/Libya* case the ICJ held that:

> "*The result of the application of equitable principles must be equitable...It is, however, the result which is predominant; the principles are subordinate to the goal. The equitableness of a principle must be assessed in the light of its usefulness for the purpose of arriving at an equitable result*".[65]

Here, the pronouncement of the court goes to show that it did not ascribe any privileged status to the equidistance method.

The viewpoint of the pronouncement of the ICJ in the *Tunisia/Lybia* case found expression in the holding of the Chamber of the ICJ in the Gulf of Maine case[66] when it stated that:

> "*... delimitation is to be effected by the application of equitable criteria and by the use of practical methods capable of ensuring, with regard to the geographic configuration of the area*

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[57]see the Reports of the International Arbitral Awards (RIAA) value XVIII page 58paragraph 101
[58]For a detailed discussion on the two approaches, see The International Law of the Sea, Yoshifumi Tanaka p.192
[59]*Supra*. pages 192 and 193
[60]Decided in 1969 when the negotiations have not even started. But the decision still had an impact on the negotiations with respect to the two schools of thought.
[61]ICJ Reports 1969, p 46 para 85.
[62]ICJ Reports p.50 para 92.
[63]This is referred to by P. Weil as "autonomous equity", sSe also The International Law of the Sea, Tanaka, p 192. footnote 16
[64]See 18 Reports of the International Arbitral Awards p45
[65]ICJ Reports 1982, p59, para 70
[66]ICJ Reports, 1984, p300

and other relevant circumstances, an equitable result".[67]

Thus, the Chamber affirmed the position of the ICJ in the *Tunsia/Lybia* case to the effect that the adoption of a practical method was to be on a case-by- case basis with the underlying goal being an equitable result. Again, the equidistant method did not enjoy a pride of place.

It is also worth noting that the 1985, *Guinea/Guinea Bissau* arbitration and the 1992 St *Pierre and Miquelon* Arbitration all leaned towards the result oriented approach. While it is fair to say that the International Courts leaned more towards the result oriented approach it is also worth stating that the position taken by the Courts have not in all manner been cast in stone. Sometimes the courts have adopted a mixed approach as it did in the *Libya/Malta* case.

The second phase spanning the period 1993 to present has been described by Tanaka[68] as the period of the Corrective Equity approach. He points out that the turning point was reached with the case of *Greenland/Jan Mayen* in 1993. In the *Greenland/Jan Mayen,* the ICJ, in applying what it considered as customary law referred to Article 6 of the Continental Shelf Convention and posited that : *the delineation of boundaries with respect to the continental shelf has often been determined by a provisional median line with an adjustment due to "special circumstances", if so required.* This was a clear departure from the earlier positions taken by the ICJ in *Tunisia/ Libya* and the *Gulf of Maine* cases.

Further to the above, the corrective equity approach was also applied in the *Eritriea/Yemen* arbitration (Second Phase)[69]. It should be noted that the Arbitral Tribunal made reference to Articles 74 and 83 of UNCLOS even though as stated earlier the said Articles omitted the use of the word equidistance as found in the Geneva Conventions.

Further clarity was to be brought to bear on the subject of delimitation with respect to adjacent coasts as the ICJ decided in *Qatar/Bahrain* that the corrective equity approach has over time gained the status of customary international law.[70] The shift from the Result Oriented equity approach to the Corrective Equity approach was even more pronounced in the *Cameroon/ Nigeria* case.[71] Here the ICJ was emphatic in its adoption of the Corrective Equity approach as it noted that indeed there was an omission of the use of the word equidistance in articles 74 and 83 of UNCLOS.

The recognition that the equidistance principle offers predictability and eliminates to a large measure the degree of subjectivity associated with the result oriented approach has been reiterated by the courts at various times. In effect, even though the courts have been unequivocal that there is no method of delimitation that can be said to be mandatory, they nevertheless have not shied away from admitting that the equidistance principle, beyond enjoying a pride of place, offers certainty. This was the viewpoint expressed by the Arbitral Tribunal in the 2006 *Barbados/Trinidad and Tobago* arbitration.[72]

The same can be said with respect to the 2007 *Guyana/Surinam*[73] arbitration which like other decisions of the International Courts under the second phase, adopted the corrective equity approach applying Articles 74 and 83 of UNCLOS. In this respect, the viewpoint on delimitation of maritime boundaries expressed by the Permanent Court of Arbitration is apt. It said:

> *The case law of the International Court of Justice and arbitral jurisprudence as well as State practice are at one in holding that the delimitation process should in appropriate cases, begin by positing a provisional equidistance line which may be adjusted in the light of relevant circumstances in order to achieve an equitable solution. The tribunal will follow this method in the present case.*

RECENT CASE LAW IN MARITIME BOUNDARY DELIMITATION

BANGLADESH/MYANMAR

The case of Bangladesh/Myanmar

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[67] *Ibid.* para 112

[68] The International Law of the Sea, Yoshifumi Tanaka p193

[69] See the Eritrea/Yemen arbitration (Second Phase),p.1005

[70] ICJ Reports 2001,p.91, para 167

[71] ICJ Reports 2002, p.441, para 288

[72] Judgement delivered by the Permanent Court of Arbitration in The Hague on 11th April 2006. www/pca-cpa.org See also " Conflict over flying fish: The dispute between Trinidad and Tobago and Barbados, Andon Blake and Gary Campbell, Marine Policy, vol 31 no3 May 2007 pp 327-335

[73] The Guyana/ Surinam arbitration p.110, para 342

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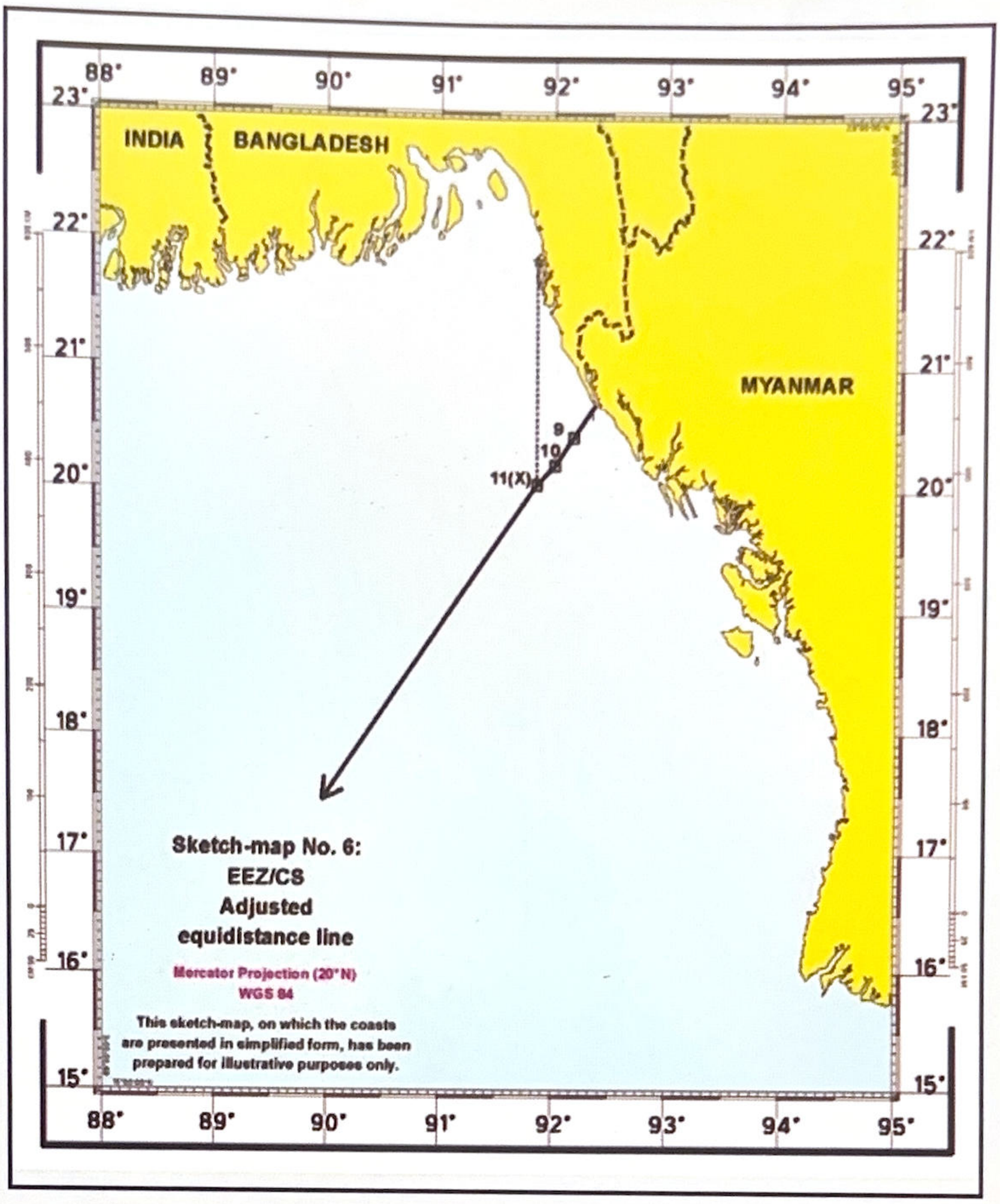
was one in which the International Tribunal on the Law of the Sea, (ITLOS) was called upon by the parties to delimit three maritime boundaries between the two states; *viz*, the territorial sea boundary, the single maritime boundary between the exclusive economic zone (EEZ) and continental shelf; and the continental shelf beyond 200 nautical miles. In the delimitation of the territorial sea the Tribunal considered that, of great importance and relevance was the geography in the immediate vicinity of the terminus of the Bangladesh-Myanmar land border underscoring the importance of the relevant coast in the delimitation process.

As noted earlier, it is settled law that the delimitation of maritime boundaries is by Agreement between the parties. In this regard, Bangladesh contended that the boundary had already been delimited in Agreed Minutes of 1974 signed by the two heads of delegation from the respective countries. The Tribunal rejected the contention of Bangladesh on the basis that the Agreed Minutes were no more than a record of conditional understanding and were also not intended to create legal obligations.

It is also worth noting that Bangladesh sought to rely on the age old legal concept of estoppel by conduct. It contended that there was consistent conduct of the parties over three decades and thus Myanmar was thus estopped from denying the existence of a territorial sea boundary agreed to



by both parties. This contention of Bangladesh was also rejected on the basis that the condition for estoppels under international laws had not been met. The tribunal, after examining other arguments in relation to special circumstances as created by the presence of Islands came to the conclusion that the Island in question was prominent and could thus not be considered a special circumstance. The tribunal then adopted the equidistance method in delimiting the territorial sea boundary between Bangladesh/Myanmar.

The equidistance/relevant circumstance method of delimiting the single maritime boundary enjoys a pride of place in the jurisprudence of international tribunals. Indeed since the *Greenland/Jan Mayen* case (1993) international courts and tribunals have with the exception of the *Nicaragua/Honduras* case (2007) been fairly consistent in the application of this method for the delimitation of the Single Maritime boundary between opposite or adjacent states.[74]

The adoption of the three stage approach was thus manifest. The approach involves the construction of a provisional equidistance line,

[74]See Robin Churchill, The Bangladesh/Mynmar case: Continuity and novelty in the law of maritime boundary delimitation, Cambridge Journal of International and Comparative law (2012) 1 (1) pages 137-152. It is to be noted that the geographical circumstances in this case were highly exceptional and thus largely influenced the Tribunal in the method adopted for the delimitation of the Single Maritime boundary

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andan examination of the line to see if is impacted by any relevant circumstances so as to require adjustment in order to produce an equitable result. Finally, the Tribunal checks whether there is any disproportion between the areas allocated to each party having regard to the lengths of their respective coasts. In following this approach the Tribunal rejected the angle-bisector method canvassed by Bangladesh in the Bangladesh v Myanmar case.

NICARAGUA/HONDURAS

There has been a long standing dispute between Nicaragua and Honduras over their maritime boundary. In this case, Nicaragua's plea before the International Court of Justice was to determine the course of the Single Maritime Boundary between the overlapping areas of the territorial sea, the continental shelf and the Exclusive Economic Zone (EEZ) in the Caribbean Sea.

While Nicaragua claimed that its maritime boundary with Honduras has not been delimitated, Honduras on the other hand impressed upon the court that in the Caribbean Sea, there was already a traditionally recognized maritime boundary between Honduras and Nicaragua which had its origin in the principle of *uti possidetis juris*. This argument was rejected by the court.

In the claim of Honduras, it contended that there was a tacit agreement between the parties with respect to their maritime boundary as could be discerned from fishing activities in the area under dispute, the regional practice of third states and from evidence provided by fishermen who fished in the disputed area. In response to the claims of Honduras, the Court stated:

> "The establishment of a permanent maritime boundary is a matter of grave importance and agreement is not easily to be presumed... Even if there had been a provisional line found convenient for a period of time, this is to be distinguished from an international boundary[75]".

A close examination of the cases that have come before the international arbitral tribunals depicts a reluctance to accept the existence of a *de facto* maritime boundary on the basis of the conduct of the parities. While the courts have at various times acknowledged that under International Law, the conduct of the parties may be a factor to be taken into consideration in the delimiting of the maritime boundary, they have been loath to apply the principle. The views expressed by the ICJ in the Cameroon/Nigeria case is here instructive:

> *"Overall, it follows from the jurisprudence that, although the existence of an express or tacit agreement between the parties on the siting of their respective oil concessions may indicate a consensus on the maritime areas to which they are entitled, oil concessions and oil wells are not in themselves to be considered as relevant circumstances justifying the adjustment or shifting of the provisional delimitation line. Only if they are based on express or tacit agreement between the parties may they be taken into account. In the present case there is no agreement between the parties regarding oil concessions"*[76].

The jurisprudence in this respect is thus clear. In the *Nicaragua/Honduras* case the court also made a point worth noting. It pointed out that even though the

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[75]See para 253 of the judgment. The extent of the judgment can be accessed at the homepage of the ICJ http:www.icj-cij.org. For an in-depth analysis of the case see M. Pratt, Commentary: Case Concerning Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean (Nicaragua v Honduras) 2 Hague Justice Journal (2007). See also Y. Tanaka, Case Concerning the Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (8 October 2007), 23 International Journal of Marine and Coastal Law (2008).

Also, E.A. Kirk, Case Concerning the Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v Honduras) 57 ICLQ (2008), 701-709

[76]See ICJ Report 2002, 447-448, para 304

conduct of the parities with respect to the grant of oil concessions and their fishery practice, seemed to indicate a common understanding, "these events, spanning a short period of time (1961-1977), are not sufficient for the court to conclude that there was a legally established international maritime boundary between the two states"[77].

On the issue of a *de facto* maritime boundary as expressed through the conduct of the parities, the *Guyana/Suriname* award is also in accord with the jurisprudence of the various arbitral tribunals when it states: "[previous] cases reveal a marked reluctance of international courts and tribunals to accord significance to the oil practice of the parities in the determination of the delimitation line".[78]

THE APPLICATION OF THE BISECTOR METHOD

The ICJ applied the equidistance method in the delimitation of overlapping areas around the Islands in the disputed area in the *Nicaragua/Honduras* case yet adopted the bisector method in the delimitation of the other overlapping areas i.e. the Single Maritime Boundary. In rejecting the equidistance method, canvassed strongly before it by Honduras, the court observed that because of the very active morpho-dynamism of the relevant area, "continued accretion at the Cape might render any equidistance line so constructed today arbitrary and unreasonable in the near future"[79].

In the *Nicaragua/Honduras* case, the court further opined that in view of the unstable nature of the relevant coasts and its configuration, the base points were most likely to become uncertain within a very short period of time. In the light of these circumstances the court held the view that it was impossible to identify base points and construct a provisional equidistance line for the single maritime boundary delimiting the overlapping maritime spaces.

Consequently, it concluded that within the framework of Article15 of the United Nations Convention on the Law of the Sea, the special circumstance make the equidistance principle inapplicable.[80] It is however worth noting that the court justified its position when it stated that; "The equidistance method does not automatically have priority over other methods of delimitation and, in particular circumstances, there may be factors which make the application of the equidistance method inappropriate"[81].

In the considered opinion of the court there were particular circumstances which warranted the application of the bisector method in the *Nicaragua/Honduras* Case. This decision is not without controversy and some commentators indeed articulate the position that the equidistance method could still have been applied under the circumstances.[82]

BANGLADESH/INDIA (2014)

This case involves a claim by the Peoples Republic of Bangladesh against the Republic of India pursuant to article 287 of the 1982 United Nations Convention on the Law of the Sea and in accordance with Annex VII to the said Convention. In instituting the action, before the Permanent Court of Arbitration, Bangladesh requested of the tribunal to delimit its maritime boundaries with India with respect to the territorial the continental shelf and the portion of the continental shelf pertaining to Bangladesh that lies more than 200 nautical miles from the baselines from which the territorial sea is measured[83]. At the very onset, the parties agreed that the land boundary terminus should be used as the starting point of the maritime boundary between their two states.

In their submissions, both states referred to the principle of *uti possidetis juris* but the Tribunal held the view that the principle did not contribute to the determination of the land boundary terminus and thus refrained from considering the arguments advanced by the parties.

After determining the land boundary terminus the tribunal proceeded to determine the base points for the purpose of the delimitation of the territorial sea. It was contended by Bangladesh in its Memorial that the identification of base points was not feasible, hence the construction of a provisional equidistance line was not appropriate. It argued that the instability of the coast precluded any firm location of base points whether on the coastline or low

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[77] Page 70 para 256

[78] See the Guyana/Suriname Arbitration Award P. 125 para 390; For a detailed discussion of this case see Yoshifumi Tanaka, The Guyana/Suriname Arbitration: A commentary, Hague Justice Journal Vol 2 (2007).

[79] Page 75 para 277

[80] See Yoshifumi Tanaka: Reflections on Maritime Delimitation in the Nicaragua/Honduras Case. An article based on a presentation given at the International Law Association British Branch on 5th March 2008; See also the Separate Opinion of Judge Ranjera in the Nicaragua/Honduras p.3 para 10 and the Dissenting Opinion of Judge Torres Bernardez p. 30 para 128

[81] P. 74 para 272

[82] See Yoshifumi Tanaka: reflections on Maritime Delimitation in the Nicaragua/ Honduras case., op cit.

[83] See para 21 of Bangladesh's Notification Statement. The Arbitral Tribunal with the Registry as the PCA

tide elevations. It therefore entreated the tribunal to apply the angle bisector method for the delimitation of the overlapping maritime spaces. In contrast, India favoured the adoption of the provisional equidistance method.

The Tribunal referred in particular to the decision in the *Black Sea* case, which states that equidistance lines "are to be constructed from the most appropriate points on the coasts of the two states concerned, with particular attention being paid to those protuberant coastal points situated nearest to the area to be delimitated"[84].

It is to be noted that the Tribunal stated that the appropriate base points are to be chosen in reference to the time of the delimitation. In response to the claim of Bangladesh that the coast was subject to an active morphy-dynamism, the tribunal expressed a view as follows:

> *The issue is not whether the coastlines of the parties will be affected by climate change in the years or centuries to come. It is rather whether the choice of base points located on the coastline and reflecting the general direction of the coast is feasible in the present case and at the present time"*[85].

In determining the base points, even though Bangladesh and India had both determined their base points, the court citing the case of *Bangladesh/Mynmar* stated as follows:

"The Tribunal observes that, while coastal states are entitled to determine their base points for the purpose of delimitation, the Tribunal is not obliged, when called upon to delimit a maritime boundary between the parties to a dispute, to accept base points, on the basis of the geographical facts of the case"[86]. The Tribunal went further to stress that:

"determining the baselines for the purpose of measuring the breadth of the continental shelf and the exclusive economic zone and the issue of identifying base points for drawing of an equidistance/median line for the purpose of delimiting the continental shelf and the exclusive economic zone between adjacent and opposite states are two difference issues"[87].

The Tribunal thus decided to apply its own base points based on the relevant coasts in the delimitation of the overlapping areas. Bangladesh impressed upon the tribunal the need to apply the angle-bisector method on the basis of the prevailing coastal instability and concavity of the Bay of Bengal while India canvassed the use of the median line on the ground that Bangladesh had failed to prove the existence of a special circumstance within the meaning of Article 15 to justify a departure from the median line[88].

After discounting all the arguments of Bangladesh in relation to its claim of specific geographical peculiarities of the area in question, it expressed the view that Bangladesh had invoked no further considerations which would in the view of the tribunal justify a deviation from the application of the median/line equidistance method. The tribunal also held that Bangladesh had not adduced sufficient facts to indicate that special circumstances exist which call for an adjustment of the median line in the delimitation of the territorial sea.

The Tribunal noted the broad agreement of the parities with respect to the coast of Bangladesh but not the relevant coast of India. In determining the relevant coasts, the tribunal made reference to the view point of the ICJ in the *Black Sea* case where it stated that:

"the role of relevant coasts can have two different though closely related legal aspects in relation to the delimitation of the continental shelf and the exclusive economic zone. First it is necessary to identify the relevant coasts in order to determine what constitutes in the specific context of a case the overlapping claims to these zones".

Second, the relevant coasts need to be ascertained in order to check, in the third and final stage of the delimitation process, whether any disproportionality exists in the ratios of the coastal length of each state and the maritime areas falling either side of the delimitation line.[89] The Tribunal went further to state the well established principles underpinning the identification of the relevant coast. It underscored the axiom that :"the land dominates the sea"[90] and went further to state that "the coast, in order to be considered as relevant for the purpose of the delimitation, must

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[84]See Judgment of the ICJ Reports 2009 p. 101 para 117
[85]See p. 62 para 214
[86]See Bangladesh/Myanmar, Judgment, 14th March 2012 para 264
[87]See Maritime Delimitation in the Black Sea (Romania v. Ukraine ICJ Reports 2009, p. 61 at P. 108 para 137
[88]See India's Counter-Memorial, para 5.33 and 5.45
[89]Judgment of 3rd February 2009, ICJ Reports 2009, p. 61 at p. 89 para 78

generate projections which overlap with projections from the coast of the other party"[91].

The Tribunal thus applied these axiomatic principles in the determination of the relevant coasts of Bangladesh and India.

DELIMITATION OF THE EEZ AND THE CONTINENTAL SHELF WITHIN 200NM

In the delimitation of the maritime boundary between the two states with respect to the EEZ and Continental Shelf within 200nm, the parties were generally agreed that delimitation in this respect was governed by articles 74 (1) and 83 (1) of UNCLOS. The parties however disagree on the centrality of the equidistance method and the circumstances that require the application of the angle-bisector method.

In coming to a determination on the appropriate method to use under the circumstances of the case, the tribunal put two questions:

"*whether a presumption exists in favour of the equidistance/relevant circumstances method for the delimitation of the exclusive economic zone and the continental shelf within 200nm. The second is the application of this method in this particular case*[92].

The distinguishing features of the two methods as posited by the tribunal are here instructive: it states:

"... *the equidistance/relevant circumstances and the angle-bisector methods are both based on geometric techniques. In the view of the Tribunal, the advantage of the equidistance/relevant circumstances method lies in the fact that it clearly separates the steps to be taken and is thus more transparent. The identification of a provisional equidistance line is based on geometrically objective criteria, while at the sometime account is taken of the geography of the area through the selection of appropriate base points*"[93].

The Tribunal goes further to contrast this with the angle-bisector method when it states:

"*By contrast, depicting the relevant coast as straight lines under the angle bisector method involves subjective considerations*"[94].

Thus, in the view of the Tribunal, the equidistance/relevant circumstances method is preferable unless as stated by the ICJ in the *Nicaragua/ Honduras* case there are "factors which make the application of the equidistance method inappropriate"[95]. The tribunal therefore adopted the equidistance/special circumstances method, drew a provisional equidistance line, adjusted that line in order to obtain an equitable result and finally put the delimitation to the disproportionality test.

In considering the disproportionality test, the tribunal noted that:

"*The test of disproportionality is not in itself a method of delimitation. It is rather a means of checking whether the delimitation line arrived at by other means need adjustment because of a significant disproportionaltiy in the ratios between the maritime areas which would fall to one party or other by virtue of the delimitation line arrived at by other means, and the lengths of their respective coasts*[96].

The Tribunal finally decided that the ratio produced by the adjustment of the provisional equidistance line "*does not provide any significant disproportion in the allocation of maritime areas to the parties that would require alteration of the adjusted equidistance line to ensure an equitable solution*"[97].

The decision of the Tribunal in the *Bangladesh/India* Maritime boundary dispute goes to affirm the claim that the equidistance/special circumstances method enjoys a privileged position in the methods of maritime boundary delimitation.

CONCLUSION

This article has attempted within a very broad framework to trace the historical development of maritime boundary delimitation. It has examined the concept through international customary and treaty law as well as the legal regime appertaining to the allocation of maritime spaces. It is trite knowledge that the development of the law and the associated jurisprudence in this regard, has been evolutionary rather than revolutionary. Even though the judicial pronouncements are not

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[90] See the North Sea Continental Shelf (Federal Republic of Germany/Netherlands) Judgment, ICJ Reports 1969, p. 51 para 96

[91] See Maritime Delimitation in the Black Sea (Romania v. Ukraine) Judgment ICJ Reports 2009, p. 96-97 para 99

[92] See p. 98 para 338

[93] See Judgment p. 99 para 343

[94] *Ibid*

[95] Judgment ICJ Reports 2007, p. 659 at p. 741 para 272

[96] Maritime delimitation in the Black Sea (Romania v. Ukraine) Judgment of 3rd February 2009 ICJ Reports 2009, p. 61 at pp 99-100 para 110

[97] See p. 154 para 497

characterised by an*opinio juris* or a binding judicial precedent, various precepts and principles have been formed since the commencement of the adjudication of maritime boundary disputes. It can safely be posited that there is now established a unified set of principles outlining the steps for maritime boundary delimitation albeit like all social sciences it still remains constructively amorphous..

In the evolutionary process two distinct approaches are discernible. The approaches which have appropriately been labeled by Yoshifumi Tanaka as the *result oriented equity approach* and the *corrective equity approach*. There is no doubt that the natural prolongation theory which once held sway has been jettisoned into the limbo of forgotten principles in maritime boundary delimitation, leading to an evolution of the law as ecapsulated in the two approaches earlier referred to. The jurisprudence of the courts and arbitral tribunals, even though not cast in rock, point to a crystallization of the tenets of the corrective equity approac

In the process of that crystallization, the law has developed from an absence of customary or treaty law prior to 1958, through the development of the United Nations Conventions, to a qualified acceptance of the principles underlying maritime boundary delimitation. In this process, the tension between two distinct delimitation methods has remained paramount. The equitable principles method which posits a delimitation based on equitable principles with the objective of providing an equitable result. This is to be contrasted with the equidistance method which calls for the drawing of a median line every point of which is equidistance from the nearest base points on the coasts of the disputing countries.

There is no doubt that the latter method has been found to be more predictable and provides the requisite certainty desired by States when they place their maritime boundary delimitation concerns before international courts and arbitral tribunals

In the evolution of the law is discernible four main steps that guide the courts in delimiting maritime boundaries, be they of opposite or adjacent coasts[98]. Firstly, in the delimitation of the maritime boundary, the court would give consideration to existing agreements, tacit or otherwise between the parties. Where such an agreement exists, the court would uphold the agreement and give its blessing. The second step would involve a consideration of the relevant coasts through the determination of the base points to be used for the construction of a provisional equidistance line.

The next step would involve the drawing of a provisional equidistance line (unless the special/relevant circumstance are such as to warrant the application of an entirely different method). Where a provisional equidistance line is drawn, the court would consider if there are any special or relevant circumstances requiring an adjustment of the provisional equidistance line.

In this connection, the court would examine the length and shape of the coastline and the presence of islands if any. In giving consideration to what amounts to relevant or special circumstances, the court may also have regard to factors such as historic title, distribution of natural resources, security issues, social and economic considerations as well as the conduct of the parties. Where the adjusted equidistance line does not seem to provide an equitable result, the court would apply the disproportionality test to check on the equidistance of its adjustment.

It is thus clear that while the jurisprudence in relation to the delimitation of maritime boundaries has been all but certain, there is increasingly discernible from the decisions of the courts and arbitral tribunals, a clear approach or method providing to States some level of legal certainty and predictability if not a definite rule of law.

[98]See Shi Jiuyong, Maritime Delimitation in the Jurisprudence of the International Law (2010) 9 (2) pp 271-291

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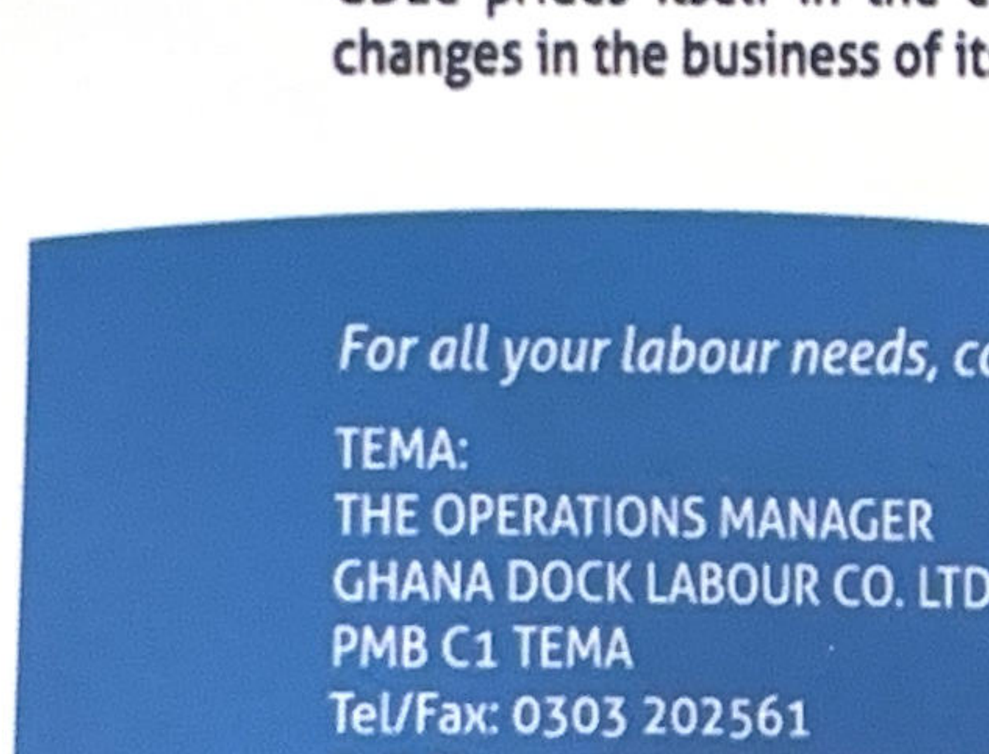

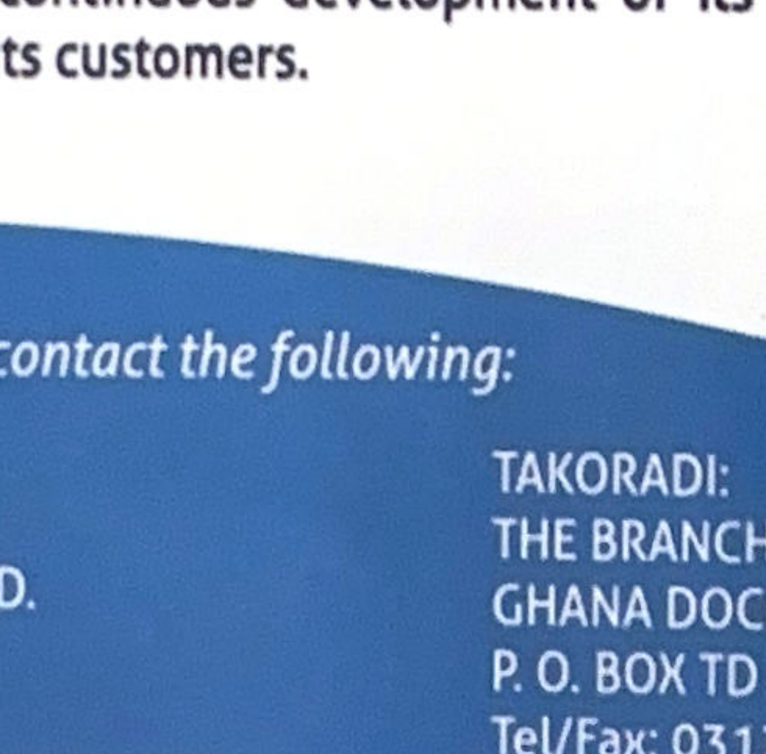

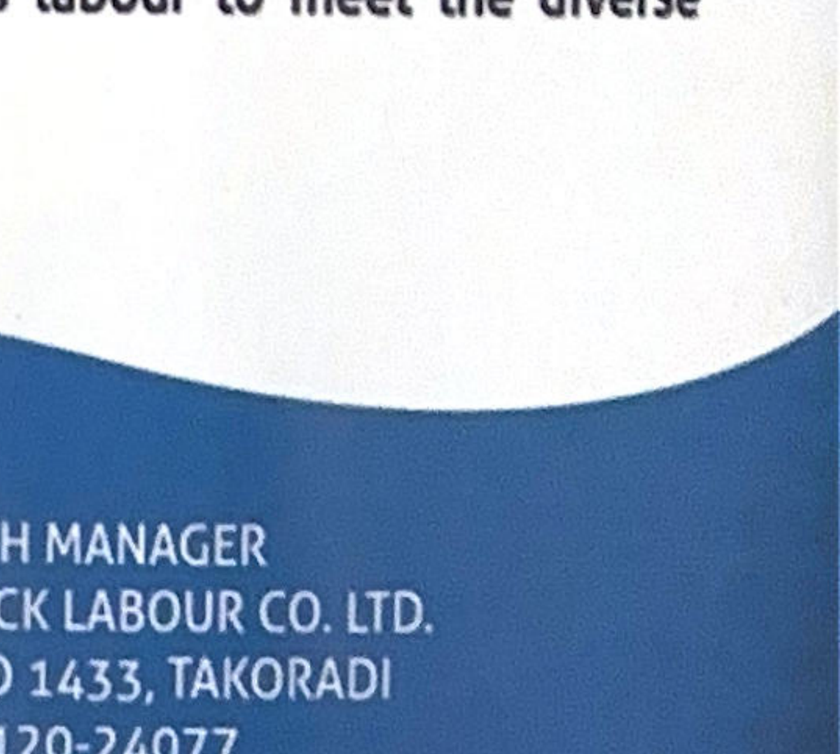

UNION DES CONSEILS DES CHARGEURS AFRICAINS : Evolution et Perspectives

Azoh-mbi Edward Chi-Malang, UCCA / Article traduit par NGUEA Lucresse, UCCA

INTRODUCTION

Selon Ikechuku Chris Iheduru (1996) (Économiste politique des transports maritimes), le manque d'unité entre les pays en développement constitue l'un des principaux obstacles à la réalisation des objectifs de développement.

Toutefois, l'Afrique de l'Ouest et du Centre a réussi à oublier ses divergences économiques, culturelles et idéologiques pour créer une certaine "solidarité organique" illustrée notamment dans le secteur maritime par l'initiative de mettre sur pied, d'une part, des Conseils des Chargeurs qui fonctionnent sous la houlette de l'Union des Conseils des Chargeurs Africains (UCCA) et, de l'autre, l'Association de Gestion des Ports de l'Afrique de l'Ouest et du Centre (AGPAOC) et les autres organes spécialisés de l'Organisation Maritime de l'Afrique de l'Ouest et du Centre (OMAOC), principale source des politiques maritimes régionales. Cette "solidarité organique" a mis fin aux opérations individuelles des chargeurs, tout en comblant l'écart de leadership sous-régional qui existait dans le secteur et entravait les négociations et concertations collectives sur les conditions de transport.

La création, entre autres, des Conseils des Chargeurs et des compagnies maritimes nationales, vivement soutenue par la CNUCED en 1968, a été l'une des stratégies utilisées pour promouvoir la participation équitable des pays en développement au transport des marchandises générées par leurs activités commerciales qui, auparavant, était la chasse gardée des grandes nations maritimes. Cette initiative qui faisait partie du Nouvel Ordre Maritime International (NIMO) en 1965 s'inscrivait dans le cadre de l'objectif ultime de la facilitation du commerce et la réduction de la pauvreté. Il s'agissait d'une mesure audacieuse visant à réduire l'écart entre les riches (nations traditionnelles d'armateurs) qui devenaient plus riches et les pauvres (nations traditionnelles de chargeurs) qui devenaient plus pauvres malgré une économie mondiale en plein essor.

En réponse au soutien de la CNUCED (*document de la CNUCED no TD/8/C.4/127 Sup.2 du 21 janvier 1975*) à la mise en place d'une force compensatoire face à la collusion des armateurs, les pays africains ont fait le premier pas vers l'unité en créant les Conseils des Chargeurs dont le premier en Afrique fut celui de la Côte d'Ivoire en 1968.

Après la création des Conseils des Chargeurs dans le continent, l'on a vite constaté que les armateurs et

les Conférences Maritimes continuaient de dominer injustement l'industrie au grand dam des chargeurs, compromettant ainsi les principaux objectifs de développement économique et de réajustement du rapport de force chargeur/armateur.

Pour remédier à cette situation dans la sous-région, les conseils d'Afrique de l'Ouest et du Centre (AOC) ont franchi le deuxième pas vers l'unité en mobilisant davantage leurs ressources pour renforcer leur position. Aussi, l'UCCA a-t-elle été créée pour remplacer l'ancien Comité Régional de Négociation, établi conformément aux recommandations de la CNUCED pour négocier régulièrement les taux de fret et conditions de transport avec les Conférences Maritimes.

A l'origine dans les années 1980, les négociations des taux fret avec les Conférences Maritimes telles que AWAFC, UKWAL, CEWAL, FEWAC, MEWAC, COWAC et EWAC se faisaient de manière officielle, sérieuse et ouverte, donnant ainsi aux Conseils des Chargeurs toute leur valeur et l'opportunité de jouer un rôle décisif dans le transport et le commerce international. La gloire de cette parité historique pour les chargeurs s'est très vite transformée en cauchemar pour les transporteurs et il n'a pas fallu longtemps pour que la donne change.

Par ailleurs, outre les difficultés matérielles et financières, la guerre et d'autres facteurs géopolitiques ont poussé certains membres de l'Union à se retirer et plongé l'Organisation elle-même dans l'instabilité, luttant à la fois pour sa propre survie, celle des conseils membres et le bien-être des chargeurs. Avec le temps, d'autres conseils des chargeurs ont été créés ou réactivés, les objectifs ont été élargis, les cotisations des membres ont été augmentées, l'Union est devenue plus forte et plus visible, bien que sans grand succès au plan des négociations des taux de fret pour un continent qui, même sans être la destination maritime la plus éloignée, connaît les taux de fret les plus élevés au monde. Plusieurs Mémorandums d'Entente ont été signés avec de grandes institutions internationales, suivies d'une série de réunions avec les associations d'armateurs dans le but de revenir aux discussions raisonnables sur les taux de fret et conditions de transport dont les déclarations conjointes étaient difficilement respectées par l'autre partie.

En général, l'Union s'est toujours efforcée à répondre aux attentes et exigences des politiques nationales, sous-régionales et internationales, notamment dans les domaines de la facilitation des échanges et du transport, les observatoires de transport, les programmes Trainmar et autres programmes de formations des chargeurs et personnels des conseils, le Bordereau de Suivi des Cargaisons, la célébration des journées nationales et africaines des chargeurs, les problèmes commerciaux et de transport des pays enclavés, les Guichets Uniques, l'intégration régionale, la négociation, le suivi et la mise en application des conventions maritimes et commerciales internationales et autres réglementations. L'engagement de l'Union est manifeste à travers l'augmentation des participations de haut niveau, soulignées parfois dans les discours bilans de ses différents présidents.

Enfin en 2014 (résolution no 4/CD/02/2014, Résolution no 1/CD/11/14), face à l'intérêt croissant des membres pour un programme de transformation du système, l'Union s'est engagée dans une nouvelle initiative: l'étude "*UCCA: Vision et Stratégie 2015 – 2020*" (présidée par Monsieur Ali TRAORE, ancien Directeur Général du Conseil Burkinabé des Chargeurs). Dans son analyse SWOT, cette étude fait un diagnostique stratégique des forces, faiblesses, opportunités et menaces de l'Union, tandis que son rapport final recommande vivement une restructuration complète de l'Union avec un nouvel organigramme, le renforcement des capacités des ressources humaines et la redéfinition des mesures visant à améliorer la performance, la conception et la réalisation des projets, l'augmentation de la visibilité, l'intensification des actions de lobbying auprès des gouvernements membres, l'optimisation de la satisfaction des besoins des chargeurs, le renforcement de la crédibilité et la coopération internationale avec les Communautés Economiques Régionales (CER) et organisations internationales du secteur. Bien qu'obligée de jouer sur un terrain africain et maritime difficile, l'Union a réussi à se frayer un chemin. L'étude s'impose désormais comme la voie à suivre, même si elle est brusque sur le plan de la gestion du changement, il est à espérer que

la nouvelle feuille de route conduira progressivement l'Union à destination.

NAISSANCE DE L'UCCA

Il importe de rappeler que l'instance dirigeante du secteur maritime à l'échelle internationale est l'Organisation Maritime Internationale (OMI), tandis qu'à l'échelle sous-régionale, la politique maritime de l'AOC est élaborée et mise en œuvre par l'Organisation Maritime de l'Afrique de l'Ouest et du Centre (OMAOC), précédemment appelée CMEAOC-TM (Conférence Ministérielle de l'Afrique de l'Ouest et du Centre sur le Transport Maritime). Basée à Abidjan, L'OMAOC compte quatre organes spécialisés dont l'Association de Gestion des Ports de l'Afrique de l'Ouest et du Centre (AGPAOC) basée à Lagos au Nigéria, l'Université Maritime Régionale d'Accra (UMR) au Ghana, l'Académie Régionale des Sciences et Techniques de la Mer (ARSTM) d'Abidjan, l'Association des Armateurs Africains (3A) et l'Union des Conseils des Chargeurs Africains (UCCA) basée à Douala (Cameroun), l'objet du présent article.

L'Union des Conseils des Chargeurs a été créée par la 3ème session ordinaire de la CMEAOC-TM tenue à Accra (Ghana) du 23 au 26 février 1977, en tant qu'organe spécialisé chargé de définir et mettre en œuvre la politique du transport maritime dans la sous-région. Conformément aux dispositions concernées, l'UCCA regroupe les Conseils des Chargeurs et organismes assimilés des pays de l'AOC et compte actuellement dix huit membres actifs, énumérés dans le tableau ci-dessous.

Suivant l'Accord de Siège signé entre l'UCCA et la République du Cameroun en novembre 1988, le siège de l'Organisation (le Secrétariat Général) est basé au Centre des Affaires Maritimes à Bonanjo, Douala (Cameroun), dans les locaux du conseil hôte, le Conseil National des Chargeurs du Cameroun (CNCC) qui, conformément aux statuts, le soutient matériellement et financièrement. Les instances dirigeantes de l'Union sont l'Assemblée Générale biennale et le Comité Directeur qui siège deux fois l'an. Son Bureau est composé d'un

Mr Adamou Saley Abdourahamane, actuel Secrétaire Général de l'UCCA

Président honoraire et d'un Vice-président dont les mandats sont de deux ans, d'un Trésorier statutaire permanent, d'un Commissaire aux comptes nommé pour deux ans et d'un Secrétaire Général élu pour un mandat de quatre ans renouvelable une fois.

Membres

L'UCCA est constituée de pays francophones (majorité), anglophones, lusophones et hispanophones de la sous-région, quoique pour le moment, les travaux de l'Union ne se déroulent qu'en trois langues officielles ou de travail (français, anglais et portugais).

Objectifs de l'Union

Les objectifs de l'UCCA sont les suivants:

- *Le renforcement des mécanismes de consultation et de négociation avec les Conférences Maritimes et les armements desservant la sous-région;*
- *La réduction de l'incidence des coûts du transport sur les économies des Etats de l'Afrique de l'Ouest et du Centre;*
- *La rationalisation du trafic et optimisation des services de transport maritime dans les états membres;*
- *La promotion des compagnies maritimes nationales tout en assurant une répartition équitable des cargaisons, conformément aux recommandations du Code de Conduite des Conférences Maritimes de la CNUCED.*
- *La promotion de toute politique de coopération visant la défense des intérêts des états membres dans les problèmes liés au transport des marchandises;*
- *La simplification des formalités administratives et commerciales du trafic maritime international;*
- *La promotion des centres de recyclage (et d'information) dans les pays où il n'en existe pas.*

En général, les objectifs ci-dessus ont été énumérés théoriquement depuis la création de l'Union. Cependant, étant donné que les changements réglementaires, technologiques, organisationnels et environnementaux empêchent aux institutions d'être statiques, les priorités et les défis changent constamment, nécessitant une réadaptation des objectifs en vue d'optimiser la valeur ajoutée tant pour les premiers utilisateurs des services de transport (chargeurs) que pour l'ensemble de la communauté maritime.

Liste des membres

N°	Conseils des Chargeurs membres	Langue	Statut
1	Conseil National des Chargeurs d'Angola (CNC)	Français	Actif
2	Conseil National des Chargeurs du Benin CNCB)	Français	Actif
3	Conseil Burkinabé des Chargeurs (CBC)	Français	Actif
4	Conseil National des Chargeurs du Cameroun (CNCC)	Français/Anglais	Actif
5	Conseil Centrafricains des Chargeurs (CCAF)	Français	Actif
6	Conseil Tchadien des Chargeurs	Français	Actif
7	Conseil Congolais des Chargeurs (CCC)	Français	Actif
8	Office Ivoirien des Chargeurs (OIC)	Français	Actif
9	Conseil Gabonais des Chargeurs (CGC)	Français	Actif
10	Autorité Ghanéenne des Chargeurs (GSA)	Anglais	Actif
11	Conseil Guinéen des Chargeurs (OGC)	Français	Actif
12	Conseil National des Chargeurs de Guinée-Bissau)	Portugais	Actif
13	Conseil Malien des Chargeurs (CMC)	Français	Actif
14	Conseil Nigérien des Utilisateurs de Transports Publics (CNUT)	Français	Actif
15	Conseil Nigérian des Chargeurs (NSC)	Anglais	Actif
16	Office de Gestion du Fret Multimodal (OGEFREM)	Français	Actif
17	Conseil Sénégalais des Chargeurs (COSEC)	Français	Actif
18	Conseil National des Chargeurs du Togo CNCB)	Français	Actif
19	Conseil des Chargeurs de la Guinée Equatoriale	Espagnol	Inactif

Les pays membres qui ne se sont pas encore dotés de Conseils des Chargeurs sont Sao Tomé et Principe, la Gambie, la Sierra Leone, le Libéria et la Mauritanie.

Par conséquent, les objectifs de l'Union ont évolué en trois catégories. Les objectifs statutaires énoncés dans les Statuts de l'Union tel indiqué ci-dessus, sont essentiels et sous-tendent de ce fait les activités quotidiennes de l'Union. La réalisation de ces objectifs est la principale raison derrière les contributions financières et matérielles des membres.

Les objectifs secondaires, tels que l'augmentation du nombre de membres, la réactivation des conseils en hibernation, le renforcement de la coopération entre les conseils membres, la mobilisation des fonds et la diversification des ressources, la défense du BSC, la communication, etc., visent à soutenir l'organisation elle-même, ainsi que ses membres, et sont par conséquent tout aussi essentiels à sa survie.

Par ailleurs, étant donné que l'objectif ultime de l'Organisation est le développement et le bien-être du secteur, les objectifs lointains qui sous-tendent son existence et sa politique découlent des attentes de la grande communauté maritime, couplés aux exigences des coopérations de haut niveau telles que la coopération avec l'UA, la BM, la BAD, l'OMC, le GSF, la CNUCED, la CNUDCI, etc.

Les objectifs sous-jacents incluent l'intégration régionale, l'intégration de l'Afrique subsaharienne dans l'économie politique mondiale, la promotion des femmes du secteur maritime, la croissance économique et la réduction de la pauvreté, une participation active dans l'élaboration des réglementations régissant le secteur telles que les Règles de Rotterdam; la mise en œuvre des conventions maritimes internationales, le réajustement du rapport de force chargeur/armateur et la facilitation des échanges et du transport.

Projets de l'Union

Les projets de l'Union ont évolué au fil des années, depuis la création d'une Bourse Régionale de Fret à la mise en place d'un système de financement harmonisé pour l'Union et ses membres, la création d'une base de données juridiques (comprenant des textes juridiques tels que les textes organiques des conseils membres), la création de nouveaux conseils et la réactivation des conseils inactifs, la promotion du Système de Grille Plombée, l'amélioration de l'efficacité des corridors d'échanges de l'Afrique subsaharienne et la gestion des Postes de Contrôle Juxtaposés, la promotion de la création des Guichets Uniques par les conseils membres, le développement d'une nouvelle stratégie de négociation des taux de fret, la généralisation, l'harmonisation et la défense du Bordereau de Suivi des Cargaisons, et la mise en œuvre de l'étude "UCCA Vision et Stratégie 2015-2020".

CONTEXTE, EVOLUTION ET PERSPECTIVES

La préparation du terrain pour la mise en place d'instances maritimes dirigeantes dans la sous-région a commencé avec l'adoption par la première conférence de la CMEAOC-TM tenue à Abidjan le 7 mai 1975 de la Charte des Transports Maritimes de l'Afrique de l'Ouest et du Centre, appelée "la Charte d'Abidjan". Tandis qu'en 1976 à Accra (Ghana), la convention sur la mise en place de la Conférence Ministérielle et l'UCCA a été signée à l'occasion de la 3ème session ordinaire de la CMEAOC-TM.

L'Union est devenue opérationnelle en 1986 avec l'élection de son tout premier Secrétaire Général (seul ancien Directeur Général d'un Conseil des Chargeurs à devenir Secrétaire Général de l'UCCA),

monsieur GANDAHO Innocent (du Conseil National des Chargeurs du Bénin, CNCB). L'Organisation a aussitôt remplacé le Comité Régional de Négociation (CRN) dans la négociation des taux de fret. Pendant quelques années, l'Union a effectivement joué le rôle de négociateur des taux de fret. Toutefois, suite à une grave crise survenue au sein de l'Union, le second mandant de monsieur GANDAHO a brusquement pris fin en 1995, cédant la place à un Secrétariat par intérim instauré par le pays hôte et dirigé par Monsieur Emmanuel EDOU (ancien Directeur Général du CNCC).

Etant donné que le système régional du cadre du transport et de la politique maritime était inefficace au point de compromettre le potentiel commercial et de développement économique de la région, l'objectif principal de la table ronde sur la disserte maritime dans les pays d'Afrique de l'Ouest et du Centre, organisée conjointement du 23 au 26 juin 1992 par la Banque Mondiale et la CMEAOC-TM (et ses organes spécialisés), avec la participation de la CNUCED, SSATP et de l'OMI, était de renforcer la compétitivité des économies subsahariennes à l'échelle internationale, améliorer l'efficacité de leur transport maritime et renforcer la coopération économique régionale. La stratégie supposait également une nouvelle orientation pour les Conseils des Chargeurs, notamment en ce qui concerne leurs objectifs, vu que le Code de Conduite des Conférences Maritimes instituant la répartition des cargaisons et la négociation des taux de fret, était devenu obsolète. Plus tard l'on a assisté à la libéralisation du système de transport et de commerce international, consécutive à la nouvelle politique internationale de mondialisation.

La deuxième Table Ronde de Cotonou organisée par les mêmes institutions du 3 au 6 juin 1997, a reconnu que les politiques et pratiques maritimes régionales devaient refléter les réalités de plus en plus compétitives de l'environnement commercial international du secteur.

Une série d'études approfondies recommandées par la Table Ronde de Cotonou 1 en vue d'identifier les problèmes sous-jacents susceptible de contribuer à l'élaboration d'un nouveau cadre politique global pour la sous-région, et comprenant la redéfinition des missions et rôles des Conseils des Chargeurs, l'analyse des coûts de la chaîne des transports, la mise sur pied des cellules nationales de contrôle des transports, l'évaluation des organisations de coopération régionale et la clarification du statut du secteur maritime de l'Afrique de l'Ouest et du Centre, sont devenues les principales préoccupations de cette époque.

Que ces études aient été réalisées ou pas, elles ont changé la mentalité du secteur maritime de la région en général et des Conseils des Chargeurs en particulier, préparé le terrain pour l'utilisation d'indicateurs de performances différents et le changement de priorités.

En 1997, le deuxième Secrétaire Général de l'Union, monsieur Sita DJERMA (diplômé de l'Université Maritime Internationale) a été élu lors de la 3ème session ordinaire de l'Assemblée Générale organisée à Cotonou, après la session extraordinaire tenue en 1996 à Dakar (Sénégal), où des mesures décisives ont été adoptées, notamment pour redynamiser l'Organisation.

Après sa prise de fonction, monsieur DJERMA s'est vu confié la tâche de revitaliser l'Union conformément aux options politiques pertinentes exprimées par les Tables Rondes de Cotonou organisées conjointement par la Banque Mondiale et le CMEAOC-TM en 1992/1997, qui recommandaient notamment la révision des objectifs des Conseils des Chargeurs et la revitalisation de l'Union. Peu de temps après, les activités de l'Union devaient suivre un Plan Directeur de Réformes adopté par les conseils membres en juillet 1998 à Accra.

De 1998 à 2001, l'Union est redevenue active. Elle exerçait ses fonctions statutaires de manière régulière et redevenait visible sur la scène internationale. C'est ainsi qu'en 1999, la première édition de la

Journée du Chargeur Africain fut célébrée à Accra, au Ghana.

Le quatrième Secrétaire Général de l'UCCA, monsieur Serigne THIAM DIOP (ancien Directeur Technique du Conseil Sénégalais des Chargeurs, COSEC) a été élu lors de l'Assemblée Générale de juillet 2009 à Libreville (Gabon). En dépit des pressions d'un mandat limité, scellé par un accord tacite entre les membres, DIOP a quant à lui, porté haut la coopération, la crédibilité et la visibilité de l'Union durant un mandat basé sur une présence internationale systématique et la signature de plusieurs Mémorandums d'Entente (MOU) et d'accords de coopération: (MOU avec l'AUTF - 13 juin 2011 à Paris; Accord de coopération avec la CNUCED - juin 2011 à Genève; ESC - 26 juillet 2012 à Ouagadougou; CCI - 17 mai 2013 à Paris). Ces organisations, y compris la CNUDCI, l'UA, l'UEMOA, etc., sont ainsi devenues les partenaires et associées de l'Union. Le mandat de monsieur DIOP a également été marqué par sa collaboration avec le Groupe Africain à Genève sur la défense du Bordereau de Suivi des Cargaisons (BSC) menacé de suppression par l'OMC. La réputation et les aspirations de l'Union ont davantage été rehaussées par son leadership africain historique lors des négociations ayant conduit à l'adoption de la *Convention des Nations Unies sur le Contrat de Transport International de Marchandises effectué entièrement ou partiellement par Mer*, dite *Règles de Rotterdam*, ce qui lui a valu d'être spécialement invitée à la cérémonie de signature à Rotterdam. Les discussions avec les conférences ont repris de plus belle (ECSA - 16 juillet 2010 et 12 avril 2012; EWATA, AWATA). L'Union est devenue un membre à part entière du Global Shippers' Forum (GSF) en 2010 et son quatrième Secrétaire Général est devenu le premier africain à intégrer le Conseil d'Administration du GSF lors de son Assemblée Générale tenue à Londres les 8 et 9 avril 2013.

Le cinquième Secrétaire Général de l'UCCA, monsieur Adamou SALEY ABDOURAHAMANE (ancien Directeur Technique du Conseil Nigérien des Utilisateurs de Transports Publics, CNUT), a été élu lors de l'Assemblée Générale de 2013 en République Démocratique du Congo. Outre un engagement fort pour le recouvrement des dettes de l'Union, l'exécution stricte du budget et la recherche effective des fonds afin de financer les projets de l'Union, la particularité de son mandat réside également dans le fait qu'il coïncide avec le lancement de l'étude "UCCA : Vision et Stratégie 2015-2020" dont il coordonnera la mise en œuvre en collaboration avec l'Autorité Ghanéenne des Chargeurs (GSA), qui accèdera au poste de Président de l'Union lors de l'Assemblée Générale d' Accra, du 27 au 30 janvier 2016.

APERÇU ET CONCLUSION

Les Conférences de la CNUCED et les études de la Banque Mondiale qui ont souligné et favorisé la mise en œuvre de la politique de création des Conseils des Chargeurs par les pays en développement en 1968, ouvrant ainsi formellement une porte pour l'Afrique dans le Nouvel Ordre Maritime International (NOMI), demeurent une initiative louable qui a objectivement pris les questions maritimes du tiers monde à cœur, suscitant des consensus internationaux et réalisant une grande avancée en plantant le décor pour des rapports de marché maritime équilibrés. En plus de souligner le rôle central des transports maritimes internationaux dans l'économie mondiale, de telles politiques considèrent le rôle des Conseils des Chargeurs comme étant le principal moyen d'optimiser la participation au système de transport et de commerce international d'un pays en particulier, ainsi que les bénéfices qui en découlent, et promouvoir son développement économique à l'effet spécial de réduire la pauvreté.

La création des Conseils des Chargeurs et leur désignation

comme encadreurs des demandeurs de services de transport, a été le premier pas vers la réduction de la pauvreté, suivi de leur initiative intelligente d'agir au travers d'une Union. Le fait que la sous-région se soit rapidement conformée aux directives de la CNUCED/BM et ait créé avec succès des compagnies maritimes nationales crédibles, travaillant en accord avec des conseils nationaux des chargeurs respectables dans le cadre de la répartition des cargaisons et la négociation effective des conditions de transport en générale, a été le tout premier changement de régime dans l'économie politique des relations maritimes Nord-Sud. Ce nouveau mécanisme a permis au pays en développement de se hisser sensiblement au même niveau que les nations maritimes traditionnelles, avant que les grandes institutions ne changent les règles du jeu en utilisant les instruments de politique internationale tels que la privatisation, qui devait être renforcée par la libéralisation de l'économie mondiale. Par conséquent, l'avancée historique qui a donné lieu à un climat maritime favorable pour les pays en développement, a été rapidement perdue en raison de l'incapacité politique du Sud à la maintenir. C'est ainsi que les chargeurs et leurs institutions sont à nouveau confrontés aux mêmes cauchemars que ceux de l'ancien ordre maritime mondial.

Par ailleurs, les chargeurs et leurs organisations à travers le monde ont réalisé que l'affiliation à une organisation mondiale comme le Global Shippers' Forum (GSF) était un autre pas vers la consolidation de leur position et le renforcement de leurs capacités en vue d'instituer un ordre maritime gagnant-gagnant (3ème phase de l'unité). La question a été une bataille de longue date, et à ce jour, les vieilles armes sont déjà usées. Les actions contemporaines telles que la campagne mondiale contre les surcharges, l'autorégulation de l'industrie visibles à travers l'adoption des meilleures pratiques maritimes, une coopération de haut niveau élargie sur la sûreté du fret multimodal et les contrats de transport maritime et la prise en compte des intérêts des chargeurs dans le cadre réglementaire international, afin de réduire les charges qui leur sont injustement imposées par les transporteurs, par exemple dans l'obligation de pesée et de déclaration du poids exact des conteneurs, la réduction des

émissions maritimes, la tentative d'Alliance P3, etc., ont commencé à ouvrir la voie aux organisations des chargeurs devenues des partenaires clé du système commercial mondialisé.

En tant qu'organisme-cadre des organisations des chargeurs de l'AOC, l'UCCA a dû relever des défis financiers, matériels et politiques pour atteindre ses objectifs en encourageant et en coordonnant ses conseils membres, afin de les rendre plus performants et orientés vers les résultats. En cherchant à assurer le rapport coût-efficacité, la facilitation, la transparence et la rationalisation de la chaîne logistique du transport et du commerce international afin de rendre le commerce extérieur africain plus complétif et intrinsèquement bénéfique, la pleine satisfaction des besoins du chargeur demeure une préoccupation majeure. Ce qui signifie que le règne des chargeurs africains n'est pas encore arrivé. Si les meilleures pratiques commerciales des transporteurs pouvaient être confrontées avec celles des demandeurs de services de transport maritime, un véritable consensus de travail pourrait être obtenu s'il est conjointement adopté et appliqué.

Les organisations des chargeurs ont fait plusieurs déclarations et entrepris diverses actions face à la chute des économies des pays en développement [illegible] un commerce international florissant, notamment à [illegible]use d'une tarification irra[illegible] des surcharges non[illegible] des conditions [illegible] irrégulières, bien [illegible] continuent de se plaindre auprès d'une marine marchande qui fait la sourde oreille. Les experts en développement qui travaillent en collaboration avec les chercheurs

en économie ont étudié minutieusement les questions pertinentes et les solutions éventuelles requises pour apporter un changement notable et durable dans le sous-secteur, mais leurs stratégies ont toujours fonctionné pendant un moment, avant d'être détruites par les mécanismes visibles qui enfoncent le chargeur, tandis que l'armateur nage dans le luxe.

La complexité de l'industrie maritime entretient une large gamme d'intérêts potentiellement rivaux de plusieurs acteurs du sous-secteur qui luttent pour des ressources limitées et le pouvoir, offrant ainsi une autre raison pour laquelle les Conseils des Chargeurs doivent être en mesure de déterminer quelles actions prioritaires seront plus bénéfiques et la probabilité d'obtenir les résultats escomptés.

En plus d'être interrogée par les conseillers en développement, l'Afrique doit expliquer à ses chargeurs pourquoi elle doit payer les taux de fret les plus élevés et de supporter les plus grandes contraintes du commerce international, alors que le continent n'est pas le point de chargement et de déchargement le plus éloigné sur la carte. Il est difficile de comprendre la logique derrière les avantages comparables au regard de la distance dans le cadre du transport maritime vers l'Afrique, notamment lorsque l'armateur est sûr de repartir avec des matières premières précieuses. Les armements accusent l'état des ports africains et des infrastructures, les procédures et l'ensemble des coûts générés par les transactions commerciales en Afrique. Toutefois, ce ne sont là que quelques un des torts des demandeurs, le reste étant de la faute des transporteurs. Les opérateurs des chaînes logistiques multimodales ou de porte à porte aiment s'accuser les uns les autres d'être responsables de la faible performance du système à laquelle ils contribuent tous en l'absence du pauvre chargeur qui leur remet sa marchandise pour livraison, mais qui toutefois, dois payer le prix fort de l'inefficacité du système. Il est possible d'imaginer ce que la situation aurait été sans des organisations nationale, régionale et mondiale des chargeurs, qui font tout leur possible pour remédier à la situation.

L'augmentation de la charge de travail due notamment à la coopération internationale et aux exigences régionales du Plan d'Action des Transports Maritimes de l'Union Africaine, de la Charte Africaine des Transports Maritimes, et de la Stratégie Maritime Intégrée pour la période 2020-2050 (Stratégie AIM 2050) ont élargie le programme d'activités de l'UCCA. Avec les cinq pays enclavés de l'AOC que compte l'Union, le Programme d'Action Almaty visant à répondre aux besoins spéciaux des pays en développement sans littoral dans le cadre du Nouveau Cadre Mondial pour la Coopération sur le Transport en Transit des Pays sans Littoral en développement, mérite également une attention particulière. Tout cela ne fait que s'ajouter à divers autres engagements internationaux tels que la mise en œuvre de l'Accord sur la Facilitation de l'OMC, les Règles de Rotterdam, la Vérification du poids des conteneurs, le Contrôle des émissions du secteur maritime, etc., multipliant les appels à une participation plus active et des réponses ciblées et rapides de la part des organisations africaines des chargeurs.

En définitive, l'évolution des Conseils des Chargeurs a été à la fois dynamique et pleine d'évènements. Après plusieurs décennies d'actions individuelles et collectives, ils ont obtenu ce qu'ils ont été à mesure de négocier avec une main faible dans un marché obscure. Le problème de capacité est compréhensible pour les experts et certains gouvernements, cependant, il y va de leur intérêt d'éviter d'être perçu comme travaillant pour leur gain personnel, plutôt que dans l'intérêt des chargeurs. Leur approche et engagement, y compris les outils utilisés doivent donc être soumis au principe de Gestion Totale de Qualité d'une évaluation continue.

Toutefois, les conclusions qui ont jeté quelques doutes sur les résultats escomptés de la bataille jusqu'ici et amené le GSF et ses partenaires à envisager de soumettre le problème des chargeurs aux agences onusiennes, tout en faisant du lobbying auprès des gouvernements, en éduquant et sensibilisant les chargeurs et en invitant les armateurs à mettre toutes leurs cartes sur la table en explicitant leur calcul des taux et leurs pratiques commerciales, ont également motivé ces derniers à programmer une série d'analyses de fixation des tarifs et des études de coûts qui serviront de leviers clé dans la lutte pour une efficacité de coûts mutuelle de la chaîne logistique des transports et du commerce intercontinental.

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BRÈVE HISTORIQUE ET QUELQUES RÉALISATIONS DE L'AUTORITÉ GHANÉENNE DES CHARGEURS

Formation de l'Autorité Ghanéenne des Chargeurs

L'Autorité Ghanéenne des Chargeurs (GSA) a été créée par la NRCD 254 le 5 Avril 1974 et a par la suite été inaugurée le 18 Février 1975 dans la Salle de Conférence au Ministère du Commerce et de l'Industrie par le Commissaire au Commerce d'alors. Au fil des années, elle a collaboré avec des organismes privés et publics dans le secteur maritime en vue de la réalisation de son principal objectif de protection et de promotion des intérêts des chargeurs du Ghana en ce qui concerne les problèmes liés au port, aux navires et au transport terrestre afin d'assurer un transport maritime et une logistique sécurisés, fiables, efficaces et rentables.

La GSA a commencé ses opérations en tant qu'Agence subventionnée sous la tutelle du ministère du Commerce. Suite à l'adoption en 1987 de la LI 1 347 portant Règlement sur le Partage des Cargaisons de l'Autorité Ghanéenne des Chargeurs, l'Autorité s'est elle-même départie de la subvention du gouvernement pour devenir une source de revenu net en appui aux besoins en devises de la Banque centrale.

Au fil des ans, la GSA s'est transformée en une formidable organisation ayant des succursales à Tema, à Takoradi et à Kumasi. La Direction générale de Tema a été établie la première.

Au début des années 90, les activités de la GSA ont commencé à connaître un essor, et, avec la libéralisation qui prévalait dans le pays à l'époque, il était devenu impérieux de mettre en place des "Comités d'Import / Export des Chargeurs". Ces comités avaient pour mission de contribuer à répondre efficacement aux besoins des importateurs et exportateurs sur les questions relatives au transport touchant leurs intérêts. C'est ainsi qu'en 1994, la GSA a entamé le processus de mise en place de Comités Sectoriels des Chargeurs en tant que plateforme pour porter les activités de la GSA aux portes des chargeurs au Ghana. À ce jour, nous dénombrons 10 comités régionaux dans chacune des 10 régions du pays.

Pendant plus d'une décennie, l'Autorité a fonctionné sous la raison sociale de Conseil des Chargeurs du Ghana. Toutefois, en 1998, en vertu des lois Ghanéennes (édition révisée) notamment la Loi 562, cette raison sociale a été modifiée pour devenir Autorité des Chargeurs du Ghana. Ce changement de dénomination a pris en compte les transformations qu'a connues le Conseil au fil des années et a fait droit non seulement à la Constitution de la République du Ghana, mais aussi à la dynamique de pratique moderne dans le secteur du transport en ce qui concerne les exigences en matière d'expédition.

Rôle de la GSA

La GSA et ses homologues Conseils des Chargeurs ont, pendant de nombreuses années, joué leur rôle fondamental de protection et de promotion des intérêts des chargeurs (importateurs et exportateurs) à travers la négociation des taux de fret par les conférences maritimes. Cela a contribué à la réduction drastique et à la stabilisation des taux de fret sur un certain nombre de routes au

milieu des années 1980. L'influence monopolistique et la force des conférences maritimes ont commencé à essuyer un déclin dans les années 1980 et jusqu'aux années 1990, les conférences maritimes au service du commerce en Afrique occidentale et centrale avaient toutes disparu.

Aujourd'hui, à l'ère post Conférence maritime, la GSA, en collaboration avec la Cocoa Marketing Company *(Société pour la Commercialisation du Cacao)*, a poursuivi le dialogue / négociation proactive avec le secteur du transport maritime en Europe en vue de la négociation des taux de fret et de l'amélioration des conditions générales de transport du cacao Ghanéen.

En outre, l'Article 3 (2) de la loi NRCD 254 portant établissement, qui touche aux attributions de la GSA définit ses autres fonctions principales comme suit:

- Représenter les points de vue des Chargeurs en ce qui concerne la structure des taux de fret, la disponibilité et l'adéquation de l'espace maritime, la fréquence des dessertes, les frais portuaires, les installations portuaires et les autres questions connexes;
- Négocier et conclure des accords avec les armateurs sur les questions touchant les chargeurs;
- Entreprendre des études et des enquêtes sur les problèmes qui affectent les chargeurs au Ghana.

L'adoption en 2012 de la Réglementation de l'Autorité Ghanéenne des Chargeurs (LI 2190) a servi de cadre opérationnel pour l'exécution de la mission de l'Autorité dans le cadre de la NRCD 254. À titre d'exemple, les règlements définissent les modalités aux fins de:

- La création d'une plate-forme de consultation entre la GSA et les opérateurs de services de transport maritime agissant le long de la chaîne logistique dans le secteur du transport pour ce qui est du commerce international;
- La négociation des frais liés à l'expédition et au dédouanement des marchandises à partir des ports;
- La négociation des normes minimales et de la qualité des services de transport maritime à rendre aux chargeurs;
- La fourniture d'informations aux chargeurs au Ghana par l'utilisation des informations d'expédition avancées.

Ce qui précède vise à clairement établir le rôle fondamental de l'Autorité Ghanéenne des Chargeurs en tant que protecteur des intérêts des chargeurs.

RÉALISATIONS PRINCIPALES DE L'AUTORITÉ

Services rendus aux Chargeurs

- La GSA a établi dix (10) dynamiques Comités de Chargeurs en import / export dans les dix régions du Ghana. Il s'agit de Comités de chargeurs se réunissant régulièrement pour discuter des questions les préoccupant et faire des propositions de solutions à ces questions en vue d'améliorer leur compétitivité dans le commerce international.

- Les Unités de Contentieux et d'Appui aux Chargeurs (USCU) sont des petites unités de la GSA proposées pour aider les chargeurs par des services d'appui en temps réel dans le cadre de leurs transactions commerciales et de transport aux frontières. À ce jour, cinq (5) USCU ont été installées à Aflao, à Elubo, à Takoradi, à l'Aéroport International Kotoka (KIA) et à Paga.

- Depuis sa création, la GSA a été en mesure de former les chargeurs sur leurs rôles, leurs droits et leurs responsabilités dans leur chaîne logistique. Les chargeurs ont presque toujours reçu des informations sur les programmes, les politiques et les mesures qui touchent à leurs transactions commerciales et de transport.
- La GSA a pu résoudre des centaines de plaintes déposées par les chargeurs portant sur des faits non

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justifiés à leur encontre par certains prestataires de services de transport. Les chargeurs ont, soit reçu une compensation pour les dommages causées à leur cargaison, soit un remboursement pour la surcharge, ou des indemnités de surestaries et des exemptions de frais de location dans de nombreux cas.

- MOBISHIP est une initiative de la GSA ; il s'agit d'un système mobile d'informations par lequel les chargeurs sont en mesure d'accéder aux informations sur les arrivées de navires aux ports. Elle permet aux chargeurs de procéder rapidement aux processus de dédouanement des marchandises, réduisant ainsi le temps d'immobilisation de la cargaison.

- Dans le cadre de sa mission visant à conduire des études sur les activités touchant les chargeurs, la GSA a été en mesure de faire un certain nombre de publications à l'endroit des chargeurs en particulier et du secteur du transport maritime dans son ensemble. Ci-après quelques unes de ces publications clés:

I. Shipping Review *(Revue d'Expédition)* - Magazine trimestriel qui fournit des informations sur l'expédition au Ghana et d'autres informations pertinentes.
ii. Maritrade - Publication des communications présentées par des universitaires de renom dans le domaine du commerce maritime international.
iii. The Admiral *(L'amiral)* - Publication des documents présentés par d'éminents universitaires et praticiens du droit maritime lors des séminaires annuels sur le Droit Maritime pour les juges des cours supérieures au Ghana.
iv. Recueil de statistiques du commerce maritime - publications périodiques sur les statistiques du commerce maritime du Ghana.

Facilitation des échanges

- Les efforts de la GSA en matière de facilitation des échanges se traduisent par son soutien et, en particulier, sa participation en tant qu'actionnaire au projet de la Ghana Community Network (*Réseau des Communautés Ghanéennes* - GCNet). La GCNet a servi de plate-forme électronique pour le dédouanement rapide des marchandises à partir du port et pour l'assurance dans le cadre de la perception des recettes publiques.

- La GSA a signé des protocoles d'accord avec ses homologues du Burkina Faso, du Mali et du Niger pour l'utilisation sans entrave du corridor Ghanéen dans le cadre de son commerce de transit.

- Deux Comités de Chargeurs de Transit (un à Tema et un à Takoradi) comprenant les parties prenantes importantes dans le commerce de transit ont également été créés dans le but d'examiner et d'éliminer les goulots d'étranglement dans le commerce de transit au Ghana.

- En collaboration avec la West Africa Trade Hub (*Trade Hub de l'Afrique de l'Ouest* - WATH), la GSA a entrepris des études relatives aux défis au niveau du corridor de transit du Ghana pour faire un

plaidoyer en vue de leur élimination ou de leur réduction. Les principaux problèmes ont porté sur les points de contrôle routiers illicites, la corruption et le temps perdu à ces points de contrôle.

- Plaidoyer - Au niveau international, la GSA a représenté les intérêts des chargeurs au Ghana en faisant des contributions utiles aux Règles de Rotterdam, ce qui servirait de cadre juridique international pour le transport international de marchandises avec un Sealink.

- Plaidoyer - Au niveau local, la GSA a fait des représentations auprès de divers organismes pour la protection des intérêts des chargeurs dans les politiques, les mesures et les programmes tels que ceux-ci-après:
  I. La réduction des étapes de dédouanement de 25 étapes à environ 15 actuellement;I.
  ii. La fixation d'un taux de change unique valable pour une semaine pour résoudre les défis liés aux fluctuations quotidiennes des taux.

Négociation des tarifs de fret et des frais au niveau des ports

- Négociations sur le fret du Cacao - Depuis plus de 15 ans, le GSA a entrepris la négociation des taux de fret du cacao au nom du Ghana. Les négociations des taux de fret, qui correspondent à chaque campagne de cacao, ont conduit à la stabilité de l'économie du cacao Ghanéen et ont donné également lieu à des économies de coûts pour le Cocoa Marketing Company. En moyenne, ces négociations ont permis au Ghana d'économiser 10 millions de Dollars Américains par an.

- Négociations portant sur les autres frais portuaires - En 2013, la GSA a été en mesure de négocier les tarifs de l'Autorité des Ports du Ghana (GPHA) ainsi que ceux des transitaires au Ghana. Suite à ces négociations, les nouveaux taux convenus ont été publiés dans les quotidiens nationaux dans la rubrique "NE PAYEZ PAS PLUS" pour en informer tous les chargeurs.

Recherche et Développement

I. La GSA a mené des recherches sur les problèmes et défis auxquels sont confrontés les chargeurs au Ghana. Ces recherches visent à aider les chargeurs à formuler des solutions appropriées aux difficultés qu'ils rencontrent. Les principaux projets de recherche menés à ce jour se présentent comme suit:
   ii. Chapardage de marchandises dans les ports de Takoradi et de Tema;
   iii. Procédure de dédouanement de marchandises, impôts, droits et taxes au port de Banjul en Gambie;
   iv. Évaluation des avantages du commerce de transit au Ghana;
   v. Impact d'une révision à la hausse des taux de manutention à terre annoncée par la GPHA;
   vi. Étude de l'impact du système de la GCNET sur les procédures de dédouanement de marchandises;
   vii. Impact des paiements des indemnités de surestaries sur les activités des chargeurs.

Contribution à la mise en place d'infrastructures maritimes

- Le Projet Boankra Inland Port (BIP) - Bien que non encore réalisé, la GSA a pu acquérir une parcelle de 400 acres à

Boankra dans la région Ashanti et a pu mettre en place un bloc administratif à trois étages dans le but d'y établir un port intérieur. Le projet Boankra Inland Port (BIP) a aujourd'hui été revu pour tenir compte de la Ligne de Chemin de Fer de l'Est aux fins de sa mise en œuvre par le gouvernement. Un Conseiller en charge des Transactions a, en effet, été recruté pour travailler sur le financement du projet.

- La Plate-forme Logistique de Takoradi (TLP) - La GSA a également établi une plate-forme de services pétroliers près de Takoradi, connu sous le nom de Plate-forme Logistique de Takoradi (TLP) qui est utilisée par les opérateurs dans les champs de Jubilee Oil et dans d'autres champs similaires.

- Centres des Chargeurs - Un Centre des Chargeurs est un bâtiment qui abrite tout d'abord les bureaux de la GSA, et qui possède des installations informatiques au service des chargeurs et des autres opérateurs de la chaîne de logistique de transport. Le premier Centre des Chargeurs a été établi à Takoradi. Un bâtiment à 12 étages pour les chargeurs est en construction à Accra pour servir de Maison des Chargeurs. La Maison des Chargeurs d'Accra devra y abriter son siège social ainsi qu'une salle de courtage de navire qui permettra d'établir un marché du fret au Ghana. Cette maison pourra servir de centre de "Technologie Maritime" reliant par satellite les ports de Tema, de Takoradi, l'aéroport international de Kotoka ainsi que le port intérieur de Boankra.

- Entrepôts - La GSA dispose de six grands entrepôts à un endroit privilégié dans le port de Tema dans le but de fournir des installations d'entreposage pour les chargeurs, notamment les chargeurs des pays sans littoral qui transitent par le port de Tema. L'objectif est de fournir des services d'entreposage de qualité pour les chargeurs et d'assurer en permanence une prestation rapide de services par les services de manutention de fret et de transport pour les chargeurs en vue de faciliter le mouvement des marchandises.

DISTINCTIONS

Au fil des ans, le mérite des CHARGEURS a été reconnu et leurs efforts récompensés par de nombreuses organisations locales et internationales comme suit:

- Prix de l'Organisation des Chargeurs la plus Innovante en Afrique - prix décerné par l'Union des Conseils des Chargeurs Africains (UASC) en 2002;

- Prix de la Contribution au Secteur Maritime & Fret - 2001;

- Troisième prix - Prix des Conseils des Chargeurs Africains - Meilleure Pratique - 2004;

- Prix de la Meilleure Agence Maritime dans la Facilitation du Commerce en Afrique de l'Ouest pour l'année 2007 - Prix décerné par les Prix du Secteur Maritime en Afrique de l'Ouest;

- Prix du Conseil des Chargeurs le plus Innovant en Afrique de l'Ouest pour l'année 2008 - décerné par le Magazine International de l'Afrique de l'Ouest;

- Prix de la Meilleure Agence de Facilitation du Commerce en Afrique pour les années 2010 et 2013 - décerné par le Shipping and Oil Digest;

MARITIME TRADE REVIEW
(January - September , 2015)

INTRODUCTION

Total maritime trade for the review period January to September 2015 amounted to about 12.1 million tons. This was made up of about 8.8 million tons of imports and 3.3 million tons of exports. The port of Tema handled about 74 percent of the total trade which was over 9 million tons while the port of Takoradi handled the remaining 3.1 million tons (or 26% of total trade for the period).

Total transit/transhipment through the ports of Ghana was only 6 percent of the total maritime trade of Ghana. This was made up of 669,138 tons of import and 19,382 tons of export as shown in Table 1 below.

Table 1 MARITIME TRADE OF GHANA IN TONS, JAN-SEPT. 2015

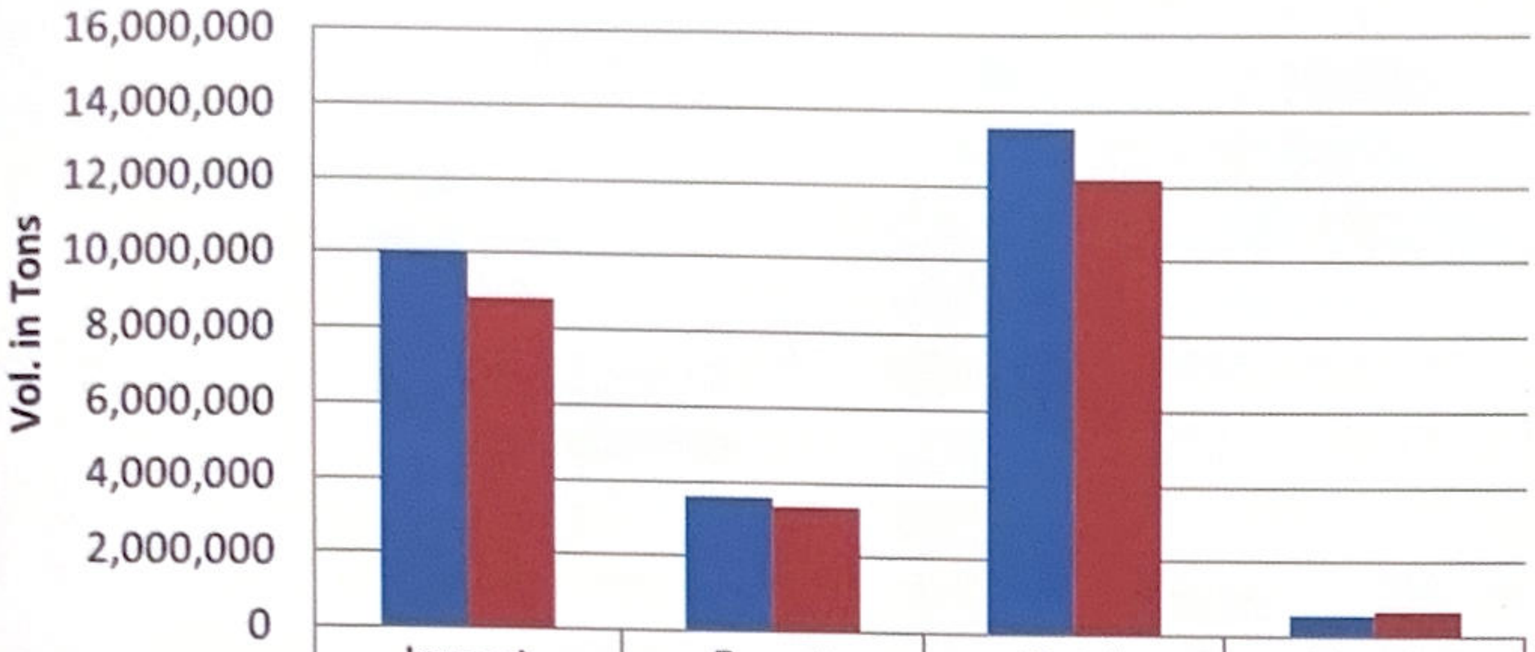
	IMPORT	EXPORT	TOTAL	%SHARE OF PORT
TAKORADI	928,043	2,266,198	3,194,241	26
TEMA	7,897,149	1,105,716	9,002,865	74
TOTAL	8,825,192	3,371,914	12,197,106	
%SHARE	72	28	100	
TRANSIT/TRANSSHIPMENT	669,183	19,382	688,565	6
THRU'PUT	9,494,375	3,391,296	12,885,671	

Comparing this performance to that of the same period in 2014 showed a decline of about 10 percent in total cargo throughput in 2015. Total import for the review period was almost 12 percent less than what was obtained in the previous year. Total export also declined by about 5 percent from the previous year's tonnage. Transit trade which amounted to 688,565 tons, recorded an increase of more than 20% as compared to the same period in 2014. Table 2 and Fig. 1 below give details of the two periods.

Table 2 MARITIME TRADE REVIEW - January to September, 2014 & 2015

	TEMA			TAKORADI			TOTAL		
	2014	2015	% diff	2014	2015	% diff	2014	2015	% diff
Import	9,065,507	7,897,149	-12.9	951,549	928,043	-2.5	10,017,056	8,825,192	-11.9
Export	1,445,505	1,105,716	-23.5	2,128,068	2,266,198	6.5	3,573,573	3,371,914	-5.6
Total	10,511,012	9,002,865	-14.3	3,079,617	3,194,241	3.7	13,590,629	12,197,106	-10.3
Transit	552,593	619,127	12.0	19,881	69,438	249.3	572,474	688,565	20.3

Fig. 1 Marittme Trade of Ghana in Tons -Jan.-Sept. 2014 & 2015



	Import	Export	Total	Transit
2014	10,017,056	3,573,573	13,590,629	572,474
2015	8,825,192	3,371,914	12,197,106	688,565

January to December 2014 and 2015*(*Estimated)

The maritime trade through the Port of Tema during the January to September 2015 review period recorded a decline of about 14 percent with both the import and export trades registering decreases of nearly 13 percent and 23 percent respectively. The Port of Takoradi on the other hand registered about 3 percent increase during the review period, with import recording about 2 percent decline. The increases in throughput of the Port of Takoradi however are rather small and could not offset the declines in the Port of Tema, leading to about 10 percent decline during the review period.

Based on the year on year changes of the maritime trade, between the first three quarters of 2014 and 2015, the fall in volume through the Port of Tema, and despite the last three months of the year being a seasonal period when increased volumes are expected due to the holiday festivities, it is estimated that by the end of the year 2015, total maritime trade may continue its declining course to about 14 percent to record slightly over 13 million tons. See Table 3 below.

The transit trade throughput is increasing as can be seen in the January to September 2015 review where it recorded quite a high increase of about 20 percent. Based on this, it is expected that the transit trade will record a high volume at the end of 2015.

Table 3 MARITIME TRADE REVIEW IN TONS JAN-DEC 2014 & 2015*

	TEMA			TAKORADI			TOTAL		
	2014	**2015***	**%DIFF**	**2014**	**2015***	**%DIFF**	**2014**	**2015***	**%DIFF**
IMPORT	9,612,541	8,423,626	-12.4	1,188,374	989,913	-16.7	10,800,915	9,413,538	-12.8
EXPORT	1,806,829	1,179,430	-34.7	2,576,821	2,417,278	-6.2	4,383,650	3,596,708	-18
TOTAL	11,419,370	9,603,056	-15.9	3,765,195	3,407,190	-9.5	15,184,565	13,010,246	-14.3
TRANSIT#	737,574	732,516	-0.7	15,557	30,932	98.8	753,131	763,448	1.4

***Estimates; #made up of transit and transhipment**

IMPORT TRADE

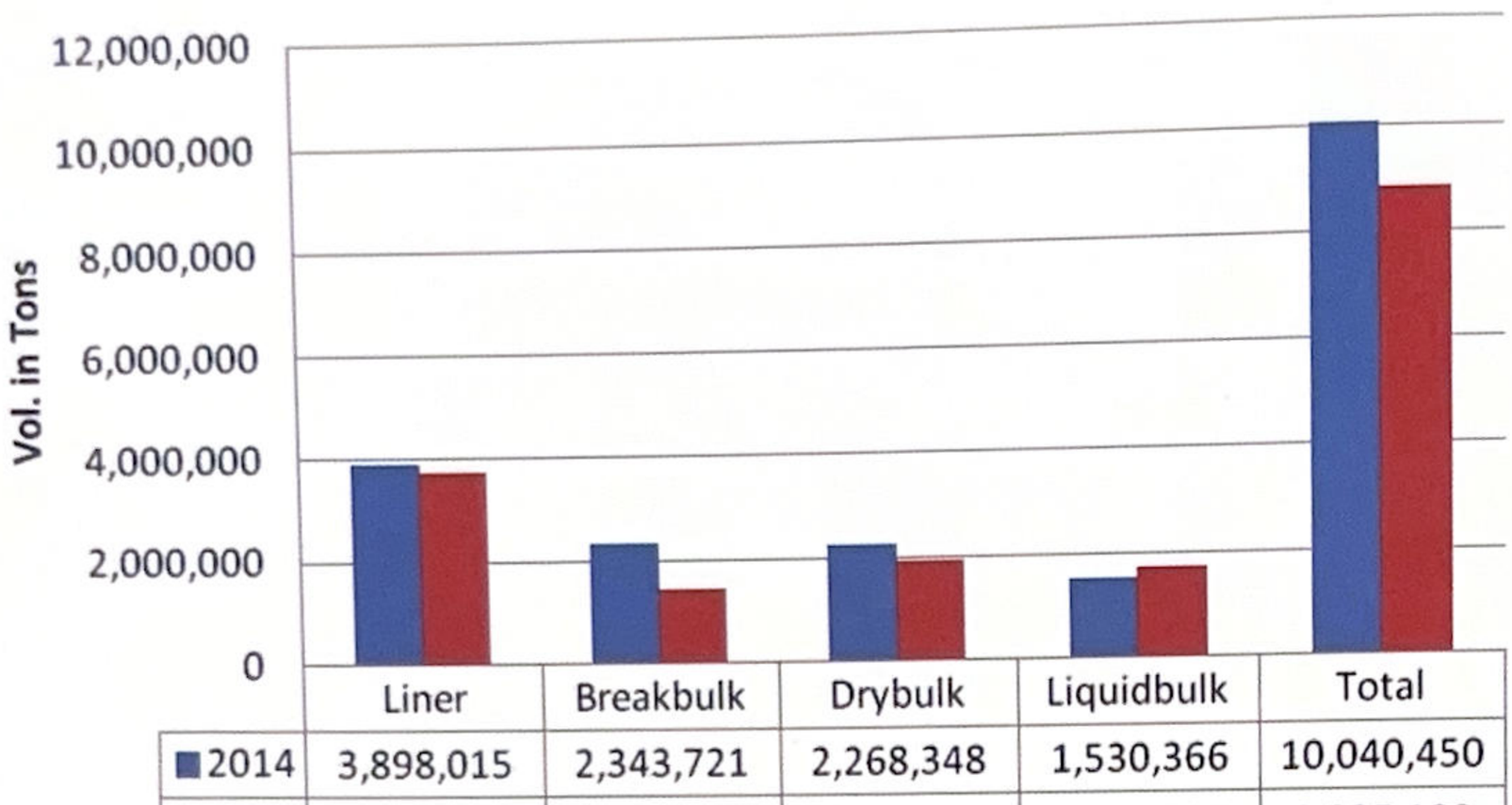
Total Import for the review period was slightly above 10.8 million tons. This comprised of 3.9 million tons of liner items, 2.0 million tons of Break Bulk, 2.8 million tons of dry bulk items and 2.0 million tons of liquid bulk items .

In Table 4 below it can also be seen that maritime import for the review period decreased by more than 12 percent from what was obtained in the previous year. For the other types of trade, break bulk import decreased by 39 percent, dry bulk import by 15 percent while liquid bulk import increased by over 11 percent. Details of the import trade can be seen in Table 4 below.

Table 4 MARITIME IMPORT TRADE REVIEW BY TRADE TYPE - JAN. - SEPT. 2014 & 2015

IMPORT	TEMA			TAKORADI			TOTAL		
	2014	2015	% diff	2014	2015	% diff	2014	2015	% diff
Liner	3,703,845	3,451,713	-6.8	194,170	322,692	66.2	3,898,015	3,774,405	-3.2
Break Bulk	2,071,607	1,409,237	-32.0	272,114	17,571	-93.5	2,343,721	1,426,808	-39.1
Dry Bulk	1,802,659	1,344,717	-25.4	465,689	566,236	21.6	2,268,348	1,910,953	-15.8
Liquid Bulk	1,510,767	1,691,483	12.0	19,599	21,544	9.9	1,530,366	1,713,027	11.9
Total	9,088,878	7,897,150	-13.1	951,572	928,043	-2.5	10,040,450	8,825,193	-12.1

Fig. 2 Maritime Import Trade by Types - Jan. - Sept. 2014 & 2015



	Liner	Breakbulk	Drybulk	Liquidbulk	Total
2014	3,898,015	2,343,721	2,268,348	1,530,366	10,040,450
2015	3,774,405	1,426,808	1,910,953	1,713,027	8,825,193

Liner Import Trade

The liner import trade for January to September 2015 amounted to about 3.7 million tons, a decrease of more than 3 percent as depicted in Table 3 above. This trade type was made up of items such as , processed foods, chemicals. tiles, frozen meat and food, machinery and equipment, polythene raw materials, etc.

Break Bulk Import Trade

The total break bulk import for the review period was about 1.4 million tons. This showed a decrease of about 39 percent as comapred to the 2014 period. The major trade commodities are bagged rice, bagged cement, bagged fertilizer, iron/steel/plates/pipes, etc.

Dry Bulk Import Trade

Total dry bulk import for the review period amounted to over 1.9 million tons, a decrease of over 15 percent from the period in the previous year. Main bulk items include alumina, bulk cement, coke, clinker, bulk fertilizer, bulk wheat, limestone, etc.

Liquid Bulk Import Trade

This trade showed an overall decrease of about 11 percent during the review period. Main items include bitumen, bulk chemical, crude oil, liquid petroleum gas, other petroleum products, etc.

DIRECTION OF THE MARITIME IMPORT TRADE

Table 5 below shows that majority of the maritime import for the period January to September 2015 came from the Far East, Africa and the North Continent and the Mediterranean Europe ranges. Each of these ranges recorded tonnages as follows: Far East 3.3 million tons or 38 percent, North Continent 1.6 million or 19 percent, Africa 1.4 million tons or 16 percent and Mediterranean Europe 1.2 million tons or 14 percent.

Maritime import from the North America and the Others ranges recorded 486,988 tons and 563,894 tons amounting to 6 percent of the toal import trade for the review period. The UK range recorded 89,561 tons amounting to 1 percent of total maritime import for the period

Table 5 DIRECTION OF THE MARITIME IMPORT TRADE IN TONS -Jan. - Sept. 2015

	UK	NC	ME	NA	FE	AF	OT	TOTAL
Liner	82,083	539,231	342,855	168,705	1,794,400	475,207	371,924	3,774,405
Break Bulk	7,478	55,730	30,966	12,009	1,093,973	36,881	189,770	1,426,807
Dry Bulk	0	289,740	821,493	250,847	467,803	81,069	0	1,910,952
Liquid Bulk	0	764,680	5,263	55,426	22,576	862,882	2,199	1,713,027
TOTAL	89,561	1,649,380	1,200,578	486,988	3,378,752	1,456,040	563,894	8,825,192
% Share	1	19	14	6	38	16	6	100

The Import Conatiner Trade

Import laden containers for the reveiw period totaled 211,201 which was equivalent 301,148 TEUs. Compared to the performance in the same period in 2014, the laden container import trade recorded an increase of about nine (9) percent in the total number of containers indicating more than eight (8) percent in TEU. Table 6 below gives details of the trade.

Table 6 Performance of the Import Laden Container Trade - Jan. - Sept. 2014 and 2015

	2014		2015		% Diff	
	No	TEU	No	TEU	No.	TEU
United Kingdom	6,618	11,090	5,828	10,277	-11.9	-7.3
North Continent	22,136	33,567	23,986	37,079	8.4	10.5

Mediterranean Europe	13,676	18,990	15,960	22,559	16.7	18.8
North America	12,070	21,125	11,558	20,642	-4.2	-2.3
Far East	100,299	137,431	115,421	155,006	15.1	12.8
Africa	18,208	25,493	16,750	23,939	-8.0	-6.1
Others	19,307	29,192	21,698	31,646	12.4	8.4
Total	192,314	276,888	211,201	301,148	9.8	8.8

EXPORT TRADE

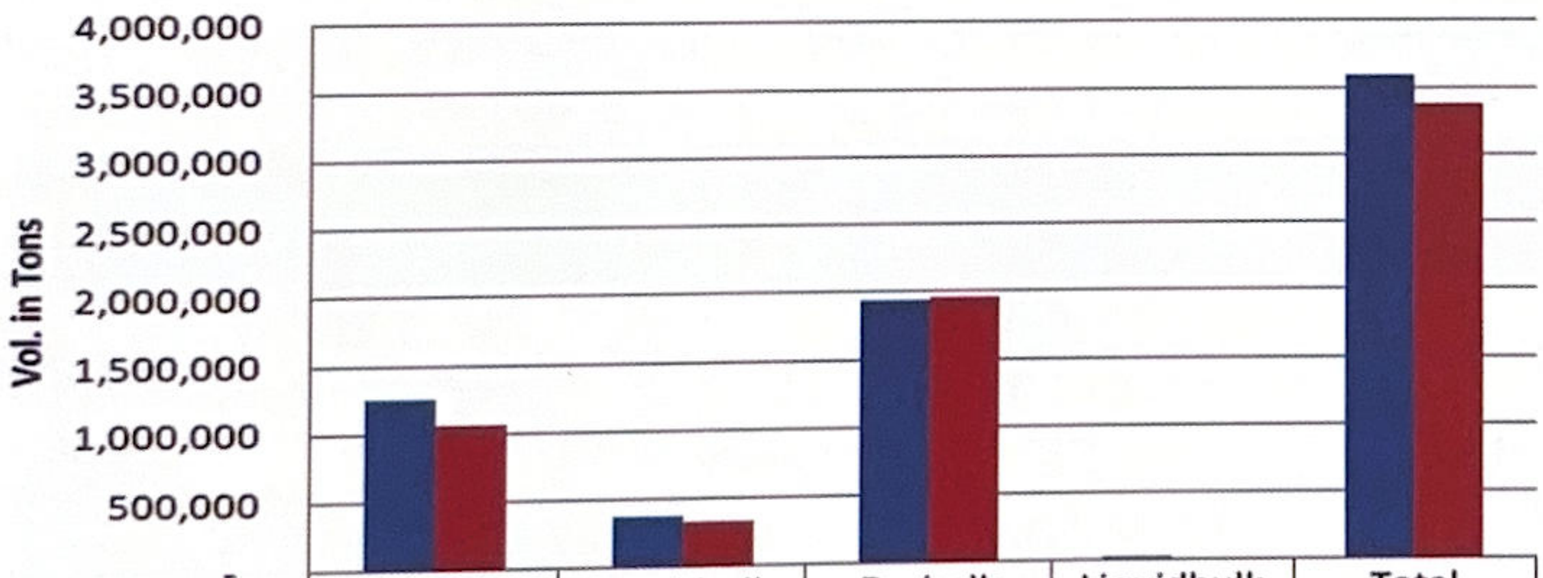
The total export trade for the review period amounted to about over 4.3 million tons. This was made up of over one million tons of liner items, 337,102 tons of break bulk items, and over 1.9 million tons of dry bulk items. The remaining 13,921 tons was recorded for liquid bulk items.

Table 7 Maritime Export Trade Review by Trade Type - Jan. - Sept. 2014 & 2015

EXPORT	TEMA			TAKORADI			TOTAL		
	2014	2015	% diff	2014	2015	% diff	2014	2015	% diff
Liner	1,015,139	914,789	-9.9	239,827	145,234	-39.4	1,254,966	1,060,023	-15.5
Breakbulk	318,292	102,496	-67.8	48,277	234,606	386.0	366,569	337,102	-8.0
Drybulk	99,389	74,510	-25.0	1,838,989	1,886,358	2.6	1,938,378	1,960,868	1.2
Liquidbulk	25,575	13,921	-45.6	969	-	-100.0	26,544	13,921	-47.6
Total	1,458,395	1,105,716	-24.2	2,128,062	2,266,198	6.5	3,586,457	3,371,914	-6.0

Compared to the previous year's total tonnage, the review year recorded a decline of six (6) percent in the export trade. Table 7 above shows that the liner trade recorded a decrease of over 11 percent, the break bulk trade a deccrease of about eight (8) percent and the liquid bulk trade a decrease of nearly 48 percent. The dry bulk however showe a slight increase of over 1 percent. Fig. 3 below gives details of the comparison.

Fig. 5 Maritime Export Trade by Types - Jan. - Sept. 2014 & 2015



	Liner	Breakbulk	Drybulk	Liquidbulk	Total
2014	1,254,966	366,569	1,938,378	26,544	3,586,457
2015	1,060,023	337,102	1,960,868	13,921	3,371,914

Liner Export Trade

Liner export trade for the review period was about 15 percent less than what was recorded for the same period in 2014. It was made up of cocoa beans (253,552 tons), cocoa products (168,488 tons) and sawn timber/lumber(46,245 tons). Non traditional exports include cashewnuts (162,770 tons), sheanut/sheanut butter (31,952 tons), banana (31,277 tons), metal scrap (31,543 tons), etc.

Break Bulk Export Trade

The break bulk export trade for the reveiw period fell by eight (8) percent. The major export commodities in this trade category are bagged cocoa beans and timber logs.

Dry Bulk Export Trade

A slight increase of about one (1) percent was recorded for the dry bulk export trade during the review period. Commodities in this trade include include manganese (979,936 tons), bauxite (849,273 tons), bulk cocoa beans (57,044 tons), bulk sheanuts (68,202 tons), etc.

Liquid Bulk Export Trade

Total liquid bulk export for the review period decreased by more than 47 percent. Major item in this trade is petroleum products.

DIRECTION OF THE MARITIME EXPORT TRADE

The 3.3 million tons of maritime export recorded for the review period was shipped to various destinations in the world. Majority of the items exported went to the Far East and the North Continent ranges. The Far East range received a total of 1.6 million tons (49% of total export) while the North Continent range had a tonnage of over 510,000 tons or 15 percent of total export. Table 8 below gives a pictorial view of the situation.

Table 8 DIRECTION OF THE MARITIME EXPORT TRADE IN TONS -Jan. - Sept. 2015

	UK	NC	ME	NA	FE	AF	OT	TOAL
Liner	55,206	267,225	137,992	56,545	396,521	71,189	75,458	1,060,136
Breakbulk	405	20,667	14,748	21,797	216,718	1,004	61,763	337,102
Drybulk	8,950	221,080	135,115	813	1,042,500	0	552,410	1,960,868
Liquidbulk	0	1,506	0	9,880	0	2,535	0	13,921
TOTAL	64,561	510,478	287,855	89,035	1,655,739	74,728	689,631	3,372,027
% Share	2	15	9	3	49	2	20	100

Table 9 Performance of the Export Laden Container Trade - Jan - Sept 2014 and 2015

	2014		2015		% Diff	
	No.	TEU	No	TEU	No.	TEU
United Kingdom	1,481	1,824	1,881	2,453	27.0	34.5
North Continent	10,309	14,878	11,028	16,170	7.0	8.7
Mediterranean Europe	5,690	8,246	6,285	10,043	10.5	21.8
North America	2,689	4,829	3,118	5,886	16.0	21.9
Far East	39,697	46,582	30,715	39,444	-22.6	-15.3
Africa	5,672	7,364	3,994	5,615	-29.6	-23.8
Others	5,016	6,909	4,871	6,302	-2.9	-8.8
Total	70,554	90,632	61,892	85,913	-12.3	-5.2

TRANSIT TRADE

The transit trade of the landlocked countries of Burkina Faso, Mali and Niger for the review period was 619,304 tons. This comprised of 603,385 tons of import items and 15,919 tons of export items. The total transit tonnage for the review period was over 44 percent more than what was recorded in the same period in 2014. All the transit countries except Burkina Faso recorded decreases in their expo performance. Tables 10 below give details of the performance of th transit trade for the review perio in 2015.

Table 10 TRANSIT TRADE OF THE LANDLOCKED COUNTRIES THROUGH THE PORTS IN TONS Jan - Sept 2014 & 2015

	IMPORT			EXPORT			TOTAL		
COUNTRY\YEAR	2014	2015	% Change	2014	2015	% Change	2014	2015	% Change
BURKINA FASO	339,502	537,756	58.4	3,256	3,928	20.6	342,758	541,684	58.
MALI	24,225	35,128	45.0	15,276	11,688	-23.5	39,501	46,816	18.
NIGER	43,991	30,501	-30.7	1,936	303	-84.3	45,927	30,804	-32.
TOTAL	407,718	603,385	48.0	20,468	15,919	-22.2	428,186	619,304	44.

TRANSHIPMENTS THROUGH THE SEAPORTS OF GHANA

Table 11 below shows the transit and transshipment trade through the seaports of Ghana. For the review period, a total of 688,565 tons of transit and transhipments passed through the Tema/Takoradi Ports. Imports amounted to 668,182 tons, about 21 percent increase over the 2014 period. The export saw almost a 13 percent decline from 23,396 tons in the same period in 2014 to 20,383 tons.

Burkina Faso continued to be the major landlocked country to transit trade through the ports of Ghana. It recorded 541,684 tons or 79 percent of the total transit trade for the period. The other landlo countries of Mali and Nig recorded seven (7) percent a four (4) percent respectiv Ghana's neighbours of Togo (5 Cote d'Ivoire (3%) and Benin (2 continue to transit and transs some of their trades through seaports of Ghana.

Table 11 TRANSIT/TRANSSHIPMENT THROUGH THE PORTS OF GHANA IN TONS Jan- Sept 2014 & 2015

	IMPORT			EXPORT			TOTAL		
COUNTRY\YEAR	2014	2015	% Change	2014	2015	% Change	2014	2015	% Change
BENIN	18,571	10,313	-44.5	0	510	-	18,571	10,823	-41.7
BURKINA FASO	339,502	537,756	58.4	3,256	3,928	20.6	342,758	541,684	58.0
CAMEROUN	632	163	-74.2	1,141	0	-100.0	1,773	163	-90.8
OTHERS	40,216	6,490	-83.9	104	874	740.4	40,320	7,364	-81.7
COTE D'IVORE	30,716	17,683	-42.4	1,083	609	-43.8	31,799	18,292	-42.5
GUINEA	925	56	-93.9	40	0	-100.0	965	56	-94.2
MALI	24,225	35,128	45.0	15,276	11,688	-23.5	39,501	46,816	18.5
NIGER	43,991	30,501	-30.7	1,936	303	-84.3	45,927	30,804	-32.9
NIGERIA	96	0	-100.0	22	61	177.3	118	61	-48.3
SENEGAL	5,378	136	-97.5	0	23	-	5,378	159	-97.0
TOGO	44,826	30,957	-30.9	538	1,386	157.6	45,364	32,343	-28.7
TOTAL	549,078	669,183	21.9	23,396	19,382	-17.2	572,474	688,565	20.3

ERFORMANCE OF SHIPPING GENTS IN GHANA'S SEABORNE RADE, JAN-SEPT, 2015

ne hundred and twent eight(128) ipping agencies handled the ore than 12 million tons of aritime trade (import & export) rough the Port of Tema and akoradi during the review period.

iner Trade

ifty-six shipping agencies (56) andled the liner trade of over 5 illion tons. The highest performer as Maersk Gh Ltd with 1,096,565 ons which amounted to over 8.9 ercent of the total volume of trade or the period. This was followed by MSCA Shipping which handled 88,907 tons or over 4.8 percent of he total volume of trade. The next as PIL Gh Ltd with 493,940 tons or percent. MOL Ghana came next vith 327,816 tons amounting to ver 2.6 percent of the total volume f trade. Other participants with good performances in the maritime rade for the period ranged from .01 to 1.57 percent.

Break Bulk Trade

n the break bulk trade, 35 shipping agencies participated in handling he over 1.2 million tons of cargo. The highest performer here was Global Cargo and Commodities with 229,639 tons or 1.8 percent of the total trade for the period. The next were GMT Shipping Ltd (1.69%), Maersk Gh Ltd (1.6%) and Supermaritime (0.8%). Other agencies within this trade performed between 0.01% and 0.96%.

Dry Bulk Trade

The dry bulk trade saw 20 participating agencies. Supermaritime GH Ltd handled the highest tonnage of over 1,3 million tons of the total volume trade. Hull Blyth came next handling over 1,1 million tons of cargo through the Ports of Tema and Takoradi. Macro Shipping Ltd was next with a tonnage of over 721,400 followed by Global Cargo and Commodities with 375,673 tons. Other major performers include Damco Logistics Gh Ltd, Scanship Gh Ltd, and others with percentages ranging from 0.02 to 0.97.

Liquid Bulk Trade

The liquid bulk trade had 17 shipping agencies handling the over 1.7 million tons of cargo. Oil and Marine Agencies handled the highest tonnage of 672,678 tons (5.52%). Inchcape Shipping Services came second with 261,103 tons (2.14%). Daddo Maritime Services Gh Ltd followed with 223,681 tons (1.83%). The next was Bulkship & Trade Ltd with 218,955 tons (1.8%) and Sea & Shore Services Gh Ltd with 207,682 tons (1.7%). The rest of the agencies in this trade handled between 0.00% and 0.27%.

SHIPPING LINES PERFORMANCE IN GHANA's MARITIME TRADE OF GHANA IN TONS, JAN-DEC 2014

A total of 265 shipping lines and charterers participated in transporting the over 12.1 million tons of seaborne trade (import & export) through the Ports of Tema and Takoradi for the yperiod January to September 2015 as can be seen Table 13 below.

Liner Trade

The liner trade saw 118 shipping companies and operators loading and unloading cargo at the sea Ports of Tema and Takoradi during the review period. The highest performer was Maersk Line which handled 1,096,733 tons of liner cargo amounting to over 9 percent of the total volume of trade through the ports of Ghana for the period. Mediterranean Shipping Company was next with 588,908 tons (4.83%). Pacific International Lines followed with 493,263 tons (4%) and Gold Star Line with 226,236

tons (1.86%). China Ocean Shipping with 186,386 tons (1.53%), Hapag-Lloyd with 159,687 tons (1.31%), Grimaldi Lines with 154,799 tons (1.27%) and Evergreen Shipping Line with 153,175 tons(1,26%) followed in that order. The rest fell between 0.01 and 1.09 percent.

Break Bulk Trade

Sixty eight (68) shipping lines carried break bulk cargo amounting to 1.3 million tons to and from the Ports of Tema & Takoradi during the review period.

Maersk Line handled the highest tonnage of 194,905 tons which was 1.6 percent of total cargo discharged and loaded at the Ports of Tema & Takoradi. China Ocean Shipping followed with 166,241 tons or 1.36 percent of total cargo handled at the Port of Tema for the review period. Royal Bow Co. Ltd and Others handled 1.26 and 1.27 percent respectively. The rest of the companies performing in the break bulk trade handled between 0.00% and 0.73 percent.

Dry Bulk Trade

The dry bulk trade amounting to 4 million tons was handled by 38 shipping lines and operators. High performers include I.M.T with 1.15 million tons (9.51%), HC Trading with 1.14 million tons (9.39%), Universal Africa Line with 654,347 to (5.37%) and Dangote with 308,0 tons (2.53%) The remainir participants handled betwe 0.00% and 0.87%.

Liquid Bulk Trade

Forty one (41) shipping line participated in the liquid bulk trac which amounted to 1.75 million ton for the period. The highe operators were Hapag-Llyod wi 373,825 tons (3.07%), Fuel Trad with 157,160 tons (1.29%) and Ebon Oil & Gas with 152,763 tons (1.25 The rest handled between 0.01 an 0.99 percent.

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SHIPPING REVIEW

GHANA'S AUTHORITATIVE QUARTERLY MARITIME JOURNAL

Vol. 18 No. 2 April-June, 2016

ADDRESSING AFRICAN MARITIME CYBER CHALLENGES

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RITIME TRADE REVIEW
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WORKING VISIT BY KENYA MARITIME AUTHORITY DELEGATION TO THE GHANA SHIPPERS' AUTHORITY

GSA SENSITIZES SHIPPING PUBLIC ON GHANA NATIONAL SINGLE WINDOW

ISSN 0855-5148

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ADDRESSING AFRICAN MARITIME CYBER CHALLENGES

The cybercriminal space is no longer embryonic, it is a sophisticated network of global criminals that often collaborate and is rapidly moving towards exploiting gaps in the maritime security interface, creating a real challenge for ports and all aspects of shipping and logistic chain.

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SUPPLY CHAIN MANAGEMENT AND THE ENVIRONMENT - GHANA'S EXPERIENCE

Green Supply Chain Management(GSCM) can reduce the ecological impact of industrial activity without sacrificing quality, cost, reliability, performance or energy utilization efficiency, meeting environmental regulations to not only minimize ecological damage but also to ensure overall economic profit.

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Our Vision

To be a world class service organisation that ensures for Shippers in Ghana, quick, safe and reliable delivery of import and export cargoes by all modes of transport at optimum cost.

Our Mission

To effectively and efficiently manage Ghana's commercial shipping and to protect and promote the interests of shippers in relation to international trade and transport logistics.

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GHANA SHIPPERS' AUTHORITY

DON'T PAY MORE THAN THESE NEGOTIATED RATES

Acting under the auspices of the Ministry of Transport and in accordance with the Ghana Shippers' Authority Regulation, 2012, (L.I. 2190) the Ghana Shippers' Authority has on behalf of Shippers concluded negotiation of charges administered by the Ghana Ports and Harbours Authority and the Terminal Operators as follows:

A. HANDLING CHARGES (CONVENTIONAL CARGO)

CONVENTIONAL CARGO	SERVICE	IMPORTS Per TONNE GHC	EXPORTS Per TONNE GHC
1.Lifts up to 5 Tonnes	-Direct Handling	4.68	3.30
	-Indirect Handling	9.36	6.60
2.Lifts 6 to 10 Tonnes	-Direct Handling	8.19	5.50
	-Indirect Handling	18.72	13.20
3. Lifts above 10 Tonnes	-Direct Handling	11.70	8.80
	Indirect Handling	27.50	19.25

B. HANDLING CHARGES (UNPACKED VEHICLES)

B. HANDLING CHARGES (UNPACKED VEHICLES)

UNPACKED VEHICLES	SERVICE	IMPORTS Per Unit GHC	EXPORTS Per Unit GHC	Transfer to/from ICDs Per Unit-GHC	
				IMPORT	EXPORT
1.Saloon Car	-Drivable	72.54	50.60	38.03	27.50
	-Non drivable	108.81	75.90	57.33	40.70
2.Mini Vehicle	- Drivable	163.22	113.30	85.41	60.50
	-Non drivable	244.53	169.40	127.53	90.20
3.Utility Vehicle	- Drivable	226.40	156.75	118.17	83.60
	-Non drivable	339.30	234.30	176.67	124.85
4.Trailer Unit	-Drivable	226.40	156.75	118.17	83.60
	-Non drivable	339.30	234.30	176.67	124.85
5.Motor Bike	-Drivable	27.50	19.25	15.21	11.00
	-Non drivable	41.54	29.15	22.23	12.10

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C. HANDLING CHARGES (CONTAINERISED- IMPORTS/EXPORTS)

C. HANDLING CHARGES (CONTAINERISED- IMPORTS/EXPORTS)

1.Terminal Handling	SERVICE	IMPORTS Per TEU Stuffed Cont. GHC	EXPORTS Per TEU Stuffed Cont. GHC
a.Container with General Goods	-Direct Handling	65.52	45.65
	-Indirect Handling	220.00	113.30
b. Container with Dangerous Goods (I)	-Direct Handling	122.27	84.70
	-Indirect Handling	305.37	211.20
c. Container with Dangerous Goods (II)	-Direct Handling	81.90	57.75
	-Indirect Handling	203.58	143.55
2.Stuffing/Un stuffing	SERVICE	IMPORTS Per TEU Stuffed Cont. GHC	EXPORTS Per TEU Stuffed Cont. GHC
a.Container with General Goods	-FLC	241.61	209.00
	-LCL (Groupage)	281.97	243.10
	-Re-stuffing	361.53	311.85
b.Container with Used Engine/Spare parts	-20ft.	774.54	668.25
	-40ft	1,161.23	1,001.55
	-Re-stuffing - 20ft	774.54	668.25
	- 40ft	1,161.23	1,001.55
c.Container with Dangerous Goods (I)	-FCL	482.63	415.80
	-LCL (Groupage)	535.86	462.00
	-Re-stuffing	831.29	717.20
d. Container with Dangerous Goods (II)	-FCL	363.29	313.50
	-LCL (Groupage)	405.41	349.80
	-Re-stuffing	748.80	645.70
e.Container with Ramped/Hanged Vehicles	-20ft	774.54	668.25
	-40ft	1,161.23	1,001.55
3.Transport to/from ICD	-20ft. Stuffed	117.00	100.00
	-40ft. Stuffed	219.38	189.20
4. Additional Handling (Refer to pg. 56 of GPHA Tariff for this definition)	-Per 20ft. Cont.	118.17	101.75
	-Per 40ft. Cont.	177.26	153.45
6. Lift-On-Lift-Off of Cont. (Refer to pg. 59 of GPHA Tariff for this definition)	-20ft.	45.05	39.60
	-40ft.	90.09	79.20
7. Other Services	Cargo Type	Per Unit/GHC	Per Unit/GHC
a. Transfer of vehicles at GJT	-Saloon car	52.07	32.45
	-Mini Vehicle	117.00	80.85
	-Utility Vehicle	161.46	128.15
	-Trailer Unit	161.46	128.15

D. TRANSFER OF HEAVY-DUTY EQUIPMENT TO/FROM ICDs

TRANSFER OF HEAVY-DUTY EQUIPMENT TO/FROM ICDs	IMPORTS Per Unit GHC	EXPORTS Per Unit GHC
-Moved on Low Loaders	585.00	396.00
-Moved on their Own Wheels	118.17	83.60

E. STORAGE AND WAREHOUSING CHARGES (RENT)

E. STORAGE AND WAREHOUSING CHARGES (RENT)

1(a). Storage Rent on Imports

Cargo Type	Free	Chargeable Period/ (GHC)			
	Running Days	1st 7Days Per Day	Next 7 Days: Per Day	Thereafter Per Day	Measurement
-Stuffed Container	7	7.02	13.46	39.78	TEU
-Conventional Cargo	7	1.17	1.76	2.93	Tonne
-Saloon Cars	7	4.68	7.02	21.06	Unit
-Mini Vehicles	7	9.13	14.04	43.29	Unit
-Utility Vehicles	7	13.46	22.23	64.94	Unit
-Trailers Unit	7	13.46	22.23	64.94	Unit

1(b). Storage Rent on Exports (except sawn Timber, Curls and Logs, which have different rates)

Cargo Type	Running Days	1st 7 Days Per Day	Next 7 Days: Per Day	Thereafter : Per Day	Measurements
-Stuffed Container	7	7.02	13.46	39.78	TEU
-Conventional Cargo	7	1.17	1.76	2.93	Tonne
-Saloon Cars	7	4.68	7.02	21.06	Unit
-Mini Vehicles	7	9.13	14.04	43.29	Unit
-Utility Vehicles	7	13.46	22.23	64.94	Unit
-Trailers Unit	7	13.46	22.23	64.94	Unit

2. Dangerous Goods (DG) in Container – Import/Export

Cargo Type	DG Group	Free Storage Days	Rent Chargeable Period/GHC Per TEU		
			1 to 5 Days	6 to 10 Days	After 10 Days
Explosives	I	Nil	28.08	46.80	56.16
Flammable and Poisonous Gases	I	Nil	21.06	38.61	49.14
Oxidizing Substances And Organic Peroxides	I	Nil	21.06	38.61	49.14
Radioactive substances	I	Nil	28.08	46.80	56.16
Flammable Liquids	II	5	16.97	31.01	42.12
Flammable Gases	II	5	16.97	31.01	42.12
Toxic and Infectious Substances	II	5	16.97	31.01	42.12
Corrosive Substances	II	5	16.97	31.01	42.12
Miscellaneous Dangerous Substances And Articles	II	5	16.97	31.01	42.12

3. Monitoring Charges – Dangerous Goods in Container – Import/Export

Cargo Type	Per Day/GHC	
	IMPORT	EXPORT
-DG GROUP I	5.27	4.95
-DG GROUP II	3.51	3.30

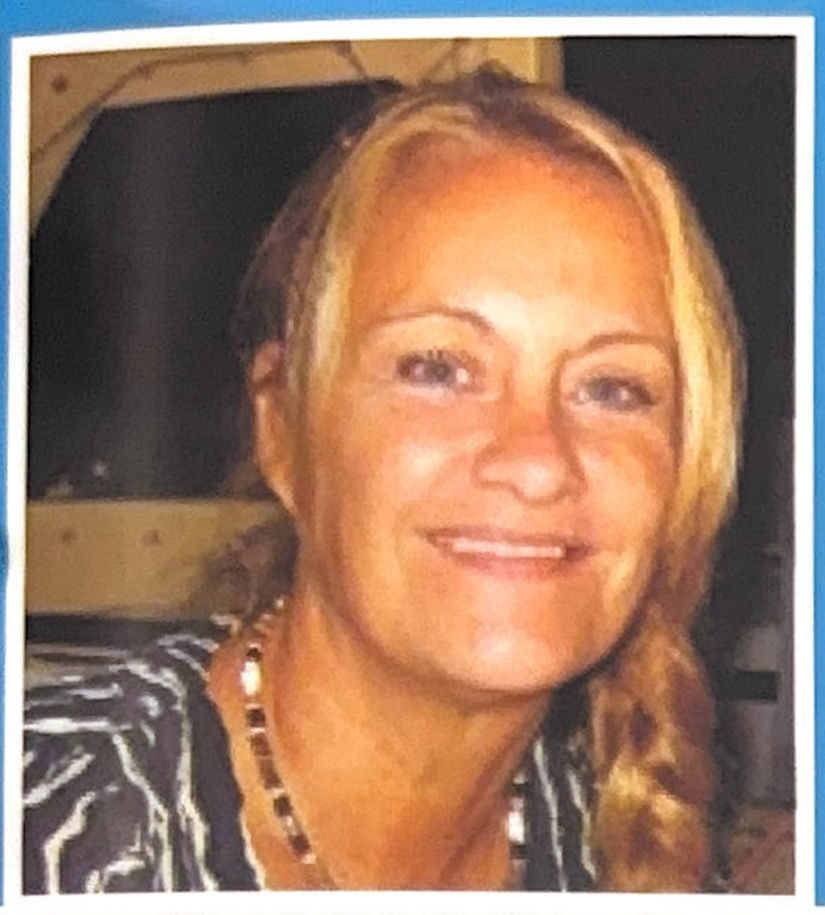
F. DOCUMENTATION AND OTHERS

F. DOCUMENTATION AND OTHERS

DOCUMENTATION AND OTHERS	Per TONNE/ GHC	
	IMPORT	EXPORT
1. Documentation Charges	1.17	1.10
- Dry Bulk Cargo	1.17	1.10
- Frozen Meat/Fish	5.85	
- Re-marking of Export Timber		

- **The agreed rates are for the year 2016.**
- **Charges exclude VAT and NHIL.**
- **Shippers should insist on receipts for payment.**

GHANA SHIPPERS' AUTHORITY – *Providing Shipping Solutions*



ADDRESSING AFRICAN MARITIME CYBER CHALLENGES

By Dr Karen Sumser-Lupson, Chair and Commissioner African Maritime Safety & Security Agency

INTRODUCTION

Cyber Security is currently one of the major threats to legal maritime practices. It is global, complex, multi-dimensional and straddles international and national borders. International criminals that use cyber tactics have advance technical skills and currently there are few legal frameworks that can embrace the totality of the cyber-criminal network.

The cybercriminal space is no longer embryonic, it is a sophisticated network of global criminals that often collaborate and is rapidly moving towards exploiting gaps in the maritime security interface, creating a real challenge for ports and all aspects of shipping and logistic chain.

The evolvement of modern technologies in particular Information Communication Technologies [ICT] has positively contributed to the effective streamlining of ports, shipping and logistic chain management practices. Better communications, electronic systems with seafarers often dependant on technology data more so than their own skills and knowledge. Advance navigation computer systems and programs are used for the rapid disembarkation of passengers, loading, handling, and tracking of goods at ports. These supporting technologies are now an everyday part of the shipping and logistic structure. More importantly, technologies embrace real-time cargo tracking, crew and passenger management applications, windows-based radar and floating data centres.

Considering that the maritime industry is highly competitive and demand driven, it is critical that ports and associated shipping companies are able to optimise their costs within the international legal framework in order to maintain customer and government credibility.

BENEFITS OF ENHANCED ICT FOR PORT AND SHIPPING/LOGISTIC COMPANIES

There are two specific benefits for maritime industries to multiply their use of modern and emerging technologies.

The first is the need to respond to increasing demands and obligations to international conventions; these are set out by the International Maritime Organisation (IMO). The IMO has six main bodies concerned with the adoption or implementation of conventions; developments in shipping and other related industries are discussed by Member States in these bodies, and requirements for new convention or amendments to existing conventions can be raised in any of them.

The second is increasing company efficiency by combining leading ICT communications technology and proficiency into an end-to-end management system to improve cost control, flexibility, scalability, modularity and competitiveness; standardized processes; seamless integration between shore based and offshore IT and communications infrastructure.

International Conventions

International Conventions are the procedures from which the International Maritime Organisation [IMO] assists individual governments and the global maritime community to apply the primary International law as set out under the United Nations' Convention on Law of the Sea [UNCLOS]. Before a convention comes into force and becomes binding upon the Governments which have ratified it, it has to be accepted formally by individual Governments. The terms of signature, ratification, acceptance, approval and accession are the means by which a State can express its consent to be bound by a treaty.

In the main, most conventions that are adopted (for which the IMO is responsible for monitoring), can be categorised under three headings.

1. Maritime safety;
2. Prevention of marine pollution; and
3. Liability and compensation,

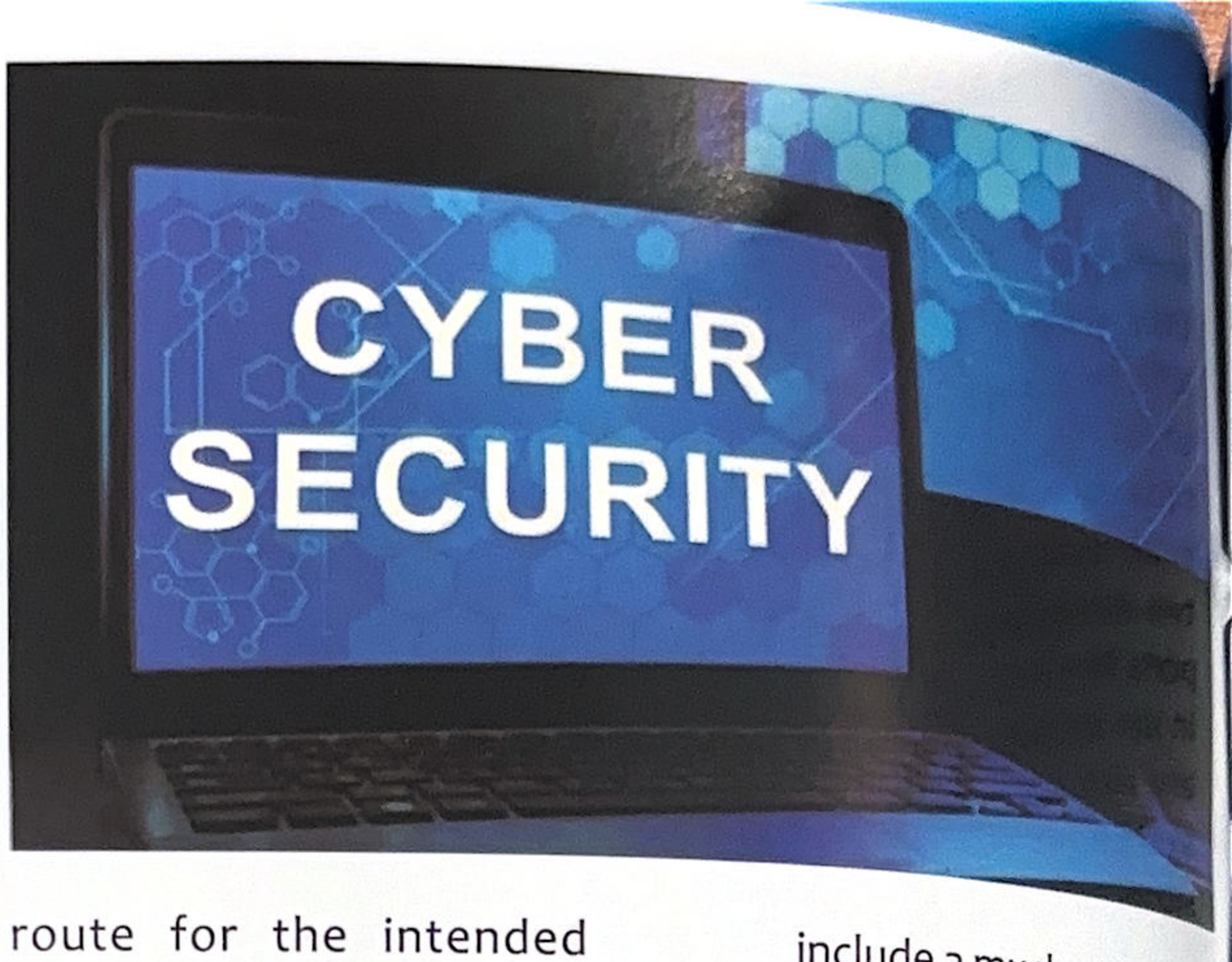
especially in relation to damage caused by pollution.

Other groupings are Conventions that deal with facilitation, tonnage measurement, unlawful acts against shipping and salvage, etc. Typically, adopted Conventions are designed to help eliminate poor practices, to address common concerns and to progress the modernity of the international maritime industry in general. Below are a few examples of relevant Regulations/Conventions:

- Regulation 19 of SOLAS Chapter V - Carriage requirements for shipborne navigational systems and equipment - sets out navigational equipment to be carried on board ships, according to ship type. In 2000, IMO adopted a new requirement (as part of a revised new chapter V) for all ships to carry automatic identification systems (AISs) capable of providing information about the ship to other ships and to coastal authorities automatically.

- Regulation 19 of the new Chapter V - Carriage requirements for shipborne navigational systems and equipment allows an electronic chart display and information system (ECDIS)4 to be accepted as meeting the chart carriage requirements of the regulation.

- The Regulation requires all ships, irrespective of size, to carry nautical charts and nautical publications to plan and display the ship's



route for the intended voyage and to plot and monitor positions throughout the voyage. But the ship must also carry back-up arrangements if electronic charts are used either fully or partially. The obligations of ships to transmit Long Change Identification and tracking information and the rights and obligations of SOLAS Contracting Governments and of Search and Rescue services to receive LRIT information are established in regulation V/19-1 of the 1974 SOLAS Convention.

- The IMO's International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978. In 1995 the STCW Convention was completely revised and updated to clarify the standards of competence required and provide effective mechanisms for enforcement of its provision.

- The International Convention for the Prevention of Pollution from Ships (MARPOL) in 1973. This has changed over the last few decades to include a much wider range of measures to prevent marine pollution, and the original MARPOL Convention was amended many times to also include requirements addressing pollution from chemicals, other harmful substances, garbage, sewage and, under an Annex VI adopted in 1997, air pollution and emissions from ships.

The steady increase of Conventio and the government obligations concerning the maritime industry has resulted in ever increasing workloads for ports, shipping and logistic companies. To manage extra workloads effectively, many companies have incorporated the use of complex digital systems to sustain operations and to ensure that they can provide a total quality control management system from which to maintain due diligence and record their actions.

This leads to the second benefi which is increasing company efficiency by combining leading ICT communications technology and proficiency into an end-to-end management system by improved cost control, flexibility, scalability modularity and competitiveness standardized processes; seamless integration between shore based and offshore IT and communications infrastructure.

Increasing Company Efficiency Using ICT Solutions

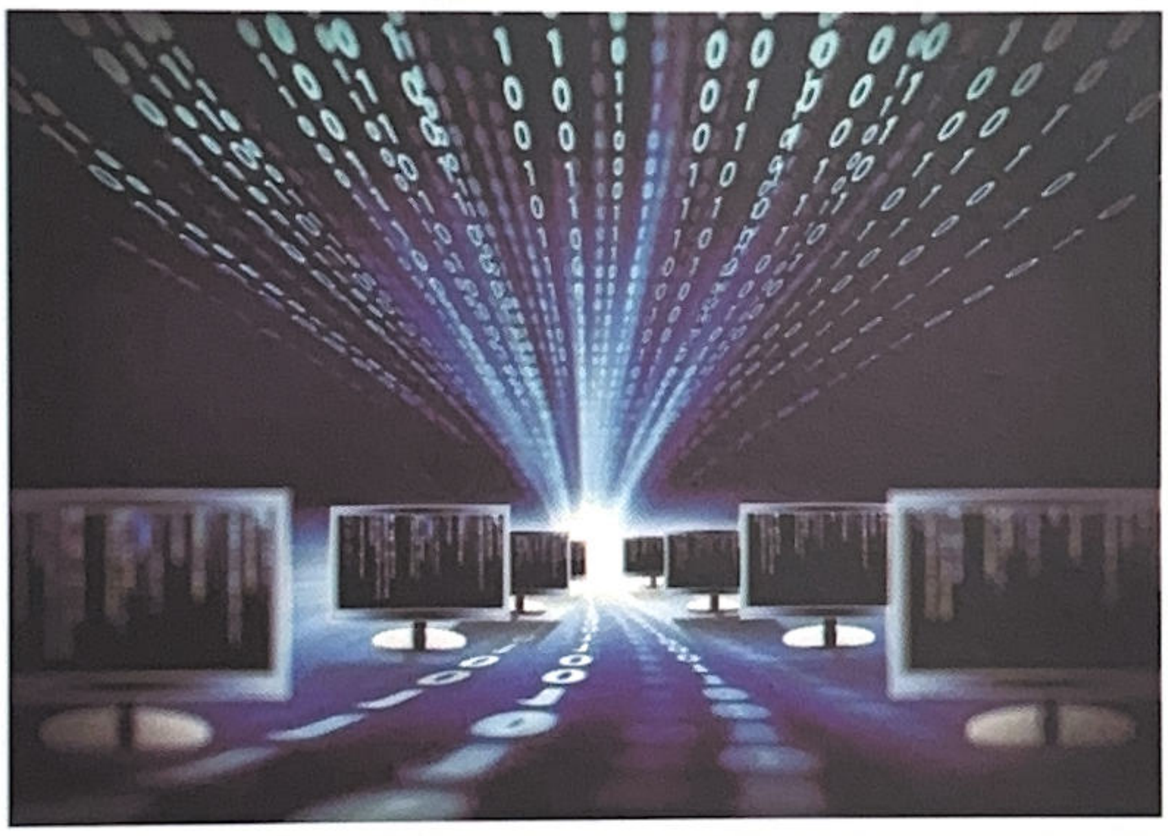
ICT is the conventional solution for unlocking, enhancing and streamlining a company's capability in the market place. Over the past two decades merchant vessels and ports have continuously increased in size and have adopted complex and more sophisticated electronic systems. Ship crews have significantly decreased in size as dependency for computer systems that can be used for navigation, as well as for rapid unloading, handling, and tracking of goods at ports have increased. Global Positioning Systems (GPS), maritime Automatic Identification System (AIS), Electronic Chart Display and Information System (ECDIS) are all integral to IMO mandatory convention and are used for viewing digital nautical charts. Vessels can be tracked from almost any geographical location on the planet as can their cargos.

Ports, because they provide a strategic hub within which trade is unloaded/or loaded, stored or moved from one transport mode to another are also integral to the shipping logistical process and are both a central and critical infrastructure. Ports utilise a wide variety of electronic ITC systems such as Vessel Management Systems (VMS), along with Customs, and other administrative practices.

Container shipping in particular has been one of the most rapid industry developments in this century; however it also brought with it many complications as the generation of paperwork associated with each item started to become untenable. The advocating of systems such as the 'Single Window5' Approach allowed for a streamlined process within which to embed standardised documents within a single entry point and this significantly reduced the man handling of documents through a multiple system. On the back of that additional ICT support systems have developed which allow individual customers to track his/her 'item' with reference to the real time location of the unit and the estimated date of arrival.

IS THE CYBER THREAT REAL?

Cyber Security Intelligence Index suggests that the majority of adverse cyber incidents happen within the finance and insurance, manufacturing, and information and communication industries, rather than in the shipping or logistics sector. This may be partly explained by the fact that maritime industries have been slower to embrace the use of technology and also that the business is rather 'invisible' to the general public due to the fact that insufficient information is known about how the industry works for many hackers or criminals to invest their time. There are simpler and more rewarding targets it would appear. This notwithstanding, many players and researchers in the industry are in agreement with the view expressed that there are associated risks or cyber threat brought on by the dependence of the maritime sector on ICT.



WHO POSE THESE THREATS?

According to the Guidelines on Cyber Security Aboard Ships (2016), the following groups of individuals pose cyber threats in the maritime industry:

Hactivists whose activities can damage reputation of players in the maritime sector as well as disrupt their operations with the objective of destroying data, publication of data (e.g. Panama Papers,etc.) and gaining media attention.

Criminals on the other hand may be lured by financial gain and commercial and industrial espionage to sell and ransom stolen data and system operability as well as arrange fraudulent transportation of cargo. Opportunist may also be baited by the challenge of getting through cyber security defences and may further seek to earn financial gain.

States and state sponsored organisation may be involved in cyber terrorism activities aimed at cyber espionage and disruption to economies and critical national infrastructure.

WHAT IS THREATENED?

Cyber threats in the maritime industry can be divided into three types namely threats to: Ships and safe navigation, Ports Cargo handling systems and cargo and terminal operation systems and Data (gaining access to sensitive data for financial gain and for terrorist activities including transporting drugs, hazardous materials or weapons.

- **Ships and safe navigation**

There is the increased use of

computerized systems for ship navigation; however, these systems are vulnerable to attacks. Researchers at the Trend Macro Security Firm have shown that the Automated Identification System (AIS) can be broken into and real time data can also be altered. This can be exploited for criminal, social, religious or political purposes. An additional vulnerability was detected by NCC GROUP pertaining to Electronic Chart Display Systems (ECDIS) which can lead to sever disturbances in the ships' navigation.

Ultimately, ECDIS compromise could lead to financial loss, loss of life, environmental pollution. When attackers gain unauthorised access, they can have the capacity to interact with the shipboard network and everything to which it is connected, sensor data can be subverted and misrepresented to ECDIS. This could influence the decision-making process of navigation personnel, and possibly lead to collision or the ship running aground.

- **Ports**

Ports are critical national infrastructure and so have the potential to be lucrative targets for terrorists and hacktivists.

The Port of Antwerp attack is a key example. In 2011, drug smugglers attacked the Belgian Port of Antwerp logistics system, hiding drugs inside legitimate shipments of other goods from South America, then stealing the release codes from the computer system in order to pick up the container before its real owner turned up at the port. When this proved impossible to pull off, the criminals simply hijacked the trucks carrying the containers after they left the port.

- **Cargo handling systems, cargo and terminal operation systems**

According to Robert L. Report in WEEK (2014)10, in July 2014 the security company TrapX exposed The Zombie Zero campaign: a supply-chain attack targeted at robotics manufacturers as well as shipping and logistics firms, compromising systems for more than a year. Malware was pre-installed on handheld scanners and software at a Chinese supplier's factory, and then sent to seven shipping and logistics firms and one manufacturing company, in order to infiltrate their corporate ERP servers and steal financial data.

The "highly sophisticated" malware was embedded in the Windows XP operating system installed on the scanner and also on the Chinese manufacturer's support website. TrapX said the handheld scanner in question is used by "many shipping and logistic companies around the world" to check items being loaded on and off vehicles such as ships, trucks or planes. So they could modify the shipping data base and could make packages appear and disappear.

ARE THERE CHALLENGES IN COMBATING THREATS?

The complexity of ICT systems have provided plentiful opportunities for cyber criminals to exploit. In particular are the security gaps in the principal vessel technologies such as GPS, Automatic Identification System (AIS) and the Electronic Chart Display and Information System (ECDIS). Kaspersky Report of 22nd May 2015 is in agreement with this position that there exist vulnerabilities in software systems which can be exploited by cyber criminals.

With regards to the ease and cost of committing the crime, a 12th July 2013 Kaspersky Report noted that a team of researchers from the University of Texas used c... equipment that cost only US$3,0... to take control of the naviga... system of a large ship in t... Mediterranean. Anonymity offere... by the internet makes it easy f... criminals to cover their tracks.

HOW SHOULD THE AFRICA... MARITIME SECTOR ADDRES... THESE THREATS?

The International Maritim... Organisation (IMO) has propose... the development of guidelines o... maritime cyber security relating to...

i. Access control – ensuri... sensitive data a... hardware are accessed ... altered only for legitima... ends;
ii. Network design – taking ... holistic and risk-base... approach to implem... security measures th... balance betwee... accessibility and security f... different systems, data, a... other networ... components;
iii. Intrusion detection ... putting in place measu... to detect intrusions ... malicious actors and ... on-going harm;
iv. Communication security ... ensuring informatio... communicated within ... outside an organization ... received by the person ... whom it was intende... without alteration; and,
v. Governance – establishi... management framew... including strate... planning, employe... engagement and spe... policies, to align resou... and behaviours with ... organization's cyb... security needs.

(These are excerpts of the paper which ... presented at the 13th Maritime Semina... Judges in Abuja, Nigeria)

GHANA SHIPPERS' AUTHORITY

DON'T PAY MORE THAN THESE NEGOTIATED RATES

In accordance with the Ghana Shippers' Authority Regulation, 2012, (L.I.2190) which mandates the Authority to negotiate charges with Service Providers on behalf of shippers, the Authority has successfully engaged Clearing Agents and Freight Forwarders and have agreed on the following charges:

Professional Fees of Clearing Agents/Freight Forwarders for the Sea Ports

SERVICE	AGREED MAXIMUM CHARGE
1. GENERAL CARGO	**GHC**
i. Conventional Minimum charge up to 100 metric tons e.g. Steel products, plates, drums,etc	415.80
Any metric ton thereafter	2.21
ii. Bagged e.g. Sugar, Flour, Rice, etc. per metric ton	1.36
2. VEHICLES	**GHC**
i. Saloon Cars	567.00
ii. Commercial Vehicles (Mini Buses, Vans, 3 Seater Estates etc)	816.00
iii. Trailers, Trucks, Buses etc	1,020.60
iv. Motor Bikes etc	181.44
v. Earth Moving Equipments eg. Excavators, Bulldozers, Dumpers	1,360.80
Unstuffin g Vehicles in Containers attracts an extra charge of:	151.20/20" 302.40/40"
3. CONTAINERISED CARGO	**GHC**
i. 1 X 20"	907.20
ii. 1 X 40"	1,209.60
iii. Part container goods up to 5 metric tons	362.88
iv. Any metric ton thereafter	45.36
4. SPECIAL SERVICES (Documentation)	**GHC**
The Bulk or Containerised or Vehicle charge applies + a processing fee as shown below:	
i. Warehousing	264.60
ii. Ex-Warehousing	264.60
iii. Bond to Bond	378.00
iv. CCVR Processing	189.00/BL
v. CCVR Petition	141.75/petition
vi. Clearance Permit	283.50
vii. Pre Entry (KIA)	283.50
viii. Dangerous Goods	567.00/TEU
ix. Permits & Licenses from MDA - *Electronic* *Manual*	47.25 94.50
x. *Exemption Coordination (pre - exempt)*	300.00
5. FORMS/SERVICE	**CHARGE/FEES**
Import Declaration Step 1 Incomplete	
(a) Pro forma Step 2	5.00
(b) With Final Shipping Document complete	5.00
(c) Delivery Order	As per Shipping Agent
Terminal Handling Charges	As per terminal operator
Dangerous Goods Surcharge	GHC17.01

Deconsolidation (At The Golden Jubilee Terminal)

SERVICE	AGREED MAXIMUM CHARGE
GOODS IN CONTAINER	GHC/Rate
Maximum cost of a 20' container (20' container = 28cbm)	2,200.00 with a rate of 125.00 per cubic meter
Maximum cost of a 40' container (40' container = 56cbm)	4,000.00 with a rate of 215.00 per cubic meter (56cbm)

NOTE:
Maximum cost of a 40' container with 3 vehicles = GHC 4,500.00 with a rate of GHC1,500.00/saloon car and GHC 1,800.00/SUV

Maximum cost of a 40' with 5 cars = GHC 4,900.00 with a rate of GHC 1000.00/saloon car and GHC 1,250.00/SUV

Deconsolidation (At Own CFS)

THC FOR GENERAL GOODS	AGREED MAXIMUM CHARGE
VOLUME	THC RATE IN GHC
0 – 1.0cbm / 0 – 99kgs	466.57
1.1 – 2.0cbm / 100 – 199kgs	631.12
2.1 – 3.0cbm / 200 – 300kgs	757.34
3.1 – 4.0cbm / 301 – 400kgs	852.01
4.1 – 5.0cbm / 401 – 500kgs	978.23
5.1 – 6.0cbm / 501 – 800kgs	1,041.34
6.1 – 7.0cbm / 801 – 1000kgs	1,104.46
7.1 – 8.0cbm / 1001 – 1300kgs	1,199.12
8.1 – 9.0cbm / 1301 – 1500kgs	1,228.43
9.1 – 10cbm / 1501 – 1700kgs	1,296.05
Any cbm thereafter	58.80

ProfessionalFeesofClearing Agents/FreightForwarders for Aflao andElubo

SERVICE	AGREED MAXIMUM CHARGE
CUSTOMS CLEARANCE CHARGES	**GHC**
Articulated Truck	945.00
Cargo Truck Load	756.00
Saloon Cars Import	756.00
Van and Bus Import	756.00
20' Footer Container	567.00
40' Footer Container	945.00
TRANSIT	**CFA**
Saloon Car	378,000.00
Van	472,500.00
Articulated Trucks	567,000.00
Cargo Trucks	472,500.00
Articulated Load	945,000.00
Cargo Truck Load	567,000.00
EXPORT	**GHC**
Articulated and Cargo Trucks	378.00
Dangerous Goods	661.50/ Transaction

NOTE:

A consignee or importer who opts for pre-financing from an Agent, interest rate shall be agreed between the consignee / importer and the Agent.

ProfessionalFees of Clearing Agents/Freight Forwarders for K.I.A

SERVICE	AGREED MAXIMUM CHARGE
PERSONAL EFFECTS (IN KILOS)	**GHC**
01 - 20	137.20
21 - 40	148.40
41 - 60	156.80
61 - 80	159.60
81 - 100	184.80
101 - 150	299.60
151 - 200	315.00
201 - 300	333.20
301 - 400	362.60
401 - 500	400.40
COMMERCIAL GOODS (IN KILOS)	**GHC**
01 – 20	184.38
21 – 40	193.90
41 – 60	212.80
61 – 80	238.14
81 – 100	373.94
101 – 150	379.33
151 – 200	391.02
201 – 300	432.88
301 – 400	466.76
401 – 500	492.80

Cargoes in excess of 500 kilograms attract GHC0.50 per additional kilogram

OTHER CHARGES	GHC
Human Remains	420.00
Saloon Cars (per vehicle)	350.00
Commercial Vehicles (Mini Bus)	420.00
Motor Cycle (per unit)	210.00
Dangerous Goods per air way bill	560.00

De-Consolidation

SERVICES	AGREED MAXIMUM CHARGE
AIR FREIGHT DE- CONSOLIDATION CHARGES (IN KILOS)	**US$**
1 – 20	56.00
21 – 40	64.40
41 - 70	77.00
71 - 110	84.00
111 – 210	98.00
211 - 260	114.80
261 – 310	144.20
311 - 400	176.40
401 - 500	200.20

NOTE: Extra kilo above 500kg attracts USD 0.35 per kilo. The above is to be converted into GHC at the prevailing rate. The weight or cubic meter, whichever is higher shall be applied.

- The agreed rates are for the year 2016.
- Charges exclude VAT and NHIL.
- Shippers should insist on receipts for every payment.

IN CASE OF ANY CHALLENGES PLEASE CONTACT THE GHANA SHIPPERS' AUTHORITY THROUGH ANY OF THE CONTACTS PROVIDED HEREIN

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Fax: +233 (0)302 668768
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- **Aflao Border**
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Mobile: + 233 (0) 20 9538394

- **Takoradi Port**
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- **Elubo Border**
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SUPPLY CHAIN MANAGEMENT AND THE ENVIRONMENT - GHANA'S EXPERIENCE

By Abdul Haki Bashiru Dine

Introduction

For years the producers' responsibilities were finished when the product was on the shelves in the shop or when the guarantee period was over. Supply chain (SC) management was perceived as the planning and control of the flow of goods from the sourcing base to the final consumers, accompanied with the necessary information and money for the independent entities along that chain. Traditional supply chain management focuses on low cost, high quality, reduced lead time and high service level. The introduction of the Extended Producer Responsibility in a number of countries and industries has changed the rules of the market behaviours.

Nowadays manufacturers need to take into consideration the post-consumption phase of their products, the so called end-of-life phase (EOL): the environmental burdens incurred during different stages of the product transfer from manufacturer to final user and then to the disposal site.

The interest in environmentally friendly supply chain management has risen considerably in recent years. This can be seen by the number of initiatives taken by companies. Brand-owners are very often perceived to be responsible for environmental problems in the entire supply chain from the sourcing base to end-of-life recovery issues.

It is expected that the manufacturers would reduce sources of waste and pollution throughout their entire SCs, across multiple entities, upstream (suppliers) and downstream (distributors and consumers). An environmentally friendly supply chain connects with partners who should make managerial decisions with regard to environmental consequences. It enhances competitiveness and creates better customer service, resilience and increased profitability.

Green Supply Chai Management(GSCM) can redu the ecological impact of indust activity without sacrificing qua cost, reliability, performance energy utilization efficien meeting environmental regulati to not only minimize ecolog damage but also to ensure ove economic profit.

Companies are forced to ad ecologically responsive practice meet legislative requirements they can also benefit from "gree behavior. For example, building technological and organizatio capacity to collect, recycle a reuse waste or returns stream enhance the availability of mater as well as clear up the sup channels.

According to Srivastava (200 GSCM can reduce the ecologi impact of industrial activity with sacrificing quality, cost, reliabi performance or energy utilizat efficiency, meeting environmen regulations to not only minim

ecological damage but also to ensure overall economic profit. Environmentally friendly behavior can also contribute to the competitive advantage of having a "green image" of products, processes, and technologies.

Environmentally friendly supply chain management requires a continuous course of actions in order to decrease the environmental impact of products and technology used by a manufacturer and its pre-chain (supplies) and post-chain (collection, inspection and reprocessing activities).

There are a number of problems covered within the framework of environmentally friendly supply chain management but in my humble opinion, the two main issues that need to be addressed by managerial decision-making are:

- greening the supply chain operations by reducing the total carbon footprint of products' delivery process. From a logistics perspective, the main contributor of carbon footprint and greenhouse emissions besides the manufacturing operations is transport.
- closing the materials flow loops: including issues related to the collection of used products, their recovery and reuse.

Green Supply Chain Management (GSCM) Practice in Ghana

In Ghana, the Environmental Protection Agency (EPA) is the body mandated to check environmental concerns relative to the operations of business in the country. These businesses cut across all sectors of the economy which includes, building and constructions, port operations, logistics and supply chain systems, manufacturing, mining, etc.

As part of its functions to ensure that environmental considerations in the supply chain management systems of business are complied with, the EPA introduced the AKOBEN Program which has a very critical impact on companies' brands and their social standing.

The name of the environmental rating program—AKOBEN—has its roots in Ghana's traditional ADINKRA symbols, and it stands for vigilance and wariness—a set of behavior that is pertinent for environmental conservation. AKOBEN also signifies alertness and readiness to serve a good cause.

The AKOBEN program has strong Ghanaian roots, and its rating methodology is tailored to reflect Ghana's environmental values. For this reason, the AKOBEN program includes both physical and human environment in the rating methodology.

Under the AKOBEN initiative, the environmental performance of mining and manufacturing operations is assessed using a five-color rating scheme. The five colors are GOLD, GREEN, BLUE, ORANGE and RED, indicating environmental performance ranging from excellent to poor. These ratings are annually disclosed to the public and the media, and it aims to strengthen public awareness and participation. AKOBEN ratings are evaluated by analyzing more than a hundred performance indicators that include quantitative data as well as qualitative and visual information. These ratings measure the environmental performance of companies based on their day-to-day operations once they have successfully cleared their Environmental Impact Assessments (EIA) and obtained their environmental permit to operate. These ratings indicate how well companies have met the commitments they made in their EIAs at the planning stage. AKOBEN, therefore, complements the EIA process and serves as a monitoring and verification program to ensure that companies

AKOBEN RATING SYSTEM

Rating Level	Performance	Implications
RED	POOR	Serious Risks
ORANGE	UNSATISFACTORY	NOT in Compliance
BLUE	GOOD	In Compliance
GREEN	VERY GOOD	Applies Best Practices
GOLD	EXCELLENT	Committed to Social Performance

follow environmental regulations on a continual basis.

The highest level of performance—a GOLD rating—goes beyond the requirements of formal regulations and it signifies that a company applies international best practices for environmental management, and properly follows its corporate social responsibility policies. In contrast, the worst possible rating is a RED rating which is assigned to those companies that do not have a valid permit or a certificate as required by the Environmental Assessment Regulation LI 1652. An operation could also get a RED rating if its:

1. emissions and effluents exceed the environmental quality standards for discharging toxics into the environment, or
2. on-site hazardous waste management practices cause serious risk to physical or human environments.

The three intermediate rating categories are GREEN, BLUE and ORANGE. The GREEN rating signifies that a company is in full environmental compliance, it applies best practices and is responsive to public complaints, but there is room for improvement regarding the implementation of its social responsibility policies.

A BLUE rating is also a sign of good environmental performance showing that a company has complied with the mandatory environmental regulatory requirements. Failure to meet the operational regulatory requirements related to environmental emissions and ambient quality could demote a manufacturing site to an ORANGE—an unsatisfactory rating. And if the violations are severe and create a credible risk of damage to the environment or the humans, the environmental performance of a company could be downgraded to a RED level, which indicates poor environmental performance.

Conclusion

In conclusion, it is very important to make the point that, in today's global environmental demands, the focus of a firm's performance has changed. Previously, it focused primarily on the creation of wealth through superior economic performance in terms of success in assets, liabilities and overall market strength, but now focuses on environmental and social performance while achieving the high economic performance in order to reach optimal levels of sustainability performance.

Sustainability is a business strategy that is closely related to corporate social responsibility. Specifically, the organization, environment and society are the triads that are mutually dependent on a shared value or a "win-win-win" solution.

In order to achieve a long-lasting competitive advantage, organizational sustainability requires the intersection of economic, environmental and society superiority. This means businesses should focus on long-term profitability that could simultaneously reduce the environmental and societal risks.

Therefore, GSCM practice is in a prime position to leverage sustainability performance in terms of economic, environmental and social. One of the major tenets of GSCM is to coordinate the raw materials and components flow efficiently from various suppliers to manufacturing companies for the purposes of converting raw materials into finished products and fulfilling the value expectation of customers. Suppliers' capabilities are directly linked to the firm's ability to produce a product with higher quality and lower costs while meeting the delivery promise. In order to achieve organizational sustainability, firms need to pay attention to supply-side practices.

MARITIME ARBITRATION: A TOOL FOR TRADE FACILITATION IN SUB-SAHARAN AFRICA

By DR KOFI MBIAH - Chief Executive Officer of Ghana Shippers' Authority

In the milieu of dispute settlement, a number of mechanisms may be adopted to ensure a satisfactory outcome of the settlement of the dispute. The formal adversarial system administered through a judge, judges or jury is a battle between a lawyer employing all means within the law to establish the most favourable interpretation of the law in favour of the client.

The other variant of the adversarial system is the inquisitorial system where the judge plays an active role, reserving for the lawyers a very passive contribution to the determination of the case. These present the two very formal forms of judicial dispute settlement.

Other mechanisms that may be adopted for the settlement of disputes are thus generally referred to as Alternative Dispute Resolution (ADR) mechanisms. In order to capture various mechanisms of dispute settlement, many countries have in recent times modified their rules on Arbitration and developed new rules for the settlement of disputes generally referred to as [1]Alternative Dispute Resolution. Alternative Dispute Resolution would now encompass arbitration and other forms of dispute settlement.

THE INTERNATIONAL LEGAL FRAMWORK

The international legal basis for dispute settlement arrangements finds expression in Article 33[2] of the United Nations Charter. It sets out the broad guidelines for dispute settlement between individuals and between states.

Article 33 provides that the parties to any dispute shall first of all "*seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice*".[3]It is thus clear that there exists a wide array of Conflict

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ana is such an example. It has recently changed its law on Arbitration to encompass Alternate Dispute Resolution by virtue of the ctment of the Alternative Dispute Resolution Act, 2010 (Act798)

ited Nations, Charter of the United Nations, 24 October 1945 1 UNTS XVI

e Article 33 (1) Chapter VI

Management mechanisms that may be resorted to by parties in any dispute.

Arbitration has been defined variously by different authors including jurists. In the words of Khan[4]. Arbitration is a private consensual process where parties in dispute agree to present their grievances to a third party for resolution. Several years ago[5], Lord Justice Raymond provided an apt definition of arbitration, the key elements of which definition still hold sway today. He said:*"An arbitrator is a private extraordinary judge between party and party chosen by their mutual consent to determine controversies between them, and arbitrators are so called because they have arbitrary power; for if they observe the submission and keep within their due bonds, their sentences are definite from which there lies no appeal"*[6].

Simply put, arbitration is a method of conflict or dispute management by private or state parties where they voluntarily, by means of an agreement submit themselves to the decision of an arbitrator who acting in accordance with law makes a determination which is binding upon the parties and enforceable at law.[7]

ADVANTAGES OF ARBITRATION

One of the advantages often cited for opting for arbitration as a means of dispute settlement between parties is the party autonomy that it affords the disputants. The parties choose their own "judge" which they could not do in the formal court system.

Another advantage commonly cited is the confidentiality which it affords the parties. Proceedings are often held in private thus out of the sight of the inquisitive media of today who may give various slants to a decision once it is delivered. A party that may lose face in the eyes of the public because of an unfavourable decision made against it is spared the public agony or ridicule that may be associated with the decision if given in public. It may also work against the party's competitive interests.

Additionally, because it is held in private, the disputants are more willing to divulge relevant facts which may aid the speedy resolution of the matter at hand. The publication of an arbitration award can only be made with the consent of the parties.

There is also a great deal of merit in arbitration as it affords the parties the opportunity to choose an individual or a group of individuals with the requisite expertise in the subject matter of the dispute[8].

Furthermore, arbitration is preferred by commercial parties as against the formal court process in view of the flexibility in the application of procedural rules. This is very much unlike the formal court process where procedure is the handmaiden of the law and may thus be rigidly applied to frustrate adjudication.

It is also fair to say that arbitration limits appeals as the parties have very often submitted themselves willingly to the process of arbitration and had a hand in the selection of the arbitrator.

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[4]Farook Khan, Alternative Dispute Resolution, (A paper presented to the Chartered Institute of Arbitrators - Kenya Branch, Advanced Arbitration Course held on 8-9th March 2007, at Nairobi).

[5] It is reckoned that this definition was provided 250 years ago

[6]See R. Stephenson, Arbitration Practice in Constitutional Disputes, (Butterworth's, London 2003)P.123. See also B. Totterdill, An Introduction to Construction adjudication: Comparison of Dispute Resolution Techniques (Sweet& Maxwell, London 2003), P.21.

[7]For a deeper insight into the key elements that constitute an arbitration see R. Barnstein; The Handbook of Arbitration Practice: General Principles (Part 2) (Sweet & Maxwell, London 1998), P313.

[8]Indeed this can be said in relation to the very specialized area of Maritime law and other new fields of commercial endeavor.

Arguably, arbitration is less expensive when compared with a formal court process with all its attendant procedural complexities. In effect, even though there is expense to be incurred in the process of arbitration, it turns out to be less expensive as it is efficient, and expeditious and tackles the core issues at stake with the required professionalism.

Despite the advantages outlined above, there are some disadvantages that may be occasioned by the practice especially if the right methods and proceedings are not followed. These disadvantages may arise where chosen arbitrators lack the requisite skill and expertise; where there are contracts of adhesion that includes arbitration clauses over which the weaker party has no control and where the seat of arbitration is located in a place detrimental to a claimant[9]. There could also be issues of cost, travelling to arbitration centres and hence an otherwise meritorious claim may not be pursued due to distance.

When viewed from a global perspective, it is clear that despite the few shortcomings indicated above, arbitration, especially international commercial arbitration is the more acceptable means of commercial dispute settlement. It is therefore not surprising that this has gained international recognition and acceptance through the elaboration of international conventions. The two most notable conventions that have gained global acceptance are the United Nations Convention on Recognition and Enforcement of Foreign Arbitral Awards 1958, commonly referred to as The New York Convention and the United Nations Commission on International Trade Law (UNCITRAL) Model Law on International Commercial Arbitration 1985. (the Model Law).[10] This has obvious advantages as a valid arbitral award has the greater potential of enforceability in many parts of the globe as against a judgment obtained through the courts.

MARITIME ARBITRATION

It is trite knowledge that 80% of world merchandise is transported by sea, making shipping indispensable to the world. The eighty percent of goods transported by sea is invariably undertaken through international commercial contracts. Disputes are part of Commerce. It is therefore to be expected that the over eighty percent of goods carried by sea would be characterized by disputes. Once these disputes arise, it becomes imperative that they should be resolved with dispatch to keep the wheels of international commerce running. Without the adoption of some of the mechanisms of conflict management referred to above, arbitrary and brute force which is antithetical to international commerce would be attendant to the resolution of commercial conflicts. A resort to negotiation, enquiry,conciliation and mediation may have their place where the parties have a "good heart" but that may not always be the case and there may thus be no conclusive determination of the dispute. Arbitration may thus be seen as the most suitable form of Alternative Dispute Resolution capable of affording the parties the necessary latitude while at the same time yielding to them a binding and enforceable decision.

There is no gainsaying that the

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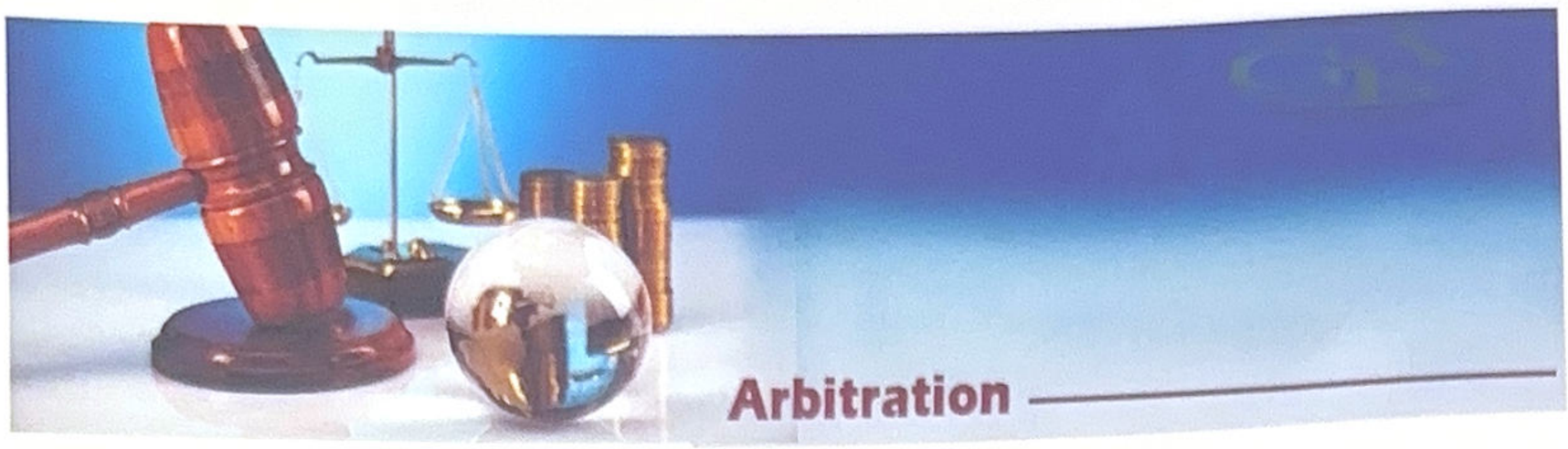
hese often happen in situations where the arbitration agreement is incorporated into the contract (e.g. bills of lading contracts) and the aimant has invariably no means of modifying terms of the arbitration Agreement.

'The New York Convention" is recognized by well over 100 Countries. As at June 2015 the Convention had 156 State parties

or a good discussion on the impact of technology on global markets, see Galgono, F "The New Lex Mercatoria" (1995) 2 Annual Survey of ternational and Comparative Law 99]

ee Sanborn, FR Origins of the Early English Maritime and Commercial Law (William Hein & Corep 2002) chs 1, 2 and 4; Gold, E Maritime ansport: The Evolution of International Marine Policy and Shipping law (Lexington Books 1981) ch1; Benedict on Admiralty (7th ed) roll s 1 and 2]



improvement and increased use of technology has fueled the rate of globalization of commerce and have thus fostered the integration of global and regional markets.[11]

The Universality and indispensability of shipping to mankind since time immemorial has received ample reference in the study of commercial maritime law[12]. Indubitably, the level of acceleration of commercial activities by merchants the world over has increased exponentially over last two decades. As world population rises, so does world commerce in its quest to meet the growing demands of an ever increasing population. This growth in commerce has in its wake, introduced many aspects of international commercial law, all of which have the potential to engender disputes. Some of these areas include International Commercial Contract Law,[13]Electronic Commerce[14] International Sale of Goods [15] Cross-border Insolvency and International Commercial Arbitration amongst others[17]. The international commercial practice has thus developed with a number of international legal instruments, some of which only qualify as guidance or "soft law".[18]

Maritime Arbitration could therefore be invoked in relation to a number of commercial activities and disputes relating not only to maritime transport,[19]but also to in addressing multiple sea use conflicts. These may include financing, building, sale and purchase of ships, carriage of goods by sea, hull and cargo insurance, salvage, pilotage, engagement of seafarers, nationality, ownership and registration of ships, supply of victuals, agency arrangements etc. It may also relate to issues of pollution of the marine environment, maritime boundary disputes etc.

Maritime arbitration, in view of its flexibility and versatility has indeed become a dominant force in international commercial dispute settlement. This may partly be due to the inherent weakness associated with the formal court system and the need to achieve with expedition the aims of judicial settlement. As a result of its important role in international commerce, there has developed over the last three decades, numerous arbitral institutions around the globe seeking to meet the demands of international commercial partie[20]sin their quest to resolve disputes attendant to their international commercial engagements.

Even though Arbitration as a dispute settlement mechanism has gained a foothold in Africa, it is doubtful if the same can be said of Maritime Arbitration in Africa. From the following list of International arbitration centres the world over, Africa south of the Sahara is yet to find its place when it comes to international maritime commercial arbitration.

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[13] See the UNIDRIOT Principles of International Commercial Contracts 2004, produced by a group of international scholars and practitioners under the direction of Prof Joachim Bonell (Part 1 of which was published in 1994), electronic commerce

[14]UNCITRAL Model Laws on Electronic Commerce (1996) and an Electronic Signatures (2001); the Bolero (Bill of Lading Registration Organization)]

[15] The United Nations Convention in Contracts for the International Sale of Goods (1980) CISG.

[16] The UNCITRAL Model Law on Cross Border Insolvency(1997)

[17]the UNCITRAL Arbitration Rules (1976); the ICC Rules of Arbitration (1998) and the London of International Arbitration Rules

[18]See Allsop, J. International Maritime Arbitration: Legal and Policy Issues, Paper presented to the World Maritime University, May 2007 and to the Australian Maritime Transport Arbitration Commission, Sydney, December 2007. At the time of writing this paper Hon. Justice James Allsop who the present writer had the privilege of meeting at the World Maritime University, Malmo Sweden is the Chief Justice of the Australia

[19]ibid

[20]Allsop in the article referred to the above, lists a number of these arbitral institutions including; the International Court of Arbitration, the London Court of Arbitration, the Inter-American Arbitration Commission, the Singapore International Arbitration Centre, the Australian Chamber of International Commercial Arbitration, the American Arbitration Association, the London Maritime Arbitration Association, various national associations of maritime arbitration, the Paris Chambre Arbitrale Maritime, Regional Centre for Arbitration Kuala Lumpur, the Association of Maritime Arbitrators Canada, Vancouver Maritime Arbitrators Association, the Society of Maritime Arbitrators Inc, the Houston Maritime Arbitrators, the Japan Shipping Exchange, the Tokyo Maritime Arbitration Commission, the Australian Maritime and Transport Arbitration Commission etc.

[21]It is reckoned that Africa's share of global seaborne trade is around 3-5% of world trade.

There is no doubt that Africa contributes to global seaborne trade even if the level of penetration in global seaborne trade is not remarkable[21]. Be that as it may, Africa still trades with the world and the world trades with Africa. Arising out of this trading engagements are engendered associated maritime disputes; for they are invariably and inevitably, a part of the activity of international commerce.

It is commonplace to find in international commercial agreements involving African commercial interests, forum selection clauses that designate Paris, London, New York,Hong Kong or Singapore as the forum for arbitration. Agreements which have such clauses span contracts relating to the carriage of goods by sea, construction of major infrastructural projects such as ports, oil and gas terminals, oil and gas supply contracts, exploration and exploitation of hydrocarbons from offshore, including supplies of basic logistics. For any of these, should a dispute arise between the parties, the agreements stipulate the jurisdiction, forum and choice of law outside Africa south of the Sahara.

CHALLENGES

The challenges that account for the absence of maritime arbitration centres in sub Saharan Africa and the prevalent inclusion of forum selection clauses in Agreements in which African parties or states are involved is manifold.

Firstly, there is without doubt, the issue of capacity with respect to the knowledge, expertise and skill in handling maritime disputes involving the specialized area of maritime law. It is only in recent times, especially over the last decade that Africa has shown a keen interest in developing the expertise in the field of maritime law[22].The expertise for maritime commercial arbitration is gained overtime and would thus require a conscious effort on the part of governments in sub-Saharan Africa to build capacity especially with respect to practicing lawyers and judges. This could serve as a veritable source for the required nourishment of the skill and expertise needed for maritime arbitration[23].

Secondly, in most parts of sub-Saharan Africa, there is an absence of a concerted policy of governments to take hold of their maritime interests through definitive policies that would ensure that the unfettered application of forum selection clauses are not enforced to their detriment.In the absence of such definitive policies, the onus is always on the courts to strike out a forum selection clause on the basis that it offends public policy. Where the municipal courts do not effectively assume this role, forum selection clauses that work against the interests of African commercial partners reign supreme.

Thirdly, a good number of sub-Saharan Africa countries are yet to modify some of the laws inherited from their colonial masters e.g. theHague Rules. The consequence is that the rules contained in these international conventions designed to favour the colonial masters still form the basis for the settlement of disputes involving Africa commercial partners.[24]

Many countries in sub-Saharan Africa are parties to New York Convention. Under the New York Convention, the end result of arbitration is attained through recognition and enforcement that must come from municipal courts. There is thus a symbiotic association between arbitral tribunals and municipal courts which may be utilized by municipal courts either by staying their own proceedings and giving effect to the arbitration agreement where it is determined to be valid or "judicial strangulation",i.e., by throwing out the arbitration agreements on the basis of fraud, duress or for being offensive to public policy – curial supervision.

To be to continued in the next issue

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[22]Over the last decade the IMO International Maritime Law Institute (IMLI), one of the renowned institutions for the study of Maritime Law has trained several maritime lawyers most of whom are serving in various capacities in Africa.

[23]In Ghana, the Ghana Shippers' Authority working with the office of the Chief Justice has sponsored two judges over the last three years for specialization in maritime law training at the IMO International Maritime Law Institute (IMLI). This has led to the settling up of Admiralty Courts in Ghana to deal with maritime law cases. In the same vein, Ghana and Nigeria over the last decade have been organising maritime law seminars for judges of the Superior Courts of Judicature to provide them with information on the subject area and also keep them abreast with developments in the nuances of maritime law.

[24]In Ghana and Nigeria, this is a mixed bag. Nigeria without denouncing the Hague Rules accepted the Hamburg Rules and it is now not clear which of the two international regimes on the Carriage of Goods by sea, reigns supreme in Nigeria. In Ghana, even though Ghana is signatory to the Hambing Rules, its law on the carriage of goods by sea is still founded on the Hague Rules in 1924. Ghana is not party to the Visby amendments.

GHANA SHIPPERS' HOUSE

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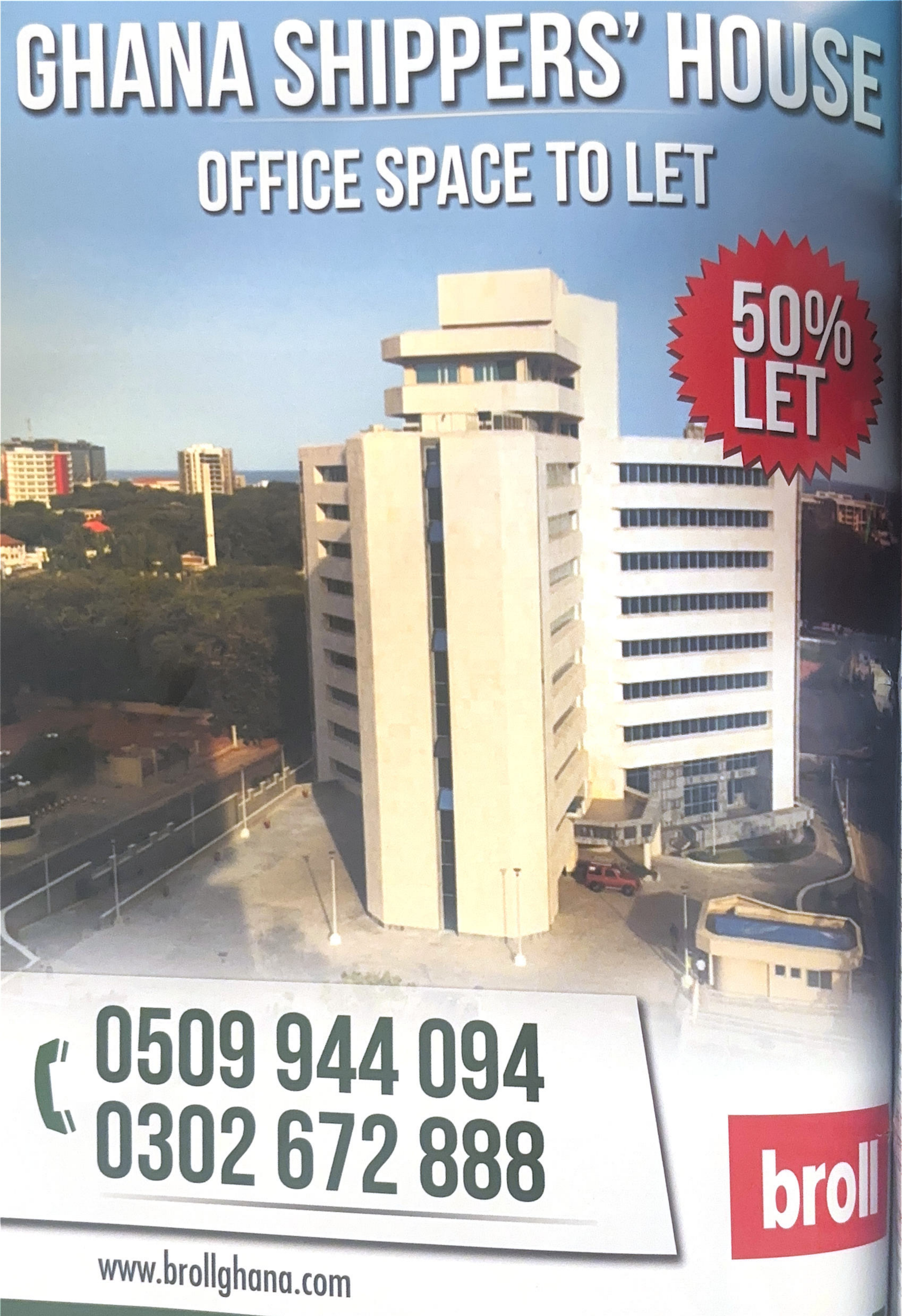

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MARITIME TRADE REVIEW (January-March 2016)

.0 OVERVIEW

The global weak demand for hipping services in the wake of ver-supply of tonnage, which egan a few years ago, seems to ave continued into the first uarter of 2016. This has tended to uppress freight rates on the major ading routes but unfortunately hippers in Africa, and Ghana for hat matter, are not quite enefiting from the low rates. ccording to the Review of laritime Transport, 2015, Africa ays 40 to 70% more on average for ie international transport of their nports than developed countries; nd there are reasons for this nomaly. These would be discussed our subsequent reviews.

hippers in Africa are therefore couraged to sharpen their freight gotiation skills, and to use the propriate INCOTERMS, preferably FOB for imports, in order to benefit from the global glut in the supply of shipping services.

It must however be noted that in the wake of the low global rates, shipowners are putting measures in place to deal with the situation. These measures include rationalization and slot arrangements. It is to be noted also that mergers and consolidations are re-surfacing in the circumstances, and should oil prices recover well enough, slow steaming may also be employed by shipowners.

In Ghana, trade volumes dipped in 2013 and 2014. However, a major recovery was recorded in 2015, with total import and export trade amounting to 16 million metric tons (mt) compared to 15.1 million mt in 2014. This recovery is expected to continue in 2016, as first quarter 2016 results are pointing to that direction.

2.0 CARGO THROUGHPUT JANUARY – MARCH 2016

Cargo throughput for the seaports of Ghana (i.e. Tema and Takoradi) for the first quarter of 2016 was 4.8million metric tons (mt).

Cargo throughput for the Port of Tema was 3.5 million mt whilst the Port of Takoradi recorded 1.2 million mt.

For the review period, January - March 2016, 76% of the seaborne trade passed through the Port of Tema whilst the Port of Takoradi handled 24%.

Transit/Transshipment imports amounted to 276,009 mt and transit/transshipment exports recorded 12,792 mt. Table 1 below shows the performance for the review period.

Table 1. SUMMARY OF GHANA'S SEABORNE TRADE (in mt) (JAN- MAR 2016)					
PORT	IMPORT (mt)	TRANSIT/ TRANSHP. IMPORT (mt)	*EXPORT (mt)	TRANSIT/ TRANSHP. EXPORT (mt)	TOTAL (mt)
TEMA	2,855,870	251,936	452,003	12,792	3,594,760
TAKORADI	479,744	24,163	742,368	0	1,246,275
TOTAL	3,335,614	276,099	1,194,371	12,792	4,827,809

* Exports exclude Ghana's crude oil exports

3.0 COMPARISON OF CARGO THROUGHPUTS Q1 2016 AND Q1 2015

Table 2 below shows the summary of seaborne trade comparison between the first quarter (Q1) 2016 and first quarter (Q1) 2015.

Cargo throughput for the review period (Q1 2016) increased by 17% compared to the same period of 2015 (Q1 2015). Total import and export trade volume in Q1 2016 increased by 14.3% compared to Q1 2015. Ghana's increase compares favourably with an increase of 1.02% in the world merchandize import and export volume for Q1 2016. For the same period, Africa recorded an increase of 6.29%, and West Africa's increase was 13.54%, according to UNCTAD trade statistics.

Table 2 SUMMARY COMPARISON OF GHANA'S CARGO THROUGHPUT (Jan –Mar) 2016 AND 2015			
TRADE TYPE	Jan-Mar (Q1) 2016 (mt)	Jan- Mar (Q1) 2015 (mt)	CHANGE
TOTAL IMPORT & EXPORT	4,529,551	3,962,799	14.3%
TOTAL TRANSIT/TRANSH.	298,258	163,820	82.1%
CARGO THROUGHPUT	4,827,809	4,126,619	17.0%

4.0 COMPARISON OF GHANA'S SEABORNE TRADE Q1 2016 AND Q1 2015 PER CARGO TYPE

4.1 IMPORT TRADE

Total imports for the review period (Q1 2016) was over 10.8 million mt.

This comprised 3.9 million mt of Liner cargo, 2.0 million mt of Break bulk, 2.8 million mt of Dry bulk cargo and 2.0 million mt of Liquid bulk.

In Table 3 below, it can be seen that total imports for Q1 2016 increased by 9% over Q1 2015. For the trade types, there were declines in Liner imports by 6.8% and Break bulk imports by 13.1%. But Dry bulk imports increased by 9.8% and Liquid bulk imports also increased by 71 percent.

Table 3 COMPARISON OF GHANA'S SEABORNE TRADE PER CARGO TYPE			
TRADE TYPE	Jan- Mar (Q1) 2016 (mt)	Jan-Mar (Q1) 2015 (mt)	Change
IMPORT:			
Liner	1,283,092	1,376,150	-6.8%
Break Bulk	443,203	509,796	-13.1%
Dry Bulk	725,002	653,876	9.8%
Liquid Bulk	884,317	517,232	71.0%

TOTAL IMPORT	3,335,614	3,057,054	9.1%
EXPORT:			
Liner	388,889	373,114	4.2%
Break Bulk	124,506	150,530	-17.3%
Dry Bulk	680,542	370,715	83.6%
Liquid Bulk	0	11,386	-100.0%
TOTAL EXPORT	1,193,937	905,745	31.8%
TOTAL IMPORT & EXPORT	4,529,551	3,962,799	14.3%

1.1 Liner Import Trade

e Liner import trade for Q1 2016 clined by 6.8% compared to Q1 015.The major items which ntributed to the decline in this ade were Electrical/Electronic pliances (a decline of 217,177 mt), achinery/ Equipment (a decline of 802 mt), and Rice in containers (a duction by 2,649 mt).

.2 Break Bulk Import Trade

eak bulk imports for Q1 2016 clined by 13% compared to Q1 15.The major commodities which luenced the decline were Bagged e (with volume falling by 62,138), and Bagged Sugar (decreasing 53,491 mt).

.3 Dry Bulk Import Trade

tal Dry bulk import for Q1 2016 reased by 9.8% compared to Q1 15. Major commodity gainers re Clinker (an increase of 90,034), Bulk Wheat (an increase of 055 mt), and Bulk Fertilizer (an rease of 4,675 mt).

.4 Liquid Bulk Import Trade

e Liquid bulk import trade gistered an increase of 71% in Q1 6 over Q1 2015. The major cargo items accounting for this increase were Petroleum products (which increased by 222,529 mt), Crude oil (an increase of 99,900 mt) and Liquefied Petroleum Gas (also an increase of 35,139 mt).

4.2 EXPORT TRADE

The total export trade volume for Q1 2016 was 1.19 million mt. This represents a 32% increase compared to Q1 2015. This was made up of over 388,889 mt of Liner items, 124,506 mt of Break bulk items, and 680,542 mt of Dry bulk. There was no recorded export for the Liquid bulk trade.

4.2.1 Liner Export Trade

Liner exports for the review period amounted to 388,889 mt. The major commodity gainers for the trade include Local Foods/Foodstuff, which went up by 2,205 mt, Sawn Timber, which went up by 19,356 mt and Processed Commodities, also going up by 6,649 mt.

4.2.2 Break Bulk Export Trade

Break Bulk export trade for Q1 2016 declined by 17.3%. The major export commodity that contributed to the reduction was Bagged Cocoa Beans, which recorded a decline of 38,305 mt.

4.2.3 Dry Bulk Export Trade

Total Dry bulk export trade for Q1 2016 increased by 83% from 370,715 mt in Q1 2015. Dry bulk items which contributed to this increase include Manganese, which increased by 306,444 mt, and Bulk Cocoa Beans, which recorded an increase of 21,249 mt.

5.0 PERFORMANCE IN LADEN CONTAINERS

Table 4 below shows the details of the performance in Laden containers for the first quarter (Q1) of 2016. Total Laden Containers for imports and exports for Q1 2016 was 131,747 TEUs. This represents a decline of 0.7% compared to Q1 2015.

Total import Laden Containers for Q1 2016 was 109,448 TEUs; a 7% increase compared to Q1 2015. Total export Laden Containers for Q1 2016 was 22,299 TEUs, representing a decline of 27% compared to Q1 2015.

Table 4 GHANA'S SEABORNE TRADE IN LADEN CONTAINERS (in TEUs) PER PORT

TRADE TYPE	PORT	Jan - Mar (Q1) 2016 (in TEU)	Jan- Mar (Q1) 2015 (in TEU)	CHANGE
IMPORT	TEMA	106,029	99,379	6.7%
	TAKORADI	3,419	2,830	20.8%
	TOTAL IMPORT	**109,448**	**102,209**	**7.1%**
EXPORT	TEMA	19,156	23,129	-17.2%
	TAKORADI	3,143	7,399	-57.5%
	TOTAL EXPORT	**22,299**	**30,528**	**-27.0%**
TOTAL	**IMPORT/EXPORT**	**131,747**	**132,737**	**-0.7%**

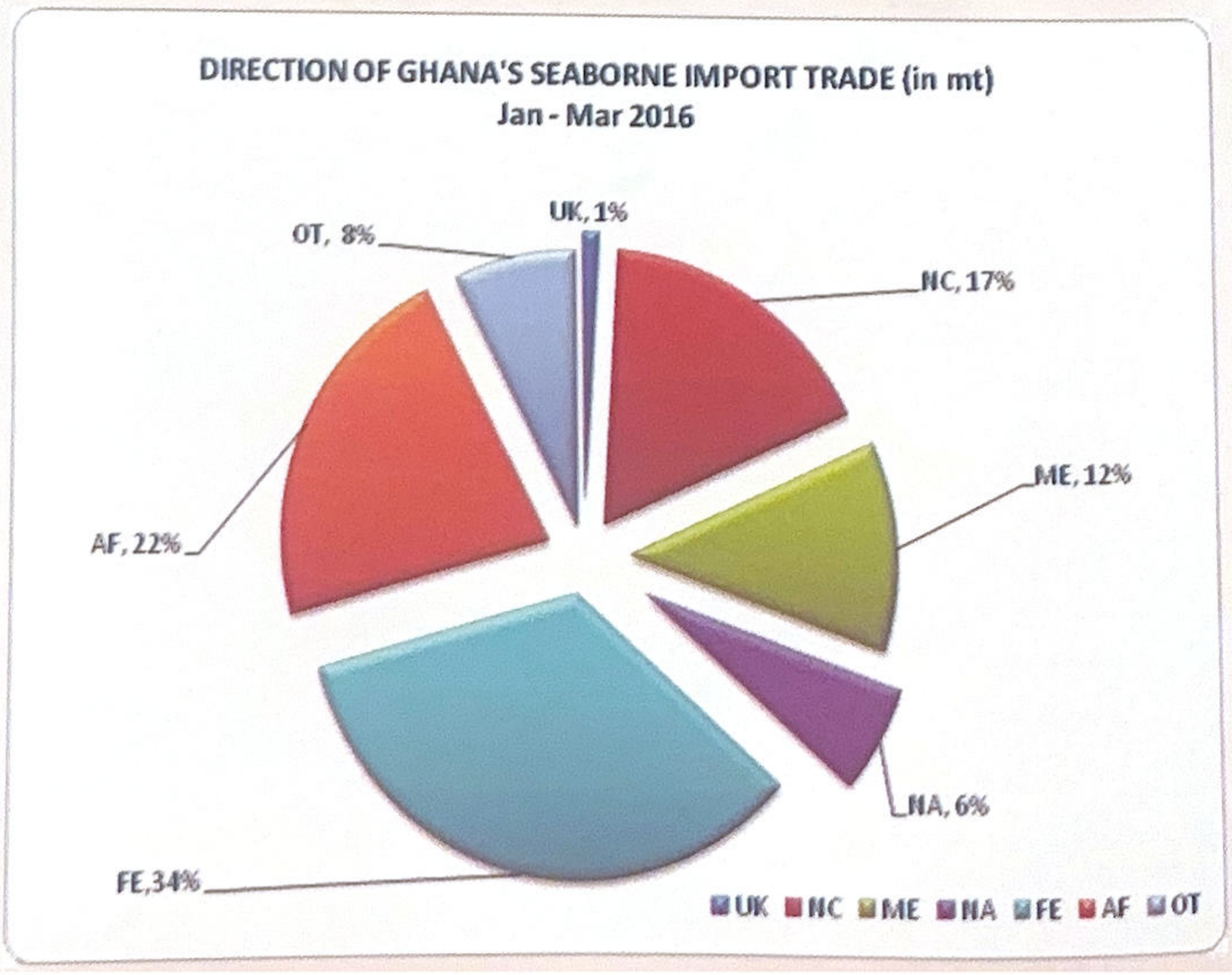
6.0 DIRECTION OF GHANA'S SEABORNE TRADE

6.1 Import Trade

Figure 1 and Table 5 below show that majority of Ghana's seaborne imports for Q1 2016 came from the Far East range, representing about 34% of the total import trade. Over the last decade, Ghana's trade with China has seen tremendous growth. Over 70% of Ghana's imports are from China, and this is largely due to China's cost competitiveness in manufacturing, among others. Africa was next with 22% share of Ghana's import trade. The major commodities that accounted for this share of Africa are Crude Oil, Liquefied Petroleum Gas and Petroleum products.

Table 5. DIRECTION OF GHANA'S SEABORNE IMPORT TRADE (in mt) (Jan-Mar 2016)

	UK	NC	ME	NA	FE	AF	OT	TOTAL
LINER	31,966	181,108	117,873	105,989	576,662	139,598	129,897	**1,283,092**
BREAK BULK	702	31,110	44,228	6,547	325,036	3,783	31,796	**443,203**
DRY BULK	0	157,818	239,555	53,250	226,741	0	47,637	**725,002**
LIQ. BULK	0	205,277	16	42,001	10,000	588,614	38,409	**884,317**
TOTAL	**32,668**	**575,313**	**401,672**	**207,787**	**1,138,439**	**731,995**	**247,739**	**3,335,614**
SHARE	1%	17%	12%	6%	34%	22%	7%	100%

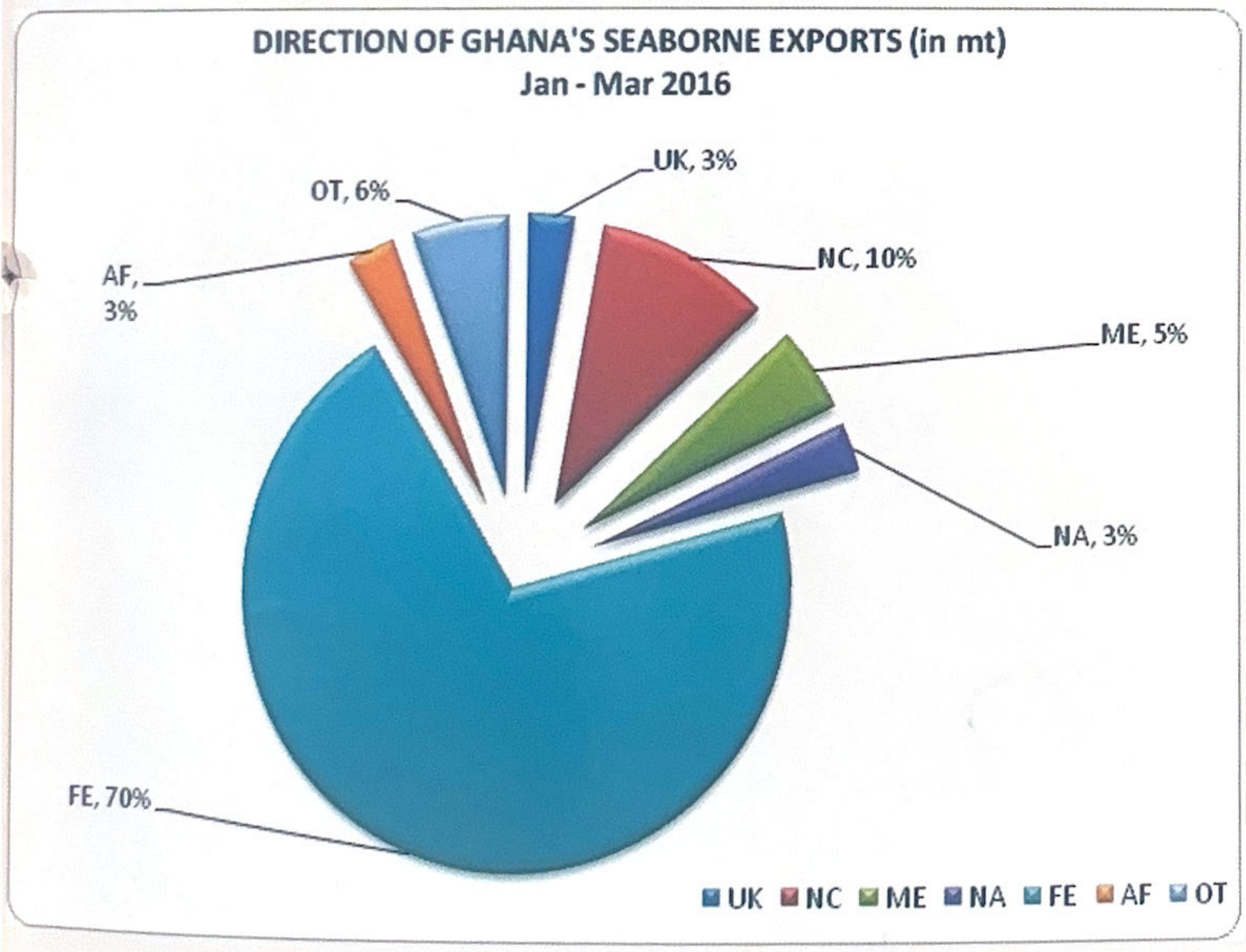


6.2 Export Trade

The 1.19 million mt of seaborne exports for Q1 2016 was shipped to various destinations in the world. Majority of these exports went to the Far East and the North Continent ranges. The Far East range received a total of 843,518 mt (i.e. 71% of total exports) while the North Continent range received a total of 122,812 mt (or 10% of total exports). Table 6 below gives more details about the direction of Ghana's seaborne export trade.

Table 6. DIRECTION OF GHANA'S SEABORNE EXPORT TRADE (in mt) (Jan-Mar 2016)

	UK	NC	ME	NA	FE	AF	OT	TOTAL
LINER	19,077	103,718	51,543	28,156	135,493	33,946	16,948	**388,881**
BREAK BULK	0	5,986	5,321	5,707	103,872	377	3,243	**124,506**
DRY BULK	12,500	13,108	2,281	0	604,153	225	48,717	**680,984**
LIQ. BULK	0	0	0	0	0	0	0	**0**
TOTAL	**31,577**	**122,812**	**59,145**	**33,863**	**843,518**	**34,548**	**68,908**	**1,194,371**
SHARE	3%	10%	5%	3%	71%	3%	6%	100%



7.0 TRANSIT TRADE AND TRANSSHIPMENT THROUGH THE SEAPORTS OF GHANA

Total Transit/Transshipment trade volume for Q1 2016 represents an increase of 82% compared to Q1 2015. Total volume of transit/transshipment for Q1 2016 was 298,258 metric tons (mt).

Transit/Transshipment Imports for Q1 2016 amounted to 285,466 mt, an increase of 85% compared to Q1 2015.Transshipment/Transit Exports recorded 12,792 mt in Q1 2016, an increase of 29% compared to Q1 2015. Table 7 below shows the details of the transit/transshipment trade volumes for the review period.

Table 7. SUMMARY COMPARISON OF TRANSIT TRADE AND TRANSHIPMENT THROUGH GHANA (JAN. - MAR.) 2016 AND 2015

TRADE TYPE	Jan -Mar (Q1) 2016 (mt)	Jan- Mar (Q1) 2015 (mt)	CHANGE
TRANSIT/TRANSH. IMPORT	285,466	153,945	85.4%
TRANSIT/TRANSH. EXPORT	12,792	9,875	29.5%
TOTAL	298,258	163,820	82.1%

8.0 TRANSIT TRADE PERFORMANCE FOR BURKINA FASO, MALI AND NIGER

Total transit volume for the three (3) landlocked countries of Burkina Faso, Mali and Niger amounted to 262,264 mt in Q1 2016. This represents a 75% increase compared to Q1 2015. The transit trade comprises imports of 251,937 mt and exports of 10,706 mt.

Burkina Faso accounted for 88.8% of the total transit trade for Q1 2016. Mali's share was 9.0%, and Niger's share was 2.2% for the period.

Major transit trade commodities for Q1 2016 were Frozen Foods/Meat (24,205 mt), General Cargo (22,885 mt), Lubricating Oil (41,850 mt), Processed Foods/ Beverages (30,035 mt) and Bagged Fertilizer (36,788 mt)

Table 8. SUMMARY COMPARISON OF TRANSIT TRADE for BURKINA FASO, MALI & NIGER (JAN. - MAR.) 2016 AND 2015

TRADE TYPE	JAN- MAR (Q1) 2016 (mt)	JAN- MAR (Q1) 2015 (mt)	Change
TRANSIT IMPORT	251,937	141,926	77.5%
TRANSIT EXPORT	10,706	8,096	32.2%
TOTAL	**262,643**	**150,022**	75.1%

9.0 PERFORMANCE OF SHIPPING AGENTS IN GHANA'S SEABRONE TRADE

One hundred and three (103) Shipping Agents handled over 4.5million mt of seaborne trade (import & export) through the Ports of Tema and Takoradi during the period the first quarter (Q1) of 2016.

Table 9 below shows the performance in the Liner trade, Break Bulk trade, Dry Bulk trade and Liquid Bulk trade for the review period.

9.1 Liner Trade

Forty five (45) Shipping Agents handled the total Liner trade of 1.7million mt. The highest performer was Maersk Gh Ltd. with 382,474 mt, representing to 22.7 % of the total Liner trade for the period.

Maersk was followed by MSCA Gh Ltd, with 190,880 mt (or over 11.37% of the total Liner trade). The next was Oil and Marine Agencies Ltd, handling 97,323 mt (or 5.8%). Supermaritime Ghana Ltd followed with 95,517 mt, representing to 5.69% of the Liner trade. The rest of the Shipping Agents handled volumes with shares ranging up to 2.11%.

9.2 Break Bulk Trade

In the Break bulk trade, thirty three (33) Shipping Agents participated in handling 560,691 mt of cargo. Maersk Gh Ltd was the highest performer, with 145,314 mt (or 25.9% of the Break Bulk trade) for the period. Global Cargo & Commodities Ltd. followed with 98,000 mt (or 17.5% of the Break Bulk trade).

9.3 Dry Bulk Trade

The Dry bulk trade saw fifteen (15) Shipping Agents handling 1.4 million mt of cargo. Supermaritime Gh Ltd handled the highest share of 520,835 mt, representing 37.1% of the Dry Bulk trade. Hullblyth Ghana Ltd was next, handling 401,872 mt (or 28.6% of the Dry Bulk trade).

9.4 Liquid Bulk Trade

Ten (10) Shipping Agents handled the over 4.5million mt of cargo in the Liquid Bulk trade segment. Oil and Marine Agencies Ltd handled the highest share of 586,060 mt (i.e. 66.3% of the Liquid Bulk trade). Inchcape Shipping Services Ltd. followed with 87,834tons (or 9.9% of the trade). Next was Daddo Maritime Services, with 78,489 mt (or 8.9% of the trade). The rest of the Shipping Agents in this trade handled between 0.1% and 6.1% share.

10. SHIPPING LINES' PERFORMANCE IN GHANA'S SEABORNE TRADE

A total of one hundred and fifty eight (158) Shipping Lines and Charterers participated in transporting the over 4.5million mt of Ghana's seaborne trade (import & export) through the Ports of Tema and Takoradi during the first quarter (Q1) of 2016. This is shown in Table 10 below.

10.1 Liner Trade

The Liner trade saw seventy four (74) shipping companies and operators loading and unloading cargo at the sea Ports of Tema and Takoradi during this review period. The best performer was Maersk

Liner, which handled 382,036 mt of liner cargo, representing 22.8% of the Liner trade.

Mediterranean Shipping Company (MSC) was next with 190,880 mt (or 11.4% of the Liner trade). Table 10 shows the details of the other performers.

10.2 Break Bulk Trade

Forty three (43) Shipping Lines carried Break bulk cargo amounting to 560,639 mt through the Ports of Tema and Takoradi for Q1 2016. Again, Maersk Line handled the highest share of 145,214 mt, which was 25.9% of Break Bulk cargo discharged and loaded at both Ports. China Ocean Shipping followed with 52,265 mt (or 9.3% of the break bulk cargo handled).

10.3 Dry Bulk Trade

The Dry bulk trade, amounting to over 1.4million mt, was handled by twenty three (23) Shipping Lines and operators. High performers include I.M.T, with 532,671 mt (37.8% of the Dry bulk trade), HC Trading, with 399,591 mt (28.4%) and Van Bloom Shipping, with 118,700 mt (8.4%). Mediterranean Shipping Company (MSC) followed with 105,295 tons (7.4%).

10.4 Liquid Bulk Trade

Eighteen (18) Shipping Lines participated in the Liquid bulk trade, which amounted to 884,317 mt for the review period (Q1 2016). The highest operators were BOST, with 191,613 mt (21.6% of the Liquid bulk trade), and Hapag-Llyod, with 119,921 mt (13.5%).

GHANA SHIPPERS' AUTHORITY

Table 9. PERFORMANCE OF SHIPPING AGENTS IN GHANA'S SEABORNE TRADE – (JAN - MAR 2016)

IMPORT AND EXPORT - (TEMA & TAKORADI)

SHIPPING AGENTS	IMPORT (mt)	EXPORT (mt)	TOTAL (mt)	% SHARE / TRADE TYPE	%SHARE
LINER					
A&J SHIPPING SERVICES	8,352	0	8,352	0.50	0.18
AMT GH. LTD	106	0	106	0.01	0.00
ANDIPEX CO. LTD	5,812	0	5,812	0.35	0.13
ANTRAK GH. LTD	32,278	6,242	38,520	2.29	0.85
AQUA MARINE SHIPP. GH. LTD	640	0	640	0.04	0.01
BAJ FREIGHT T EMA	463	0	463	0.03	0.01
BEACON SHIPP. HANJIN GH.	12,613	0	12,613	0.75	0.28
BLUE FUNNEL GH. LTD	24,395	0	24,395	1.45	0.54
BOLLORE AFRICA LOGISTICS	210	1,797	2,007	0.12	0.04
BULKERS	30	0	30	0.00	0.00
CONSOLIDATED	35,891	0	35,891	2.14	0.79
COMEXAS GHAN LTD	6,323	0	6,323	0.38	0.14
DADDO MARITIME	2	0	2	0.00	0.00
DAMCO GH LTD	27,000	0	27,000	1.61	0.60
DELMAS SHIPP. GH. CMA CGM	42,811	33,038	75,849	4.52	1.67
DOLPHIN SHIPP. SERVICES	10,353	0	10,353	0.62	0.23

FACULTY LOGISTICS LTD	2,000	0	2,000	0.12	0.04
GETMA GHANA LTD	5,453	0	5,453	0.32	0.12
GLOBAL CARGO & COMMODITIES	16,085	0	16,085	0.96	0.36
GMT SHIPPING LTD	12,769	0	12,769	0.76	0.28
GRIMALDI GH. LTD	38,891	11,105	49,996	2.98	1.10
HULL BLYTH GH. LTD	10,553	47,650	58,203	3.47	1.28
ICM LOGISTICS SERVICES LTD	21	0	21	0.00	0.00
INCHCAPE SHIPP. SERVICES GH. LTD	41,512	0	41,512	2.47	0.92
ISAG LTD	43,405	36,688	80,094	4.77	1.77
KHUDA SERVICE T EMA	6,004	0	6,004	0.36	0.13
KOYANKS COMPANY LIMITED	6,683	0	6,683	0.40	0.15
MAERSK GH. LTD	338,211	44,066	382,276	22.77	8.44
MOL GHANA LTD	57,841	22,280	80,121	4.77	1.77
MSCA GH. LTD	137,704	53,176	190,880	11.37	4.21
NAVITRANS GH. LTD	35,430	3,044	38,474	2.29	0.85
OIL & MARINE AGENCIES	50,478	46,845	97,323	5.80	2.15
PANALPINA GH LTD	3	0	3	0.00	0.00
PIL GHANA LTD.	57,917	15,517	73,434	4.37	1.62
PORTS MARINE LTD	504	42	546	0.03	0.01
SAFMARINE	0	22,939	22,939	1.37	0.51
SCANSHIP GHANA LIMITED	56,084	18,132	74,215	4.42	1.64
SEVENLOG LIMITED	58,753	0	58,753	3.50	1.30
SHARAF SHIPPING AGENCY LIMITED	4,760	0	4,760	0.28	0.11
SILVERMARITIME GH. LTD	27	0	27	0.00	0.00
STARDEX MARINE CONSULT	4,471	0	4,471	0.27	0.10
SUPERMARITIME GHANA LIMITED	69,198	26,319	95,517	5.69	2.11
TRANSGLOBAL SHIPPING	3,798	0	3,798	0.23	0.08
TTV LIMITED	3,451	0	3,451	0.21	0.08
UNITED ARAB SHIPPING AGENCIES	20,981	0	20,981	1.25	0.46
SUB-TOTAL	1,290,267	388,880	1,679,147	100.00	37.07
BREAK BULK					
ADVANCED MARITIME TAKORADI	48	0	48	0.01	0.00

ANTRAK GH. LTD	944	1,539	2,483	0.44	0.05
AQUA MARINE SHIPP. GH. LTD	1	0	1	0.00	0.00
BAJ FREIGHT TEMA	8	0	8	0.00	0.00
BEACON SHIPPING HANJIN GH.	3,114	0	3,114	0.56	0.07
BLUE FUNNEL GH.	1,123	0	1,123	0.20	0.02
BOLLORE AFRICA LOGISTICS	1,061	1,394	2,455	0.44	0.05
COMEXAS GH. LTD	1,804	0	1,804	0.32	0.04
CONSOLIDATED SHIPP. AGENCIES LTD	5,913	0	5,913	1.05	0.13
DADDO MARITIME SERV. GH. LTD	11	0	11	0.00	0.00
DELMAS SHIPPING GHANA	13,022	8,678	21,699	3.87	0.48
FACULTY LOGISTICS	10,400	0	10,400	1.85	0.23
GLOBAL CARGO & COMMODITIES	98,000	0	98,000	17.48	2.16
GMT SHIPPING LTD	65,094	0	65,094	11.61	1.44
GRIMALDI GHANA LTD.	2,467	0	2,467	0.44	0.05
HULL BLYTH GH. LTD	501	10,247	10,748	1.92	0.24
ICM LOGISTICS SERVICES LTD	11	0	11	0.00	0.00
INCHCAPE SHIPPING SERVICES	1	0	1	0.00	0.00
INTERMODAL SHIPP. AGENCY GH. LTD	5,862	12,667	18,529	3.30	0.41
MAERSK GH. LTD	86,118	59,197	145,314	25.92	3.21
MOL GH. LTD	14,470	4,240	18,710	3.34	0.41
MSCA GH. LTD	25,042	14,503	39,545	7.05	0.87
NAVITRANS GHANA LIMITED	8,880	118	8,997	1.60	0.20
OIL & MARINE AGENCIES	**3,546**	**1,200**	**4,745**	**0.85**	**0.10**
PANALPINA GH LTD	38	0	38	0.01	0.00
PIL GHANA LTD	14,960	1,074	16,034	2.86	0.35
SAFMARINE	0	3,422	3,422	0.61	0.08
SCANSHIP GH LTD	18,016	6,230	24,246	4.32	0.54
SEATRADE SHIPPING AND LOGISTICS	300	0	300	0.05	0.01
SEVENLOG LTD	27,724	0	27,724	4.94	0.61
SILVERMARITIME GH. LTD	7,000	0	7,000	1.25	0.15
SUPERMARITIME GH. LTD	15,024	0	15,024	2.68	0.33
UNITED ARAB SHIPP. AGENCIES	5,728	0	5,728	1.02	0.13
SUB-TOTAL	**436,231**	**124,508**	**560,691**	**100.00**	**12.38**

DRY BULK					
ANTRAK GH. LTD	6	11,500	11,506	0.82	0.25
DAMCO LOGISTICS GHANA LTD.	25,000	0	25,000	1.78	0.55
GETMA GHANA LTD	5,364	0	5,364	0.38	0.12
GLOBAL CARGO & COMMODITIES	29,250	0	29,250	2.08	0.65
HULLBLYTH GHANA LTD	393,091	8,781	401,872	28.59	8.87
INCHCAPE SHIPP. SERV	0	2,012	2,012	0.14	0.04
ISAG LTD	0	16,000	16,000	1.14	0.35
MACRO SHIPP. GH. LTD	0	180,761	180,761	12.86	3.99
MSCA GHANA LTD	0	105,295	105,295	7.49	2.32
OIL & MARINE AGENCIES	91	538	629	0.04	0.01
SCANSHIP GH. LTD	0	14,596	14,596	1.04	0.32
SEVENLOG LIMITED	80,200	0	80,200	5.71	1.77
SUPERMARITIME GH. LTD	179,335	341,500	520,835	37.05	11.50
UNITED ARAB SHIPPING AGENCIES GHANA	222	0	222	0.02	0.00
WESTERN FREIGHT AND LOGISTICS	12,240	0	12,240	0.87	0.27
SUB-TOTAL	**724,798**	**680,982**	**1,405,781**	**100.00**	31.03
LIQUID BULK					
BLUESEA MARITIME AGENCY LTD	41,000	0	41,000	4.64	0.91
BULKSHIP & TRADE LTD	53,900	0	53,900	6.10	1.19
DADDO MARITIME SERV. GH. LTD	78,489	0	78,489	8.88	1.73
GETMA GH. LTD	**2,980**	**0**	**2,980**	**0.34**	0.07
HULL BLYRTH GHANA	1,337	0	1,337	0.15	0.03
INCHCAPE SHIPPING SERVICES	87,834	0	87,834	9.93	1.94
MAERSK LINE	846	0	846	0.10	0.02
OIL AND MARINE AGENCIES	586,060	0	586,060	66.27	12.94
SEA AND SHORE SERVICES GHANA LTD	27,037	0	27,037	3.06	0.60
SUPERMARITIME GHANA LTD	4,835	0	4,835	0.55	0.11
SUB-TOTAL	884,317	0	884,317	100.00	19.52
GRAND TOTAL	3,335,613	1,194,370	4,529,983	100.00	100.00

GHANA SHIPPERS' AUTHORITY

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GHANA SHIPPERS' AUTHORITY

Table 10. PERFORMANCE OF SHIPPING LINES IN GHANA'S SEABORNE TRADE – (JAN - MAR 2016)

IMPORT AND EXPORT - (TEMA & TAKORADI)

SHIPPING LINES/CHARTERER	IMPORT (mt)	EXPORT (mt)	TOTAL (mt)	% SHARE/ TRADE TYPE	%SHARE
LINER					
A.M.T	106	0	106	0.01	0.00
ADOM MBROSO COLDSTORES LTD	6,004	0	6,004	0.36	0.13
AFRICA EXPRESS LINE	4,486	7,769	12,255	0.73	0.27
ARKAS LINE	24,395	9,791	34,186	2.04	0.75
AFRICAN FISH GH. LTD	454	0	454	0.03	0.01
AMISACHI LTD	679	0	679	0.04	0.01
BBC CHARTERING & LOGISTICS	3,020	0	3,020	0.18	0.07
BOLLORE AFRICA LTD	17,338	996	18,334	1.09	0.40
CANDLER SCHIFFAHRT GMBH	4,400	0	4,400	0.26	0.10
CHINA OCEAN SHIPPING	66,225	17,279	83,504	4.97	1.84
CHINA SHIPPING	35,433	3,044	38,477	2.29	0.85
CMA CGM	42,805	33,038	75,843	4.52	1.67
CONSHIP LINE	35,495	0	35,495	2.11	0.78
CONTI GMT SHIPPING	461	0	461	0.03	0.01
COSMO SEAFOODS CO.	111	0	111	0.01	0.00
DANGOTE	85	0	85	0.01	0.00
DELMAS	6	0	6	0.00	0.00
DOLPHINE FROZEN FOODS	**1,584**	**0**	**1,584**	**0.09**	**0.03**
EAGLE WEST AFRICA SERV.	13,205	9,477	22,682	1.35	0.50
EITZEN CHEMICAL A/S	1,048	0	1,048	0.06	0.02
EUKOR CAR CARRIERS	639	0	639	0.04	0.01
EVERGREEN SHIPPING LINE	210	1,382	1,592	0.09	0.04
FERTICHIM	15,700	0	15,700	0.93	0.35
FOUTA GENERAL MERCHANDISE LTD	6,000	0	6,000	0.36	0.13
GLOVIS	3,744	0	3,744	0.22	0.08
GMT SHIPPING	115	0	115	0.01	0.00
GOLD STAR LINE	36,822	22,090	58,912	3.51	1.30
GOLD STAR FISH CO. LTD	1,989	0	1,989	0.12	0.04
GRIMALDI LINES	40,973	12,005	52,978	3.16	1.17
HANJIN SHIPPING	12,613	12,848	25,461	1.52	0.56
HAPAG-LLOYD	50,478	46,845	97,323	5.80	2.15
HB SHIPPING	32	0	32	0.00	0.00
HC TRADING	8,914	2,554	11,468	0.68	0.25
HOEGH AUTOLINERS	4,038	198	4,236	0.25	0.09
HUAL AUTOLINERS	2	0	2	0.00	0.00
I.M.T	2,876	1,550	4,426	0.26	0.10

IMC SHIPPING	664	0	664	0.04	0.01
J. MARR (SEAFOODS) LTD.	14,824	0	14,824	0.88	0.33
K' LINE	905	0	905	0.05	0.02
LOUIS DREYFUS COMMODITIES	9,965	0	9,965	0.59	0.22
MAERSK LINE	338,302	43,734	382,036	22.75	8.43
MEDITERRANEAN SHIPPING CO.	137,704	53,176	190,880	11.37	4.21
MESSINA LINES	9,643	4,292	13,935	0.83	0.31
MITSUI O.S.K LINES	57,841	22,280	80,121	4.77	1.77
NIPPON YUSEN KAISHA	335	0	335	0.02	0.01
NMT LINES	504	0	504	0.03	0.01
OCEAN FARE CO. LTD	1,570	0	1,570	0.09	0.03
OCEANCREST TRANSPORT INC.	27,000	0	27,000	1.61	0.60
OLAM GHANA	10,001	0	10,001	0.60	0.22
OTAL	20,088	0	20,088	1.20	0.44
OTHER	32,929	0	32,929	1.96	0.73
PACIFIC INTL LINE	57,605	15,541	73,146	4.36	1.61
PIONEER FOOD CANNERY LTD	1,235	0	1,235	0.07	0.03
POSEIDON SCHIFFAHRT GMBH	3,952	0	3,952	0.24	0.09
PORTSIDE SHIPPING LINES	0	42	42	0.00	0.00
RAFFLES SHIP CHARTERING	7,500	0	7,500	0.45	0.17
SAFMARINE	428	23,271	23,699	1.41	0.52
SALLAUM LINES	555	0	555	0.03	0.01
SEABOARD OVERSEAS LTD	13,492	0	13,492	0.80	0.30
SEAFISH TRADE	0	0	0	0.00	0.00
SEVENLOG	57,919	0	57,919	3.45	1.28
TEAM TANKERS VENTURES LTD	2,090	0	2,090	0.12	0.05
TED SHIPPING	61	0	61	0.00	0.00
TOPSHEEN SHIPP. GROUP LTD	58	0	58	0.00	0.00
TRUSTLINK VENTURES LTD	2,104	0	2,104	0.13	0.05
THORCO SHIPPING A/S	0	3,602	3,602	0.21	0.08
UNITED ARAB SHIPP. CO	20,981	23,578	44,559	2.65	0.98
UNSPECIFIED SHIPP. LINE	1,059	0	1,059	0.06	0.02
UNIVERSAL AFRICA LINE	5,906	1,100	7,006	0.42	0.15
VAN BLOOM SHIPP. LTD	1,278	0	1,278	0.08	0.03
VOLTA ALUMINIUM CO.	0	2,800	2,800	0.17	0.06
WE 2 SEAFOODS CO. LTD	2,675	0	2,675	0.16	0.06
ZIM LINE	6,583	14,597	21,180	1.26	0.47
ZOLA MARITIME	25	0	25	0.00	0.00
SUB-TOTAL	1,290,267	388,879	1,679,146	100.00	37.07
BREAK BULK					
ADVANCED MARITIME TAKORADI	48	0	48	0.01	0.00
AFRICA EXPRESS LINE	8	0	8	0.00	0.00
ARKAS LINE	1,123	0	1,123	0.20	0.02
BBC CHARTERING & LOGISTICS	1	0	1	0.00	0.00

BOLLORE AFRICA LTD	49	1,539	1,589	0.28	0.04
CARIN	0	0	0	0.00	0.00
CHINA OCEAN SHIPPING	46,667	5,598	52,265	9.32	1.15
CHINA SHIPPING	8,880	0	8,880	1.58	0.20
CMA CGM	13,022	8,678	21,699	3.87	0.48
CONSHIP LINES	4,085	0	4,085	0.73	0.09
CONTI GMT SHIPPING	35,612	0	35,612	6.35	0.79
ED&F MAN SHIPPING	13,600	0	13,600	2.43	0.30
EVERGREEN SHIPPING LINE	1,061	276	1,338	0.24	0.03
FOUTA GENERAL MERCHANDISE LTD	29,805	0	29,805	5.32	0.66
GOLD STAR LINE	5,737	12,667	18,404	3.28	0.41
GRIMALDI LINES	3,298	750	4,048	0.72	0.09
HANJIN SHIPPING	3,114	3,260	6,375	1.14	0.14
HAPAG-LLOYD	3,546	1,200	4,745	0.85	0.10
HC TRADING	**501**	**2,489**	**2,990**	**0.53**	**0.07**
HOEGH AUTOLINERS	116	0	116	0.02	0.00
I.M.T	1	0	1	0.00	0.00
IMC SHIPPING	3,516	0	3,516	0.63	0.08
MAERSK LINE	86,118	59,097	145,214	25.90	3.21
MEDITERRANEAN SHIPP. CO	25,042	14,503	39,545	7.05	0.87
MESSINA LINES	753	0	753	0.13	0.02
MITSUI O.S.K. LINES	14,470	4,240	18,710	3.34	0.41
NIPPON YUSEN KAISHA	23	0	23	0.00	0.00
NMT LINES	0	0	0	0.00	0.00
OCEANCREST TRANSPORT INC	0	0	0	0.00	0.00
OLAM GH. LTD	16,494	0	16,494	2.94	0.36
OTHER	26,192	0	26,192	4.67	0.58
PACIFIC INT'L. LINES	14,960	2,192	17,152	3.06	0.38
ROYAL BOW CO. LTD	51,700	0	51,700	9.22	1.14
SALLAUM LINES	1	0	1	0.00	0.00
SAFMARINE	0	3,422	3,422	0.61	0.08
SEVENLOG	5,931	0	5,931	1.06	0.13
TED SHIPPING	4,726	0	4,726	0.84	0.10
TOPSHEEN SHIPPING GROUP LTD	6,954	0	6,954	1.24	0.15
UNITED ARAB SHIPP. CO.	5,728	4,498	10,226	1.82	0.23
UNIVERSAL AFRICA LINE	1,805	0	1,805	0.32	0.04
VAN BLOOM SHIPPING	1,415	0	1,415	0.25	0.03
VITOL SA	1	0	1	0.00	0.00
ZIM LINE	125	0	125	0.02	0.00
SUB-TOTAL	**436,231**	**124,408**	**560,639**	**100.00**	**12.38**
DRY BULK					
ARKAS LINE	0	2,281	2281	0.16	0.05
BOLLORE LINES	6	11,500	11506	0.82	0.25

CARMEUS TRADING	12,240	0	12240	0.87	0.27
CHINA OCEAN SHIPPING	0	14,596	14596	1.04	0.32
DANGOTE	27,750	0	27750	1.97	0.61
GOLD STAR LINE	0	16,000	16000	1.14	0.35
HAPAG-LLOYD	91	538	629	0.04	0.01
HC TRADING	393,091	6,500	399591	28.42	8.82
I.M.T	51,010	481,661	532671	37.89	11.76
LOUIS DREYFUS COMMODITIES	5,364	0	5364	0.38	0.12
MACRO SHIPPING	0	27,100	27100	1.93	0.60
MEDITERRANEAN SHIPP. CO	0	105,295	105295	7.49	2.32
NORDANA LINE	5,000	0	5000	0.36	0.11
OCEANCREST TRANSPORT INC.	25,000	0	25000	1.78	0.55
OLAM GHANA	1,500	0	1500	0.11	0.03
OTHER	0	2,012	2012	0.14	0.04
SAFMARINE	0	102	102	0.01	0.00
SEABOARD OVERSEAS LTD	4,625	0	4625	0.33	0.10
SEVENLOG	40,200	0	40200	2.86	0.89
SPLIETHOFF	0	13,500	13500	0.96	0.30
TRANSBULK SHIPPING	40,000	0	40000	2.85	0.88
UNITED ARAB SHIPP. CO	222	0	222	0.02	0.00
VAN BLOOM SHIPPING LTD	118,700	0	118700	8.44	2.62
SUB-TOTAL	**724,798**	**681,084**	**1,405,883**	**100.00**	**31.04**
LIQUID BULK					
BLUE OCEAN	79,481	0	79,481	8.99	1.75
BLUE/ EBONY	18,452	0	18,452	2.09	0.41
BOST	191,613	0	191,613	21.67	4.23
CHASE PETROLEUM	72,166	0	72,166	8.16	1.59
EBONY OIL & GAS	60,030	0	60,030	6.79	1.33
EBONY/ BLUE OCEAN	15,270	0	15,270	1.73	0.34
FUELTRADE	24,508	0	24,508	2.77	0.54
GLENCORE	26,390	0	26,390	2.98	0.58
HAPAG-LLOYD	119,921	0	119,921	13.56	2.65
HC TRADING	1,337	0	1,337	0.15	0.03
I.M.T	4,835	0	4,835	0.55	0.11
LANONARK SHIPPING	2,980	0	2,980	0.34	0.07
MAERSK LINE	846	0	846	0.10	0.02
OTHER	104,582	0	104,582	11.83	2.31
P.W.S.L.	35,879	0	35,879	4.06	0.79
PETROINEOS TRADING LTD	20,013	0	20,013	2.26	0.44
VIHAMA/JUWELL	38,017	0	38,017	4.30	0.84
VOLTA RIVER AUTHORITY	67,997	0	67,997	7.69	1.50
SUB-TOTAL	**884,317**	**0**	**884,317**	**100.00**	**19.52**
GRAND TOTAL	**3,335,613**	**1,194,371**	**4,529,984**	**100.00**	**100.00**

OFFICE ACCOMMODATION

FOR RENT OR LEASE

The Ghana Shippers' Authority has office accommodation in the Takoradi Shippers House for rent or lease.

FACILITIES INCLUDE:

- **LARGE CONFERENCE FACILITY WITH CAPACITY OF 350 PERSONS**
- **MINI CONFERENCE HALL WITH CAPACITY OF 60 PERSONS**
- **RESTAURANT**
- **UNINTERRUPTED POWER SUPPLY**
- **CAR PARK WITH SECURITY.**

LOCATION:
Chapel Hill, Takoradi Port Business Area

CONTACT:
The Branch Manager, Ghana Shippers' Authority,
Takoradi Shippers Centre, Chapel Hill, Takoradi.
P. O. Box 902. Tel: 03120-21739. Email: gsatdi@shippers.org.gh

PROFILE OF COMMISSIONER, CUSTOMS DIVISION OF GRA

Mr. John Vianney Kuudamnuru - Commissioner, Customs Division of GRA

Mr. John Vianney Kuudamnuru was appointed into the Ghana Customs in 1982, after graduating from the University of Ghana, Legon.As a Career Customs officer, he acquired and developed competencies in Tax Administration in the Classification of goods in International Trade using the Harmonized System, the Valuation of Imported goods under the WTO Valuation Agreement and Customs Modernization Techniques.

Mr. Kuudamnuru has served in various capacities in the Customs Division of the Ghana Revenue Authority.Some of the major positions he has held include

Assistant Commissioner - Post Event Monitoring, Assistant Commissioner - Valuation, Sector Commander - Ho Collection, Assistant Commissioner -Import and Export and Sector Commander - Tema Collection.

In July 2015, His Excellency, President John Dramani Mahama, appointed Mr. Kuudamnuru to the high office of Commissioner, Customs Division of the Ghana Revenue Authority.

He was a member of Customs Expert team to Liberia to help restructure the operations of the Liberia Customs after their Civil war.

He also served on a number of committees; including Customs Valuation Project (Bankswitch), Harmonized System and Customs Tariff Schedules (2004, 2007, 2012 Ghana Tariff) and WTO Valuation and Destination scheme in Ghana.

He is currently a member of the Governing Board of the Ghana Shippers' Authority.

Mr. Kuudamnuru is a native of Nandom from the Upper West Region of Ghana and married with four children and loves playing and watching football.

THE DR. MBIAH PRIZE FOR BEST AFRICAN SCHOLAR AT IMLI

Major Alice Muringo Mate receiving the Dr. MbiahPrize for the Best Performing African Scholar from Dr. Kofi Mbiah, at IMLI

The IMO International Maritime Law Institute (IMLI) recently held its 27th Annual Speech and Prize Giving Day and Graduation ceremony in Valletta, Malta. The ceremony was graced by the presence of the Secretary General of the International Maritime Organization (IMO), Mr. Kitack Lim.

IMLI was set up by the International Maritime Organization (IMO) to train lawyers especially from developing countries with a view to developing capacity for maritime legislation drafting and specialization in maritime law.

This year, nine prizes were awarded including two new prizes, namely, the Dr. Kofi Mbiah Prize for Best Performing African Scholar, and the Chartered Institute of Logistics and Transport (Malta) Prize for best performance in Maritime Transport Law.

The Dr. Kofi Mbiah Prize for best African scholar was awarded to Major Alice Muringo Mate from Kenya.

Dr. Kofi Mbiah, who is the Chairman of the Legal Committee of the IMO and a member of the IMLI Governing Board, is also the Chairman of the Union of African Shippers' Councils. Dr. Mbiah presented the prize at a colourful ceremony held at the premises of the Maritime Museum in Malta.

In instituting the award, Dr. Mbiah indicated that, over the next five years, the award would go to the Best Performing African Scholar.

He said maritime law remains a very specialized area of the law requiring high level instruction, guidance and tuition which IMLI offers. He said IMLI has over the years trained maritime lawyers who now serve in various capacities and are increasingly contributing to the work of the International Maritime Organization. "They are not only representing their countries at the Legal Committee of the IMO and helping to create legal instruments in the factory of international maritime law but also advising their governments on matters relating to shipping, ocean affairs, the marine environment and the law of the sea" said Dr. Mbiah.

Dr. Mbiah believes that this award will spur on African students at IMLI and encourage them to perform at the highest level of their governments and in the development of international maritime law instruments. He said it was his hope that the prize will engender further interest in Maritime Law in Africa and help to create a cadre of experts who can hold their own against the best from any part of the globe. He said this prize was his little contribution of giving back to IMLI, the institution of which he is an alumni.

WORKING VISIT BY KENYA MARITIME AUTHORITY DELEGATION TO THE GHANA SHIPPERS' AUTHORITY

The Ghana Shippers' Authority on the 18th July 2016 welcomed a six member delegation from Kenya Maritime Authority (KMA) on a 5-day working visit to Ghana.

The aim of the visit was to acquaint themselves with the operations of key stakeholders in Ghana's maritime sector especially in relation to benchmarking the Ghana Shippers' Authority's collaboration with other stakeholders in the negotiation of charges and service quality standards for the benefit of the shipper.

The leader of the delegation, Mr Jack Wasonga, intimated that as part of their efforts to restructure some of their operations, the KMA decided to undertake working visits to Ghana and Tanzania. He mentioned that the selection of the Ghana Shippers' Authority as the focal agency was informed by the fact that it was one of the leading shippers' organisations in Africa, which has adopted innovative approaches to providing shipping solution to Shippers.

The delegation had very fruitful engagements with the Management of GSA, the Ghana Ports and Harbours Authority, the Ghana Institute of Freight Forwarders, and the Customs Brokers and House Agents (CUBAG).

The Kenya Maritime Authority was set up in June 2004 as the semi-autonomous agency in charge of regulatory oversight over the Kenyan maritime industry. Maritime safety and security and Commercial Maritime Activities are two of the key functions of the KMA.

EXECUTIVES OF WESTERN REGIONAL SHIPPER COMMITTEE VISIT NEW FACILITY FOR SAFEBOND COMPANY LTD OPERATIONS IN TAKORADI

Mr. Asante (in the middle) responding to questions from the delegation

A delegation of executives of the Western Regional Shipper Committee (WRSC) led by its Chairman J. K. Addison on 14th July, 2016 visited the new site earmarked for the operations of Safebond Company Ltd (SCL) in Takoradi.

The Takoradi Branch of SCL started operations in 2004 at the Takoradi port with the mandate of undertaking shore-handling activities for general cargo and vehicles.

Following expansion works being carried out at the Takoradi Port and the need for extra space, SCL had to look for an alternative location to undertake its activities. The company consequently acquired a 4.5 acre site at Effia (near Takoradi Gas Co. Ltd) to expend its operations and capacity for parking more imported vehicles prior to clearance.

According to the Terminal Manager of SCL, Collins O. Asante, when the company commences operations at the new site, hopefully in August 2016, shippers will no longer need to go the Takoradi Port to clear their vehicles but rather the new site where all their documents will be processed for them to clear their vehicles.

According to Mr. Asante the facility has a capacity of 3,500 vehicles and has offices for Customs officers. He added that the facility has CCTV cameras and a 24 hour security.

"In the near future, the facility will have a bank to serve customers and it is my hope that this facility will serve as a preferable location for clearing vehicles, especially for shippers from the Central Region, Ashanti Region and beyond", Mr Asante indicated.

The delegation was accompanied by the R. H. Barnes, the Takoradi Branch Manager of the Ghana Shippers' Authority.

The yard for parking vehicles

GSA SENSITIZES SHIPPING PUBLIC ON GHANA NATIONAL SINGLE WINDOW

In line with the Authority's mandate of promoting and protecting the interest of Shippers in Ghana, the Ghana Shippers' Authority, in collaboration with West Blue Consulting organized a series of forums in the country to sensitize the shipping community and the public at large on the Ghana National Single Window (GNSW) project.

The GNSW project was initiated by the Government of Ghana in September 2015,as a secured platform that facilitates the exchange of information between import/export businesses and the Government of Ghana with the view to enhancing the country's trade and economic development and secure government revenue.

The project which is being facilitated by West Blue Consulting, has provided the technical, architectural and administrative support to the Customs Division of the Ghana Revenue Authority to take over the pre-arrival classification and valuation process for imports.

Following the implementation, there was a general call from shippers, especially members of the Authority's Regional Shipper Committees across the 10 regions of the country, to undertake sensitization of the project.

The focus of the sensitization was on Ghana's current status and plans to integrate all stakeholders involved in international trade and Customs clearance on to a single platform called, the Single Window. This will greatly speed up the flow of goods along the value chain, reduce costs and increase predictability which are all key factors in trade competiveness.

These sensitizations were carried out over the past four months at Tema, Kumasi, Tamale, Takoradi, etc. with tremendous responses from shippers.

IMPLEMENTATION OF THE IMO CONTAINER WEIGHT VERIFICATION REQUIREMENT IN GHANA - *RIGHT FIRST STEPS?*

The implementation of the IMO mandatory container weight verification (CWV) took off in Ghana, as in many other countries on 1st July, 2016 through the collaborative efforts of key stakeholders such as the Ghana Shippers' Authority, Ghana Standards Authority, Ghana Ports & Harbours Authority, Ship Owners & Agents Association of Ghana and the Ghana Maritime Authority under the auspices of the Ministry of Transport.

Some of the tasks undertaken by the key stakeholders for the implementation included constitution of a Technical Committee, the calibration and certification of over 50 weigh bridges and scales, sensitization of Exporters across the country and general publicity on the implementation.

Following the take off, the Ghana Shippers' Authority instituted regular monitoring of the system to identify and address any teething problems that may threaten the smooth implementation of the IMO requirement.

In line with the foregoing, the Authority held a stakeholders meeting on 19th July, 2016 to validate and address the teething problems identified.

Key issues that came up includes:

- Increased operational costs to some shippers, as a result of logistical arrangements between storage points and weighing points.
- Delays at the designated weighing and documentation points
- Challenges with mode of transmitting the CWV and associated costs.
- Concerns about the manual input of the CWV into mobile devices.
- Demands for CWV compliance Certificate from shippers at the Port gate.

After a lengthy discussions on the issues, participants built consensus on a number of the issues, especially as the implementation had just started, and flagged the others for further consultations and discussion.

Present at the meeting were representatives from the Ghana Ports and Harbours Authority, Ghana Standards Authority, Ghana National Chamber of Commerce & Industry, Ghana Chamber of Mines, Association of Ghana Industries and private weighbridge owners such as the Olam, Cocoa Processing, Cocoa Marketing Company, Pioneer Food Cannery Ltd, Cargil Ghana Ltd, Golden Exotics, Sam Valley Farms, amongst others.

The Ghana Shippers' Authority reiterated its call on shipping services providers to ensure that there is sufficient flexibility and options for shippers' regarding the methods used and mode of transmission of the CWV.

GLOBAL SHIPPERS' FORUM ANNUAL MEETING

27th – 30th July 2016 at Colombo Sri Lanka

Organised by Sri Lanka Shippers' Council in conjunction with the Global Shippers' Forum

RISING SURCHARGES AND TERMINAL HANDLING CHARGES TOP THE AGENDA FOR THE GLOBAL SHIPPERS FORUM AGM

INTRODUCTION.

The impositions of terminal handling charges and surcharges dominated discussion at the 2016 Annual General Meeting of the Global Shippers' forum held in Colombo, Sri Lanka.

Shippers in the worlds' major trading regions, including Europe, North America Asia and Africa bemoaned the impositions of these charges and their impact on their competitiveness.

The meeting noted that these charges remained a key issue for shippers in Africa and Asia much of the developing world.

The GSF is the international non-governmental organization and trade association representing the interests of shippers as users of international freight services on regulatory, operational and trade issues concerned with all aspects of the global supply chain covering all modes of transport.

The Annual General meeting is a time to deliberate and consider issues affecting shippers in their international trade and transport transactions.

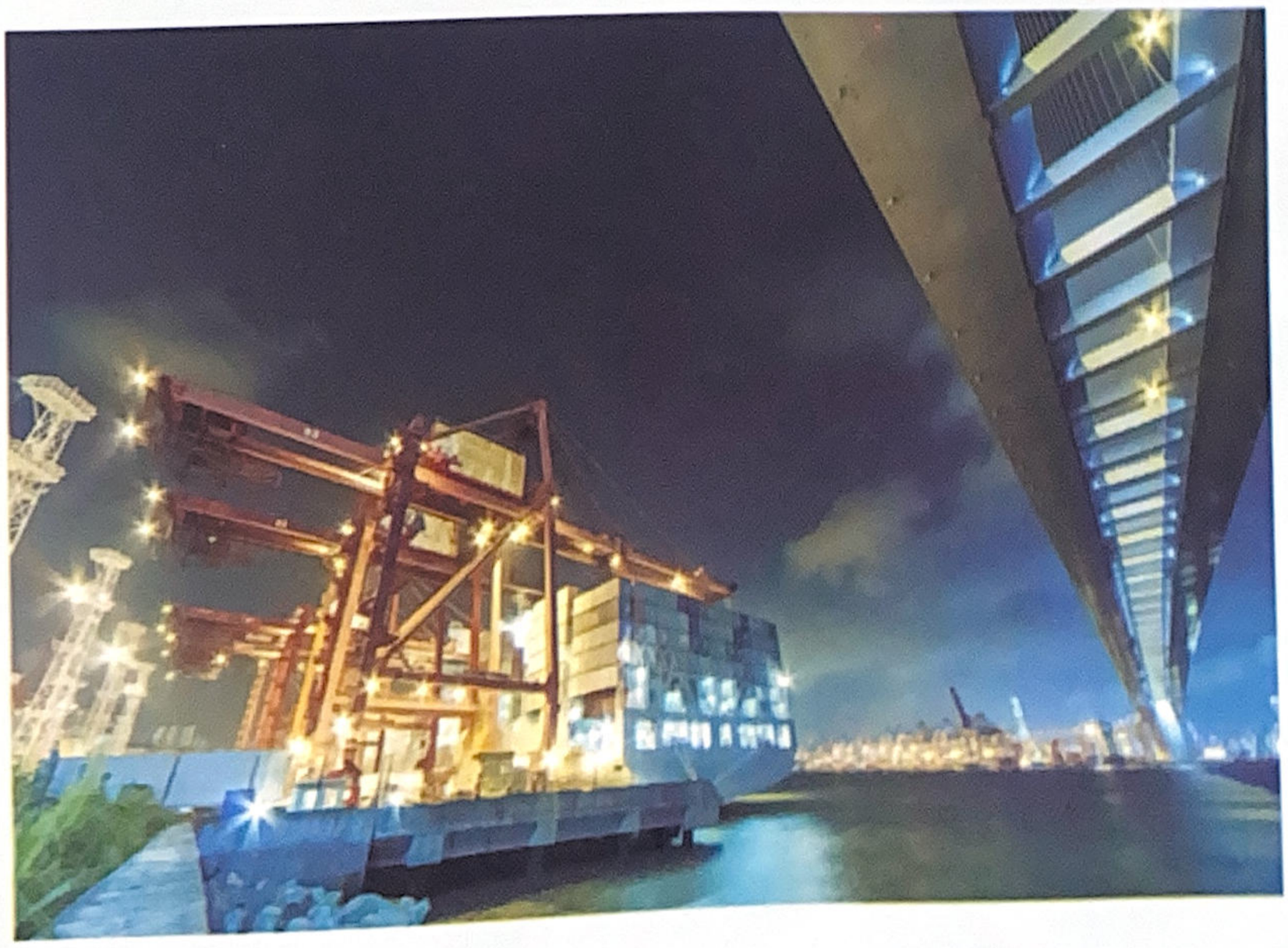
The Agenda items discussed during their annual meeting included, but not limited to

1.Surcharges and Terminal Handling Charges
2.Customs, Security and Trade Facilitation
3.Mega Ships, Alliances and Competition Policy
4.IMO Rules On Container Weight Verification and
5.Air Cargo Activities and consequences for Shipper

SURCHARGES AND TERMINAL HANDLING CHARGES

The levying and imposition of pre-shipment charges and surcharges remains a key issue for shippers in Africa, Asia and much of the developing world. The problem is either nonexistent or minimal in Europe, North America and Australasia, which is mainly due to the superior bargaining power of shippers and antitrust laws and regulatory measures which have largely removed the problem.

Experiences from some member countries such as Sri Lanka, United Kingdom, Nigeria, Hong Kong, Ghana, the Union of African Shippers Councils, (UASC) indicate that to a large extent this menace remains a challenge to international trade and transport competitiveness.



A section of Delegates of Global Shipper Forum

CUSTOMS, SECURITY AND TRADE FACILITATION

In a joint UNCTAD/WCO session, GSF noted that the levying of surcharges amounted to a non-tariff trade barrier and was damaging to the development of international trade. It is also likely to be a contributory factor to the fact that the international transport costs for countries in Africa and Oceania are, according to UNCTAD, 40-70 per cent more on average than developed countries.

It is important to note that the full benefits of trade facilitation will only be realized when it is fully implemented across all transport modes. It is reckoned that improvement in trade facilitation will reduce trade cost by 14.3%, create jobs and income opportunities, improve export performance, increase competitiveness of firms, lead to poverty reduction and increase economic growth.

INCOTERMS

Incoterms set out the key responsibility of buyers and sellers in international trade. The International Chamber of Commerce (ICC) has been working on new guidance on transport and the INCOTERMS 2010 rules. It sets out new guidance dealing with the apportionment of costs, tasks and risks relating to the delivery of goods.

Shippers were encouraged to use the right INCOTERM as the use of the appropriate INCOTERMS may provide insights into finding commercial solutions dealing with pre-shipment surcharges and other charges.

CAMPAIGN TO TACKLE THE PROBLEM OF SURCHARGES AND FOB ADD-ONS

In order to tackle the problem of surcharges the meeting was of the view the GSF should continue the campaign for best practice in 2016/2017 and to ensure the following:

1.Withdraw anti-trust immunity for shipping services where such exemptions exist
2.Promote fair and equitable contracts through the GSF/BIMCO container contract
3. Promote use of all-in-rates
4.Challenge service providers directly to justify their add-on-services and surcharges
5.Promote the use of INCOTERMS and the use of the FCA term in sales contract between buyers and sellers to enhance the joint bargaining power of shippers.
6.Explore opportunities for establishing shipper associations to enter into collective buying agreements for SMEs subject to anti-trust laws.
7.Working with international bodies such as UNCTAD, WTO, OECD and the World Bank to undertake further analysis of the potential barriers to trade resulting from add-on charges and surcharges.

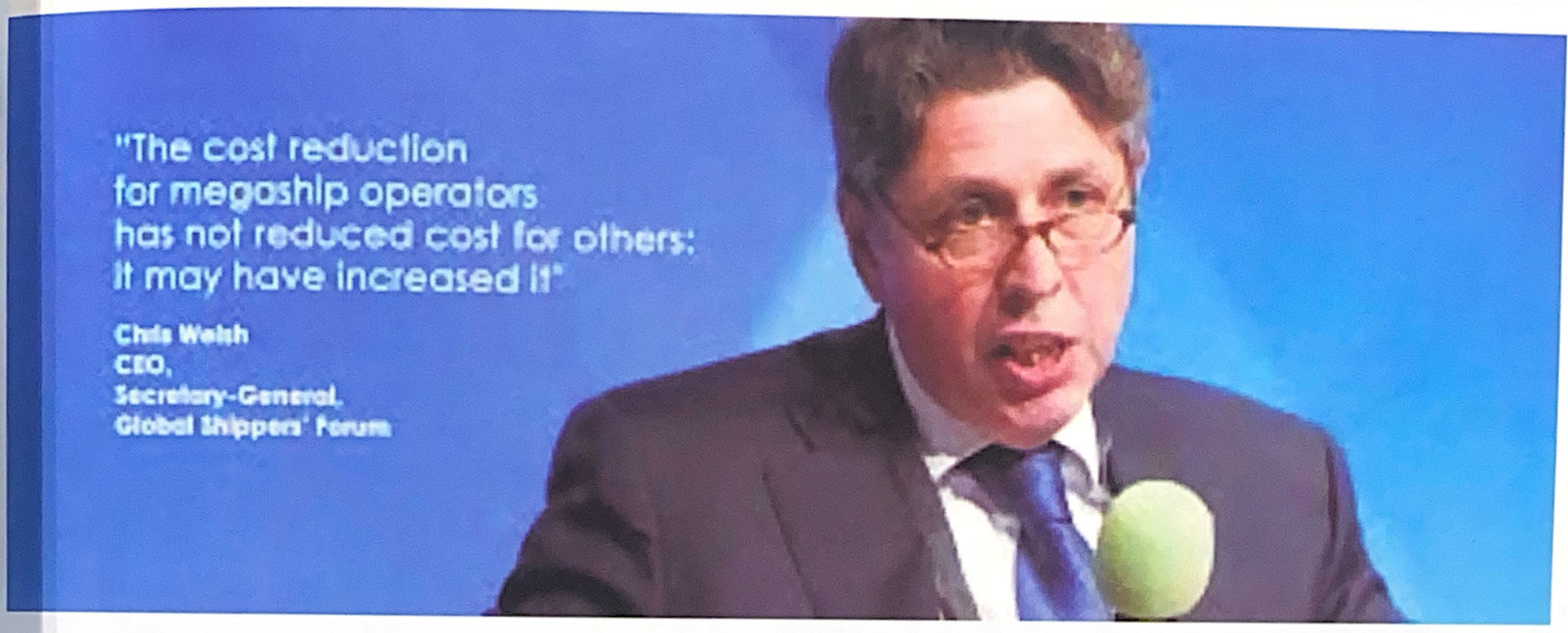
8. OTHER MEASURES

- The use of the media issuing out press releases on the matter
- Also that shippers can request for binding or mandatory arbitration especially with the African group to be put in the contract.
- Set time to let the industry to change their business ethical practice and to be transparent in all their business ethics/model.
- Corporate governance requires everybody to be in compliance by meeting their obligations-Shipping lines.

• Use NGOs to name and shame these lines which are engaged in excesses.

The situation has put severe pressure on the mega ship business model for it has not being able to

carriers. This has, in part, been due to a number of recent mergers and acquisitions and demands from



THE EMERGING MARITIME MARKET

MEGA SHIPS, ALLIANCES AND COMPETITION POLICY- CONSEQUENCES FOR SHIPPERS

At the Annual General meeting the issue and concerns of shippers with mergers, acquisition and alliances of mega ships was high on the agenda and was discussed very thoroughly as to how best these alliances and mergers do not affect the competition and thereby services to the shipper.

The meeting noted that the first half of 2016, has seen a slow down in international trade following from the financial crisis in 2008, which has continued even up to 2015 with shipping analyst predicting that this economic situation will continue.

This financial and trading position has been affected by two key factors: the slowdown in the Chinese economy resulting from a slow recovery in the Organisation for Economic Co-operation and Development (OECD) economies, and unparalleled investment in container ships, particularly in the so-called mega vessels of 18,000 plus TEUs category of ships."

meet promises of service enhancements. These Ultra large vessels are dependent on near full utilization factors to achieve cost reduction and the necessary economies of scale which is so crucial to their business model's success.

What has happened in the industry is that mega ships have forged new and ever larger alliances to shore up the business model. There have been on-going attempts at realignment of alliances by the so called 'super league' of larger

regulators and competition authorities to make adjustments on competition grounds. Example of such acquisitions is the CMA-CGM acquisition of NOL/APL, the European Commission competition authorities sought key changes to CMA-CGM's alliance and vessel sharing arrangement as a result of possible competition restrictions arising former NOL/APL's former alliance and vessels sharing agreements.

The GSF's response to alliances and vessel sharing agreements is

CHAIRMAN OF UASC MEETS WITH SECRETARY GENERAL OF GSF

Dr Kofi Mbiah, Chief Executive of the Ghana Shippers' Authority and Chairman of the Union of African Shippers Councils (UASC), met with Mr. Chris Welsh, Secretary General of the Global Shippers Forum (GSF) on the sidelines of the Annual General Meeting of the Global Shippers Forum.

The Global Shippers Forum is the organization representing shippers in all the world's major trading regions, including Europe, Asia, North America and Africa. This year's Annual General Meeting took place in Colombo, Sri Lanka from the 25th - 30th of July 2016. The meeting was hosted by the Sri Lanka Shippers' Council, which also celebrated the 50th anniversary of its establishment.

The meeting discussed a number of current issues of global trade affecting shippers. In particular, the meeting discussed the imposition of surcharges by Shipping Lines and raised concerns about the impact it was having on the increasing costs of shippers. The meeting noted that these surcharges had the effect of a non tariff trade barrier thus weakening the competitiveness of shippers. Notable among these were Terminal Handling Charges imposed on various trades. The meeting resolved to catalogue the instances of these impositions and refer the matter to the EU Commission competition directorate for necessary action.

The Meeting also discussed the effect of Mega Alliances within the framework of anti-trust and competition rules and noted the presence of competition authorities in Australia and other countries. Among the concerns expressed were the inability of the lines to live up to expectation with respect to the promises of improved service and lower costs as a result of these alliances. On the contrary these mega alliances and mergers had the effect of stifling competition.

Another major issue discussed was the implementation of the SOLAS amendment dealing with container weight verification. The meeting noted that while it had taken off smoothly in most parts of the world, the issue of unwarranted charges by some freight forwarders and other commercial parties was disturbing and worrying.

Members called on the GSF to issue a statement to the trade that charges were unwarranted and where necessitated by special circumstances, they must be only for cost recovery. It also decided to send a statement of concern to the IMO in that regard.

Other subjects discussed included the emission of greenhouse gases and sulphur emissions from ships and the levies imposed on shippers by shipping lines as a result of new regulations on the reduction of greenhouse gases and sulphur emissions.

The meeting also dealt with air cargo transportation and the need to reduce lead times required by shippers but with least costs.

EASTERN REGIONAL SHIPPER COMMITTEE VISITS BLUE SKIES

Members of the Eastern Regional Shipper Committee (ERSC) of the Ghana Shippers' Authority (GSA) paid an educational visit to Blue Skies Ltd on Wednesday, August 10, 2016 as part of its Programme of Activities for the year 2016. The members of the Committee comprise producers and exporters of horticultural products, textiles and handicraft, importers as well as relevant government agencies.The visit to Blue Skies Limited was to afford members insight into the shipping and logistics operations of a fruit processing company.

Briefing members on the operations of the company, Mr Alistair Djimatey, the Public Relations Manager, stated that Blueskies was established 19 years in Ghana with a unique business structure known as the Joint Effort Enterprise which integrates diversified efforts for optimum growth. He revealed that the company currently operates 8factories in the following countries; Brazil, South Africa, Egypt and the United Kingdom with a pack house in Senegal.

He also noted that Blueskies as a free zones company, deals in mainly Tropical fruits (mangoes, pineapples & papaya) and currently supplies these fruits to about 15 premium supermarkets in Europe according to their specifications, with just 4% of their produce on the Ghanaian market.

Mr Djimatey said the company currently produced about 180 different products and exported about 50,000 tons of cut fruits to Europe each year. He added that the company is currently working with about 150 farms with 51 foundation projects in Ghana, and emphasized that it was currently the highest private sector employer in Ghana with 3,788 employees.

He noted that Blueskies operates with a model built on a family structure and distinctive culture in

order to remain profitable in the market. He called for the prioritization of the Agricultural Sector, to fuel Ghana's economy and improve the general livelihood of the people.

The PR Manager also revealed that Blueskies had remained resilient despite the unfriendly export environment which is characterized by low production of raw materials, erratic power supply and poor roads to transport products.

He called for the strengthening of standards of production and introduction of policies that would enable the sustainable growth of Ghana's agricultural sector.

Blueskies, as part of their corporate social responsibility had built about 20 schools in the rural communities and 55 projects such as mechanised boreholes, health facilities and basic amenities to the rural areas. He enumerated some activities the company had undertaken to enhance the welfare of their farmers, whom the company considered as partners.

To develop and encourage the interest of the youth in agriculture, the company introduced the Future Farmers Programme in 2nd cycle institutions across the country to reward the best school farm each year. About 32 schools have benefitted so far and more where being considered for this year. The schools, he said, are supported in various ways with scholarships and other aids.

He reiterated the immense potential in the agricultural sector and entreated businesses to add value at source to make products more attractive to boost Ghana's export.

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SHIPPING REVIEW

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STREAMLINING DUTY DRAWBACK PROCESS IN GHANA

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TERMINAL HANDLING CHARGES ABOLISHED IN GHANA

MARITIME ARBITRATION: A TOOL FOR TRADE FACILITATION IN SUB-SAHARAN AFRICA

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SHIPPING REVIEW

GHANA'S AUTHORITATIVE QUARTERLY MARITIME JOURNAL

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Our Vision

To be a world class service organisation that ensures for Shippers in Ghana, quick, safe and reliable delivery of import and export cargoes by all modes of transport at optimum cost.

Our Mission

To effectively and efficiently protect and promote the interest of shippers' in Ghana's commercial shipping sector in relation to international trade and transport logistics.

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GHANA SHIPPERS' AUTHORITY

DON'T PAY MORE THAN THESE NEGOTIATED RATES

Acting under the auspices of the Ministry of Transport and in accordance with the Ghana Shippers' Authority Regulation, 2012, (L.I. 2190) the Ghana Shippers' Authority has on behalf of Shippers concluded negotiation of charges administered by the Ghana Ports and Harbours Authority and the Terminal Operators as follows:

A. HANDLING CHARGES (CONVENTIONAL CARGO)

CONVENTIONAL CARGO	SERVICE	IMPORTS Per TONNE GHC	EXPORTS Per TONNE GHC
1.Lifts up to 5 Tonnes	-Direct Handling	4.68	3.30
	-Indirect Handling	9.36	6.60
2.Lifts 6 to 10 Tonnes	-Direct Handling	8.19	5.50
	-Indirect Handling	18.72	13.20
3. Lifts above 10 Tonnes	-Direct Handling	11.70	8.80
	Indirect Handling	27.50	19.25

B. HANDLING CHARGES (UNPACKED VEHICLES)

B. HANDLING CHARGES (UNPACKED VEHICLES)

UNPACKED VEHICLES	SERVICE	IMPORTS Per Unit GHC	EXPORTS Per Unit GHC	Transfer to/from ICDs Per Unit-GHC	
				IMPORT	EXPORT
1.Saloon Car	-Drivable	72.54	50.60	38.03	27.50
	-Non drivable	108.81	75.90	57.33	40.70
2.Mini Vehicle	- Drivable	163.22	113.30	85.41	60.50
	-Non drivable	244.53	169.40	127.53	90.20
3.Utility Vehicle	- Drivable	226.40	156.75	118.17	83.60
	-Non drivable	339.30	234.30	176.67	124.85
4.Trailer Unit	-Drivable	226.40	156.75	118.17	83.60
	-Non drivable	339.30	234.30	176.67	124.85
5.Motor Bike	-Drivable	27.50	19.25	15.21	11.00
	-Non drivable	41.54	29.15	22.23	12.10

C. HANDLING CHARGES (CONTAINERISED- IMPORTS/EXPORTS)

C. HANDLING CHARGES (CONTAINERISED- IMPORTS/EXPORTS)

1.Terminal Handling	SERVICE	IMPORTS Per TEU Stuffed Cont. GHC	EXPORTS Per TEU Stuffed Cont. GHC
a.Container with General Goods	-Direct Handling	65.52	45.65
	-Indirect Handling	220.00	113.30
b. Container with Dangerous Goods (I)	-Direct Handling	122.27	84.70
	-Indirect Handling	305.37	211.20
c. Container with Dangerous Goods (II)	-Direct Handling	81.90	57.75
	-Indirect Handling	203.58	143.55
2.Stuffing/Un stuffing	SERVICE	IMPORTS Per TEU Stuffed Cont. GHC	EXPORTS Per TEU Stuffed Cont. GHC
a.Container with General Goods	-FLC	241.61	209.00
	-LCL (Groupage)	281.97	243.10
	-Re-stuffing	361.53	311.85
b.Container with Used Engine/Spare parts	-20ft.	774.54	668.25
	-40ft	1,161.23	1,001.55
	-Re-stuffing - 20ft	774.54	668.25
	- 40ft	1,161.23	1,001.55
c.Container with Dangerous Goods (I)	-FCL	482.63	415.80
	-LCL (Groupage)	535.86	462.00
	-Re-stuffing	831.29	717.20
d. Container with Dangerous Goods (II)	-FCL	363.29	313.50
	-LCL (Groupage)	405.41	349.80
	-Re-stuffing	748.80	645.70
e.Container with Ramped/Hanged Vehicles	-20ft	774.54	668.25
	-40ft	1,161.23	1,001.55
3.Transport to/from ICD	-20ft. Stuffed	117.00	100.00
	-40ft. Stuffed	219.38	189.20
4. Additional Handling (Refer to pg. 56 of GPHA Tariff for this definition)	-Per 20ft. Cont.	118.17	101.75
	-Per 40ft. Cont.	177.26	153.45
6. Lift-On-Lift-Off of Cont. (Refer to pg. 59 of GPHA Tariff for this definition)	-20ft.	45.05	39.60
	-40ft.	90.09	79.20
7. Other Services	Cargo Type	Per Unit/GHC	Per Unit/GHC
a. Transfer of vehicles at GJT	-Saloon car	52.07	32.45
	-Mini Vehicle	117.00	80.85
	-Utility Vehicle	161.46	128.15
	-Trailer Unit	161.46	128.15

D. TRANSFER OF HEAVY-DUTY EQUIPMENT TO/FROM ICDs

TRANSFER OF HEAVY-DUTY EQUIPMENT TO/FROM ICDs	IMPORTS Per Unit GHC	EXPORTS Per Unit GHC
-Moved on Low Loaders	585.00	396.00
-Moved on their Own Wheels	118.17	83.60

E. STORAGE AND WAREHOUSING CHARGES (RENT)

E. STORAGE AND WAREHOUSING CHARGES (RENT)

1(a). Storage Rent on Imports

Cargo Type	Free	Chargeable Period/ (GHC)			
	Running Days	1st 7Days: Per Day	Next 7 Days: Per Day	Thereafter : Per Day	Measurements
-Stuffed Container	7	7.02	13.46	39.78	TEU
-Conventional Cargo	7	1.17	1.76	2.93	Tonne
-Saloon Cars	7	4.68	7.02	21.06	Unit
-Mini Vehicles	7	9.13	14.04	43.29	Unit
-Utility Vehicles	7	13.46	22.23	64.94	Unit
-Trailers Unit	7	13.46	22.23	64.94	Unit

1(b) Storage Rent on Exports (except sawn Timber, Curls and Logs, which have different rates)

Cargo Type	Running Days	1st 7 Days Per Day	Next 7 Days: Per Day	Thereafter : Per Day	Measurements
-Stuffed Container	7	7.02	13.46	39.78	TEU
-Conventional Cargo	7	1.17	1.76	2.93	Tonne
-Saloon Cars	7	4.68	7.02	21.06	Unit
-Mini Vehicles	7	9.13	14.04	43.29	Unit
-Utility Vehicles	7	13.46	22.23	64.94	Unit
-Trailers Unit	7	13.46	22.23	64.94	Unit

2. Dangerous Goods (DG) in Container – Import/Export

Cargo Type	DG Group	Free Storage Days	Rent Chargeable Period/GHC Per TEU		
			1 to 5 Days	6 to 10 Days	After 10 Days
Explosives	I	Nil	28.08	46.80	56.16
Flammable and Poisonous Gases	I	Nil	21.06	38.61	49.14
Oxidizing Substances And Organic Peroxides	I	Nil	21.06	38.61	49.14
Radioactive substances	I	Nil	28.08	46.80	56.16
Flammable Liquids	II	5	16.97	31.01	42.12
Flammable Gases	II	5	16.97	31.01	42.12
Toxic and Infectious Substances	II	5	16.97	31.01	42.12
Corrosive Substances	II	5	16.97	31.01	42.12
Miscellaneous Dangerous Substances And Articles	II	5	16.97	31.01	42.12

3. Monitoring Charges – Dangerous Goods in Container – Import/Export

Cargo Type	Per Day/GHC	
	IMPORT	EXPORT
-DG GROUP I	5.27	4.95
-DG GROUP II	3.51	3.30

F. DOCUMENTATION AND OTHERS

F. DOCUMENTATION AND OTHERS

DOCUMENTATION AND OTHERS	Per TONNE/ GHC	
	IMPORT	EXPORT
1. Documentation Charges	1.17	1.10
- Dry Bulk Cargo	1.17	1.10
- Frozen Meat/Fish	5.85	-
- Re-marking of Export Timber		

- The agreed rates are for the year 2016.
- Charges exclude VAT and NHIL.
- Shippers should insist on receipts for payment.

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GHANA SHIPPERS' AUTHORITY – *Providing Shipping Solu*

STREAMLINING DUTY DRAWBACK PROCESS IN GHANA

INTRODUCTION

The Duty Drawback Scheme(DDS) enables exporting companies to obtain a refund of Customs duty paid on imported goods where those goods will have undergone production, mixing, assembling, or packing and then exported to a foreign port. Only the person who is the legal owner of the goods at the time the goods are exported, or a person to whom this right has been assigned, is eligible to make a claim for duty drawback.

According to the Revised Kyoto Convention, the term "drawback" means the amount of import duties and taxes repaid under the drawback procedure. It is the refund of import duties and taxes paid on imported materials (goods) that are used as inputs in the manufacture of goods, which are then exported.

It provides manufactured goods exporters with imported material inputs at world prices in order to increase their profitability, while maintaining the protection for domestic industries that compete with imports.

In Ghana, the Duty Drawback Scheme was established in 1993 to enhance the international competitiveness of Ghana's private sector, particularly importers and exporters, and to provide manufacturers with an incentive to produce goods for exports. However, its introduction has been fraught with several operational and bureaucratic bottlenecks and in several instances, drawback claims were never realized.

STUDY

A research collaboration was undertaken by the Ghana National Chamber of Commerce (GNCC), Association of Ghana Industries (AGI) and Ghana Institute of Freight Forwarders (GIFF) with support from the Business Advocacy Challenge (BUSAC) fund to address the problem. The study sought to assess the state of duty drawback implementation and provide empirical evidence of the regulatory and operational challenges for advocacy action towards a sustainable and competitive private sector.

Among other objectives, the study sought to assess the impact of duty drawback on the manufacturing sector and importers and exporters in general and to provide key recommendations/guidance to the GNCC and the other stakeholders on how to engage the duty bearers to initiate the required reforms.

FRAMEWORK

In Ghana, the Customs Excise and

refunds could be calculated and processed within two weeks if an additional module is attached to the Customs Management/Trade Net system.

10. The Ministry of Finance should be ready to provide funds to Customs for prompt payment of claims should the need arise. Funds should be available to ensure prompt payment of claims. The GRA must publicise a clear description of the procedures that will be followed with all the information requirements and clear instructions on how to complete the required documents.

11. In addition, the coalition should engage the Ministry of Finance and GRA to institute interest mechanism to compensate for any delays in the release of the duty drawback to exporters.

(The write-up is an excerpt of a presentation on Duty Drawback by Mr. Mark Badu-Aboagye, the Chief Executive of the GNCC at Akroma Hotel in Takoradi on 28th July. 2016)

Mr Mark Badu-Aboagye, third in the front row, CEO of the GNCC; next to him is the President of the Chamber Nana Dr. Appiagyei Dankawoso I and some members of the Chamber in Takoradi

GHANA SHIPPERS' AUTHORITY

DON'T PAY MORE THAN THESE NEGOTIATED RATES

In accordance with the Ghana Shippers' Authority Regulation, 2012, (L.I.2190) which mandates the Authority to negotiate charges with Service Providers on behalf of shippers, the Authority has successfully engaged Clearing Agents and Freight Forwarders and have agreed on the following charges:

Professional Fees of Clearing Agents/Freight Forwarders for the Sea Ports

SERVICE	AGREED MAXIMUM CHARGE
1. GENERAL CARGO	**GHC**
I. Conventional Minimum charge up to 100 metric tons e.g. Steel products, plates, drums,etc	415.80
Any metric ton thereafter	2.21
II. Bagged e.g. Sugar, Flour, Rice, etc. per metric ton	1.36
2. VEHICLES	**GHC**
i. Saloon Cars	567.00
ii. Commercial Vehicles (Mini Buses, Vans, 3 Seater Estates etc)	816.00
iii. Trailers, Trucks, Buses etc	1,020.60
iv. Motor Bikes etc	181.44
v. Earth Moving Equipments eg. Excavators, Bulldozers, Dumpers	1,360.80
Unstuffin g Vehicles in Containers attracts an extra charge of:	151.20/20" 302.40/40"
3. CONTAINERISED CARGO	**GHC**
i. 1 X 20"	907.20
ii. 1 X 40"	1,209.60
iii. Part container goods up to 5 metric tons	362.88
iv. Any metric ton thereafter	45.36
4. SPECIAL SERVICES (Documentation)	**GHC**
The Bulk or Containerised or Vehicle charge applies + a processing fee as shown below:	
i. Warehousing	264.60
ii Ex-Warehousing	264.60
iii. Bond to Bond	378.00
iv. CCVR Processing	189.00/BL
v. CCVR Petition	141.75/petition
vi. Clearance Permit	283.50
vii. Pre Entry (KIA)	283.50
viii. Dangerous Goods	567.00/TEU
ix. Permits & Licenses from MDA - Electronic Manual	47.25 94.50
x. Exemption Coordination (pre - exempt)	300.00
5. FORMS/SERVICE	**CHARGE/FEES**
Import Declaration Step 1 Incomplete	
(a) Pro forma Step 2	5.00
(b) With Final Shipping Document complete	5.00
(c) Delivery Order	As per Shipping Agent
Terminal Handling Charges	As per terminal operator
Dangerous Goods Surcharge	GHC17.01

Deconsolidation (At The Golden Jubilee Terminal)

SERVICE	AGREED MAXIMUM CHARGE
GOODS IN CONTAINER	GHC/Rate
Maximum cost of a 20' container (20' container = 28cbm)	2,200.00 with a rate of 125.00 per cubic meter
Maximum cost of a 40' container (40' container = 56cbm)	4,000.00 with a rate of 215.00 per cubic meter (56cbm)

NOTE:
Maximum cost of a 40' container with 3 vehicles = GHC 4,500.00 with a rate of GHC1,500.00/saloon car and GHC 1,800.00/SUV

Maximum cost of a 40' with 5 cars = GHC 4,900.00 with a rate of GHC 1000.00/saloon car and GHC 1,250.00/SUV

Deconsolidation (At Own CFS)

THC FOR GENERAL GOODS	AGREED MAXIMUM CHARGE
VOLUME	THC RATE IN GH¢
0 – 1.0cbm / 0 – 99kgs	466.57
1.1 – 2.0cbm / 100 – 199kgs	631.12
2.1 – 3.0cbm / 200 – 300kgs	757.34
3.1 – 4.0cbm / 301 – 400kgs	852.01
4.1 – 5.0cbm / 401 – 500kgs	978.23
5.1 – 6.0cbm / 501 – 800kgs	1,041.34
6.1 – 7.0cbm / 801 – 1000kgs	1,104.46
7.1 – 8.0cbm / 1001 – 1300kgs	1,199.12
8.1 – 9.0cbm / 1301 – 1500kgs	1,228.43
9.1 – 10cbm / 1501 – 1700kgs	1,296.05
Any cbm thereafter	58.80

ProfessionalFeesofClearing Agents/FreightForwarders for Aflao andElubo

SERVICE	AGREED MAXIMUM CHARGE
CUSTOMS CLEARANCE CHARGES	GHC
Articulated Truck	945.00
Cargo Truck Load	756.00
Saloon Cars Import	756.00
Van and Bus Import	756.00
20' Footer Container	567.00
40' Footer Container	945.00
TRANSIT	CFA
Saloon Car	378,000.00
Van	472,500.00
Articulated Trucks	567,000.00
Cargo Trucks	472,500.00
Articulated Load	945,000.00
Cargo Truck Load	567,000.00
EXPORT	GHC
Articulated and Cargo Trucks	378.00
Dangerous Goods	661.50/ Transaction

NOTE:

A consignee or importer who opts for pre-financing from an Agent, interest rate shall be agreed between the consignee / importer and the Agent.

ProfessionalFees of Clearing Agents/Freight Forwarders for K.I.A

SERVICE	AGREED MAXIMUM CHARGE
PERSONAL EFFECTS (IN KILOS)	GHC
01 - 20	137.20
21 - 40	148.40
41 - 60	156.80
61 - 80	159.60
81 - 100	184.80
101 - 150	299.60
151 - 200	315.00
201 - 300	333.20
301 - 400	362.60
401 - 500	400.40
COMMERCIAL GOODS (IN KILOS)	GHC
01 – 20	184.38
21 – 40	193.90
41 – 60	212.80
61 – 80	238.14
81 – 100	373.94
101 – 150	379.33
151 – 200	391.02
201 – 300	432.88
301 – 400	466.76
401 – 500	492.80

Cargoes in excess of 500 kilograms attract GHC0.50 per additional kilogram

OTHER CHARGES	GHC
Human Remains	420.00
Saloon Cars (per vehicle)	350.00
Commercial Vehicles (Mini Bus)	420.00
Motor Cycle (per unit)	210.00
Dangerous Goods per air way bill	560.00

De-Consolidation

SERVICES	AGREED MAXIMUM CHARGE
AIR FREIGHT DE- CONSOLIDATION CHARGES (IN KILOS)	US$
1 – 20	56.00
21 – 40	64.40
41 - 70	77.00
71 - 110	84.00
111 – 210	98.00
211 - 260	114.80
261 – 310	144.20
311 - 400	176.40
401 - 500	200.20

NOTE: Extra kilo above 500kg attracts USD 0.35 per kilo. The above is to be converted into GHC at the prevailing rate. The weight or cubic meter, whichever is higher shall be applied.

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IN CASE OF ANY CHALLENGES PLEASE CONTACT THE GHANA SHIPPERS' AUTHORITY THROUGH ANY OF THE CONTACTS PROVIDED HEREIN ⟹

GHANA SHIPPERS' AUTHORITY– *Providing Shipping Solutions*

ADMINISTRATION OF RULES OF ORIGIN FOR TRADE IN GOODS

INTRODUCTION

Rules of origin have become a very prominent feature of today's international trading system and various regional trade agreements are being negotiated across the globe.

The Kyoto Convention (Annex K, Chapter 1, Rules of Origin) under E2/F3 defines rules of origin as follows: "Rules of origin" means the specific provisions, developed from principles established by national or international agreements ("origin criteria"), applied by a country to determine the origin of goods;

The concept of origin, relates to the identification of the rules and regulations used for the determination of the country of origin in trade in goods. "Goods" are defined to be all those commodities which are classifiable under the Hamonized System (HS).

The reason why countries want to determine the origin of goods can be traced to the existence of differentiated restrictions on international trade. Rules of origin would not be necessary in a completely open world economy since all commodities would be treated in the same way regardless of their origin. Even in a system where trade-restrictive measures would be applied on a non-discriminatory basis, it would not be necessary to know the origin of a commodity since the measures would be applied across board for all countries in the same way.

In reality however, countries do not apply the same trade policy measures towards all other countries in international trade of goods, with the consequence that there must be various legal or administrative requirements to be fulfilled for implementing the different trade policy measures according to the different origin of goods, such as different levying of import duties, allocating quotas, imposing anti-dumping duties or applying safeguard measures etc.

For the customs clearance of goods, it is therefore necessary to determine the "nationality" of the goods, i.e. to ascertain the country of origin of imported products. After the classification of a commodity into the Harmonized System and the determination of its value, the determination of the country of origin is the third key element in customs clearance procedures. The laws, regulations and administrative rulings applied by governments to determine the country of origin are called "Rules of Origin".

Scope of Application of Rules of Origin

The Kyoto Convention does not address the issue of an internationally agreed definition on how to determine the origin of a good. Attempts to reach an internationally agreed definition on how to determine the origin of a good were undertaken under the more recent World Trade Organization Agreement(WTO) on Rules of Origin which was negotiated during the Uruguay Round of multilateral trade negotiations and which is contained in the multilateral legal framework of the WTO. In this Agreement, the WTO members try to pave the way for a more internationally accepted definition on how to determine rules of origin for non-preferential purposes. For that reason, the WTO Agreement on Rules of Origin distinguished between two types of rules of origin:

- Non-Preferential Rules of Origin; and
- Preferential Rules of Origin.

Non-preferential Rules of Origin

Article 1 of the WTO Agreement on Rules of Origin defines "Non-Preferential Rules of Origin" as "those laws, regulations and administrative determinations of general application applied by any WTO member to determine the country of origin of goods provided such rules of origin are not related to contractual or autonomous trade regimes leading to the granting of tariff preferences going beyond the application of paragraph 1 of Article 1 of GATT 1994 (Most-Favoured-Nation Clause).

The non-preferential rules of origin are used for the implementation of an array of trade policy measures which are listed under paragraph 2 of Article 1 of the WTO Agreement on Rules of Origin:

- Application of Most-Favored-Nation Treatment;
- Anti-Dumping and Countervailing Duties;
- Safeguard Measures;
- Origin Marking Requirements;
- Quantitative Restrictions or Tariff Quotas;
- Government Procurement; and
- Trade Statistics.

Non-Preferential Rules of Origin are used to determine the country of origin of goods when it comes to the application of the above-mentioned trade policy instruments. For the time being, each country is free to implement and apply its own set of non-preferential rules of origin provisions. The probative value of non-preferential origin is not guaranteed since each country applies its own legislation for non-preferential rules of origin which may well be different from those of another country.

Preferential rules of origin

Preferential rules of origin are those laws, regulations and administrative determinations of general application applied by any WTO member to determine whether goods qualify for preferential treatment under contractual or autonomous trade regimes leading to the granting of tariff preferences going beyond the application of paragraph 1 of Article 1 of GATT 1994 which is the most favoured-nation clause.

Preferential rules of origin respond to specific trade interests between the partners of a free trade area and they reflect their specific trade interests. Preferential rules of origin are therefore patterned after the economic interests of the partners with the result that preferential rules of origin are unavoidably individualistic and differ from agreement to agreement.

As part of preferential trade agreements, preferential rules of origin are designated to ensure that free trade agreements and trade preference programmes benefit only the intended countries of a given free trade agreement.

Role of Rules of Origin

The basic role of Rules of Origin is the determination of the economic nationality as opposed to the geographical nationality of a given good. There are several mandatory legal or administrative requirements to observe when goods are traded on the international market. This is necessary for the implementation of various trade policy instruments such as imposing import duties, allocating quotas or for the collection of trade statistics.

The determination of the country of origin is the last step in the customs clearance procedures, the first steps being the classification of the goods and the determination of the value of the goods. The classification and valuation are important *per se* for the customs clearance, but these are also the basic tools for the determination of the country of origin of goods in the sense that the rules of origin are product-specific rules linked to specific HS codes, and that in order to assess if value added rules are fulfilled, the composition of the customs value is needed.

Objectives and principles of the Agreement on Rules of Origin

The objectives and principles of the Agreement on Rules of Origin are:

- To develop clear and predictable rules of origin
- To facilitate the flow of international trade not to

create unnecessary obstacles to trade

- Not to nullify nor impair the rights of Members under GATT 1994
- To provide transparency of laws, regulations, and practices regarding rules of origin
- To ensure that rules of origin are prepared and applied in an impartial, transparent, predictable, consistent and neutral manner
- To make available a consultation mechanism and procedures for the speedy, effective and equitable resolution of disputes arising under the Agreement.

RULES OF ORIGIN AND TRADE POLICY

The rules of origin are used as an important trade measure. They do not constitute a trade instrument by themselves and are not to be used to pursue trade objectives directly or indirectly or as a policy measure. The rules of origin are used to address different commercial policy instruments and they can be used to attain specific purposes of national or international policies. There might be consequent potential for abuse. It is therefore useful to identify the different types of discriminatory trade measures where an origin determination is required:

- Measures designed to correct "unfair trade" (e.g. imposition of anti-dumping or countervailing duties against imported products causing material injury to domestic industry)
- Measures designed to protect local industry (e.g. safeguard measures to protect against an unforeseen increase of imported products causing serious injury to a specific domestic industry)
- Measures designed to give preference to products from developing countries or from beneficiary countries in regional co-operation agreements (e.g. GSP schemes, Free Trade Agreements or Customs Unions)
- To administer "buy national" policies (e.g. discriminatory government procurement procedures and practices for adjusting balance of payment with specific countries)
- To control access to the domestic market by foreign exporters (e.g. discriminatory quantitative restrictions which are imposed as a result of safeguard measures, or tariff quotas which are allocated to supplying countries of specific products such as textiles)
- To implement environmental or sanitary measures (e.g. preventing the import of contaminated foodstuff or plants from a specific country, preventing the import of nuclear and hazardous material and their waste)
- To ensure national security or political policy (e.g. control of trade in strategic weapons or specific products for which sanctions are applied).

ECONOMIC CONSEQUENCES OF RULES OF ORIGIN

1. **International Trade Effects**
   - Allocation of Resources: From an economic point of view, it is assumed that by minimizing restrictions, free trade (i.e. liberalism) will produce an economically efficient allocation of resources. According to the free trade assumption based on the comparative advantage, protective impediments will produce a less efficient outcome in trade.
   - Trial of correction against already distorted market: If "unfair trade" (e.g., dumped or subsidized goods) is distorting the market so that the result is not an efficient distribution of production and trade according to the comparative advantage, discriminatory counter-action may be justified. In this case, strictly defined origin requirements can reinforce the measures designed to correct this market.

2. **Effects to investment**
   - *Artificial encouragement for inward investment:* Restrictive origin and anti-circumvention regulations can affect investment flows since they might lead to excessive investments in the territories of major importers to satisfy local content requirements either deriving from an undertaking to the host government or to meet the origin criteria. Inward investment assistance and other forms of artificial encouragement that lead to import substitution can have further economically inefficient consequences. The resultant lack of competition from more

efficiently manufactured imported products and disappearance of the previous local competitors tend to price these products out of their markets.

- *Resulting in over-investment:*
By segmenting markets and establishing production capacity in each of them, global capacity can outstrip the total demand, and under-utilization of individual plants can reduce or even negate the benefits that can be expected from economic advantages of scale.
Local content and origin requirements can therefore lead to investment that otherwise, on solely commercial grounds, might not have been economically justifiable.

Effects to Industrial structure:

- *Localisation of the final stage of production:*
In industries that depend on exports and where origin is considered important for the product being manufactured, a bias toward the stage of production that is emphasized in relevant origin rules might occur.
If it is assumed that the current rules of origin are predominantly based on the criteria of substantial transformation (especially, change in tariff classification), rules of origin prefer the stage of final production to that of intermediate production which essentially represents component production.

- *Less resources on Research and Development:*
If it is assumed that research and development are mainly related to the first stage of production and increasingly technology is built into components rather than being an element in the final manufacturing stage, research and development, technology and capital investment could be regarded as less important factors than the substantial transformation of the products concerned.

Rules of Origin Can be a Barrier to Trade

Rules are often extremely complex and technical: Rules of Origin therefore present the dual challenge of being frequently difficult to interpret and at the same time prescribing origin configurations that may be geared more towards the industrial interests of host countries rather than those of the intended beneficiaries or trading partners. An example would be Rules of Origin prescribing that a specific input material of a finished product *must* be sourced locally in order to provide that product with 'originating' status.

Absence of the relevant local production capacity for such inputs would effectively render certain locally-produced finished goods (despite being covered by the trade agreement) ineligible for preferential market access.

SCOPE OF APPLICATION OF RULES OF ORIGIN

Non-preferential rules of origin are not related to contractual or autonomous trade regimes leading to the granting of tariff preferences. They are used in application.

- *Most-favoured Nation treatment (MFN):* In the WTO most-favoured nation means that each member country has to treat all its fellow member countries equally; whether rich or poor; weak or strong. If one member country grants a special favour (such as lower duty rate for an imported product) to another member, that favour will also have to be granted to all other members in the WTO so that they all "equally-favoured".
- *Anti-dumping and countervailing duties:* Article VI of the GATT provides for the right of contracting parties to apply anti-dumping measures, i.e. measures against imports of a product at an export price below its normal value (usually below the price of the product in the domestic market of the exporting country) if such dumped imports cause injury to a domestic industry on the territory of the importing contracting party.
- *Safeguard measure:* Article XIX of the GATT 1994 allows a Member to take a safeguard action to protect a specific domestic industry from an unforeseen increase in imports of any product which is causing, or which is likely to cause, serious injury to the industry. The safeguard measure should be applied only to the extent necessary to prevent or remedy serious injury and to facilitate adjustment.
- *Origin marking requirements:* Article IX of

GATT 1994 stipulates that contracting parties shall co-operate with each other with a view to preventing the use of trade names in such manner as to misrepresent the true origin of a product, to the detriment of such distinctive regional or geographical names of products of the territory of a contracting party as are protected by its legislation.

- *Discriminatory quantitative restrictions or tariff quotas:* Quantitative restrictions imposed as a result of safeguard measures should normally not reduce the quantities of imports below the normal average for the last three representative years for which statistics are available.
- *Government procurement:* Procurement of products and services by government agencies for their own purposes represents an important share of total government expenditure.
- *Trade Statistic:* in the field of international trade there are links between customs and statistical aspects. It is for this reason that in most countries, the primary data used for the preparation of international trade statistics are taken from customs import or export documents, which means that the data are based on the nation.

ORIGIN CRITERIA

There are two basic criteria to determine the country of origin of goods. These are:

- Wholly obtained criterion, and
- Substantial/sufficient transformation criterion.

Wholly-obtained goods

Wholly-obtained goods are: goods naturally occurring; or live animals born and raised in a given country; or plants harvested in a given country; or minerals extracted or taken in a single country. The definition of wholly-obtained also covers goods produced from wholly-obtained goods alone or scrap and waste derived from manufacturing or processing operations or from consumption.

Substantial/sufficient transformation

There are three major criteria to express a substantial/sufficient transformation:

a. *A criterion of a change in tariff classification*
A good is considered substantially transformed when the good is classified in a heading or sub-heading (depending on the exact rule) different from all non-originating materials used.

b. *A criterion of value added (ad valorem percentages)*
Regardless a change in its classification, a good is considered substantially transformed when the value added to a good increases up to a specified level expressed by ad valorem percentage. The value added criterion can be expressed in two ways, namely a maximum allowance for non-originating materials or a minimum requirement of domestic content.

c. *A criterion of manufacturing or processing operations (technical requirement)*
Regardless a change in its classification, a good is considered substantially transformed when the good has undergone specified manufacturing or processing operations.

IMPLEMENTING RULES OF ORIGIN IN THE ECOWAS SUB-REGION

The Economic Community of West African States (ECOWAS) is a regional group of fifteen countries, and was founded in 1975 (Lagos Treaty). Its mission is to promote economic integration in all fields of economic activity, particularly industry, transport, telecommunication, energy, agriculture, natural resources, commerce, monetary and financial questions, social and cultural matters etc.
It is also expected to promote co-operation and integration, leading to the establishment of an economic union in West Africa in order to raise the living standards of its peoples, and to maintain and enhance economic stability, foster relations among Member States and contribute to the progress and development of the African Continent.

Rules of Origin of Community Goods

a) Goods shall be considered to have originated from Member States if:

i. They have been wholly produced in Member States in accordance with the provision of Article 3 of ECOWAS Protocol A/P1/1/03; and

ii. They have been produced in member states but contain raw materials which were wholly obtained from Member States provided that such materials have undergone operations and processes that confer Community origin as defined in Article 4 of the Protocol.

b) Originating products consisting of materials wholly produced or sufficiently transformed in one or several Member states shall be considered as products originating from the member states in which the last processing or transformation took place, in asmuch as the processing or transformation carried out there exceeds the processing and transformation defined in the Protocol.

- (In other words, for the purpose of defining the concept of originating products, the territories of the ECOWAS are considered as one territory. This means that if a manufacturer in an ECOWAS State uses materials from one or more other ECOWAS States, the materials are treated no differently from those obtained in the ECOWAS State in which it manufactures its products).

Operations and processes conferring origin

For industrial products, the criteria for conferring origin are

1) A change in tariff heading or
2) 30% value addition: at least 30% of the ex-factory price

Goods Wholly Produced in ECOWAS Member States

The following products shall be regarded as wholly produced in the Member States:

i. Live animals born and raised within the Member States;
ii. Mineral products extracted from the ground, sub-soil or seabed of Member States;
iii. Vegetable products harvested within Member States;
iv. Products obtained from animal living or Member States;
v. Product obtained by hunting or fishing within Member states;
vi. Products obtained from the sea, river and lakes within Member States by vessels belonging to the Member States;
vii. Products manufactured aboard ship factories belonging to Member States exclusively from products referred to in paragraph (vi) above;
viii. Used articles fit only for the recovery of raw materials, provided that such articles have been collected from users within Member States;
ix. Scraps and waste resulting from manufacturing operations within Member States;
x. Goods produced from the materials listed in paragraphs (ii) to (ix) above, used alone or mixed with other materials, provided that they represent at least 60% of the total quantity of raw materials used; and
xi. Electrical energy produced in the Member States.

Re-Exportation of Non Originating Products within ECOWAS

Goods transformed within the framework of economic or suspense Customs regimes or certain special regimes involving the suspension, or partial or total exemption from Customs duties on inputs, shall in no case be considered as originating products. For example, Free Zone products, in-bond manufactured goods and goods produced from inputs that have enjoyed concession such as under Chapter 98 of the Tariff.

Proof of Origin

A certificate of origin, stating the conditions set out in the Protocol and issued by the accredited authorities in the Member states, shall be deemed to be proof of origin. However, a Certificate of Origin shall not be required for agricultural and livestock products as well as hand-made articles produced with or without the use of tools, instruments or implements directly by the craftsman.

ECOWAS Trade Liberalisation Scheme (ETLS) Approval Procedure

- The enterprise sends its completed Application Form and all supporting documents to the Ministry responsible for ETLS matters in the country concerned.
- The Ministry sends completed Application Forms to Members of the National Approvals Committee (specially set up to scrutinize ETLS applications).
- The Committee holds a series of meetings and discussions to examine all ETLS applications brought before it at the time.
- Approvals or disapprovals are then recommended.
- The report of the Committee recommending approvals and disapprovals is submitted to the responsible Ministry.
- The Ministry sends the report and dossiers on the recommended approvals to the ECOWAS Commission.
- The ECOWAS Commission reassesses the applications
- If satisfied with the NAC's approvals, the ECOWAS Commission sends out notification letters to all Member States informing them of the newly-approved enterprises and products.

Registration of Enterprise

- Enterprises whose products have been approved shall be issued a seven-digit registration number.
- The first three digits shall represent the country's geographical code as defined by the United Nations;
- The four subsequent digit represent the position of the enterprise within the Member States according to numerical order.

Composition of the National Approval Committee (NAC)

The National Approvals Committee is responsible for screening applications and the making of recommendations thereon to the designated authority of the Member State concerned.

The members of the National Approvals Committee shall be the representatives of the Ministry of Trade, Ministry of Industry, Ministry of Finance (Department of Customs), the ECOWAS National Unit (or Ministry of Integration), the National Chambers of Commerce and Industry and all such structures or institutions as may be deemed appropriate.

In Ghana, the NAC is composed of the Ministry of Trade and Industry (MOTI), Ministry of Foreign Affairs (ECOWAS Desk), Ministry of Finance, Customs Division of GRA, Ghana Chamber of Commerce and Industry, Export Promotion Authority and Ghana Standard Authority. The Committee is presided by representatives of MOTI.

Certificate of Origin

After the notification letters are sent out, approved enterprises obtain the Certificates of Origin for their approved products from their responsible Ministries.

(The write-up is an excerpt of presentations at a Training Programme on Rules of Origin organised by the Ministry of Trade and Industry on 24th June, 2016 at the Best Westen Atlantic Hotel, Takoradi)

MARITIME TRADE REVIEW (January-June 2016)

1.0 OVERVIEW

The world's largest economy, China, continues to recover from lackluster economic recession since the beginning of the year 2016. In the first half of 2016, the volume of foreign trade, exports and imports decreased compared to the previous year whilst showing signs of quarter-on-quarter recovery. In the first quarter of 2016, according to China Customs statistics, the volume of exports and imports decreased by 6.9%. In the second quarter of 2016, the volume of exports and imports increased by 0.1%. Thus the size of decline narrowed by 7.2 percentage points as compared to the previous quarter (1st quarter 2016). Indeed, China's performance affects partners around world, including Ghana.

Another global development during the review period was the Brexit (UK leaving the European Union). Maritime industry experts are not certain about what effect the Brexit would have on the container shipping market as the UK market represents about only 5 million TEUs out of a global total of 185 million TEUs. Shippers and other industry players can only wait to see how the Brexit would affect shipping in general.

It is also on record that freight rates have tumbled, especially along the major shipping routes of Asia-North America and Asia-North Europe. Unfortunately, freight rates to and from Africa have not experienced these low rates. Surprisingly, as a way of shoring up their returns, shipping lines are trying to introduce new charges at destination ports in Africa as "Terminal Handling Charges". This development is creating a lot of anxiety in the shipping industry in West and Central Africa, as some shippers and business associations are vehemently resisting the new charge. Shippers in West Africa, particularly Ghana, have always paid an all-in freight charge. It is therefore surprising that an attempt would be made to de-couple the stevedoring costs from the freight and charge it as Terminal Handling Charge (THC) at destination, when there is no corresponding reduction in the ocean freight. This is tantamount to a double charge for the same service.

In Ghana, the recovery in seaborne trade volumes continued into the 2nd quarter of 2016, culminating in an increase of 10.6% for the first half [Jan-Jun] (H1) 2016 over the same period in 2015.

2.0 COMPARISON OF CARGO THROUGHPUT OF Q2 2016 AND Q2 2015

Cargo throughput for the 2nd quarter (Q2) 2016 increased by 9.5% compared to the same period of

2015 (i.e. Q2 2015). Total import and export trade volume in Q2 2016 increased by 10.3% compared to Q2 2015. However, total transit/transshipment trade volume in Q2 2016 decreased by 4.5% over Q2 2015. See Table 1 for details.

Table 1 SUMMARY COMPARISON OF GHANA'S CARGO THROUGHPUT (Apr–Jun) 2016 AND 2015

TRADE TYPE	Apr-Jun (Q2) 2016 (mt)	Apr-Jun (Q2) 2015 (mt)	CHANGE
TOTAL IMPORT & EXPORT	4,718,437	4,277,374	10.3%
TOTAL TRANSIT/TRANSH.	246,614	258,302	-4.5%
CARGO THROUGHPUT	**4,965,051**	**4,535,676**	9.5%

3.0 PORTS SHARE OF CARGO THROUGHPUT FOR FIRST HALF (JANUARY – JUNE) 2016

Cargo throughput for the seaports of Ghana (i.e. Tema and Takoradi) for the first half (H1) of 2016 was 9.75 million metric tons (mt). Cargo throughput for the Port of Tema was 7.35 million mt representing 75.4% of the total whilst the Port of Takoradi recorded 2.39 million mt, representing 24.6% of the total seaborne trade.

Transit/Transshipment imports amounted to 482,112 mt whilst transit/transshipment exports recorded 36,664mt. Table 2 below shows the summary performance for the review period.

Table 2.SUMMARY OF GHANA'S SEABORNE TRADE (in mt) (JAN- JUN 2016)

PORT	IMPORT (mt)	TRANSIT/ TRANSHP. IMPORT (mt)	*EXPORT (mt)	TRANSIT/ TRANSHP. EXPORT (mt)	TOTAL (mt)
TEMA	5,838,995	475,344	1,003,379	36,664	7,354,382
TAKORADI	862,913	6,768	1,527,845	0	2,397,526
TOTAL	**6,701,908**	**482,112**	**2,531,224**	**36,664**	9,751,908

* Exports exclude Ghana's crude oil exports

4.0 COMPARISON OF CARGO THROUGHPUTS H1 2016 AND H1 2015

Table 3 below shows the summary of seaborne trade comparison between the first half (H1) of 2016 and 2015.

Cargo throughput for the review period (H1 2016) increased by 10.6% compared to the same period of 2015 (H1 2015). Total import and export trade volume in H1 2016 increased by 11.5% compared to H1 2015. Total transit/transshipment trade volume for H1 2016 decreased by 2.5% over H1 2015.

Table 3 SUMMARY COMPARISON OF GHANA'S CARGO THROUGHPUT (Jan –Jun) 2016 AND 2015

TRADE TYPE	Jan-Jun (H1) 2016 (mt)	Jan-Jun (H1) 2015 (mt)	CHANGE
TOTAL IMPORT & EXPORT	9,233,152.00	8,278,079.05	11.5%
TOTAL TRANSIT/TRANSH.	518,776.00	532,133.00	-2.5%
CARGO THROUGHPUT	9,751,908.00	8,810,212.05	10.6%

5.0 COMPARISON OF GHANA'S SEABORNE TRADE H1 2016 AND H1 2015 PER CARGO TYPE

5.1 IMPORT TRADE

Total imports for the review period (H1 2016) was 6.7 million mt. This comprised 2.4million mt of Liner cargo, 986,671mt of Break bulk, 1,445,815mt of Dry bulk cargo and 1,845,518mt of Liquid bulk imports. In Table 4 below, it can be seen that imports for H1 2016 increased by 9.3% over H1 2015. For the trade types, there was a decline in Liner imports by 6.2%. Break bulk imports increased by 2.1%, Dry bulk imports increased by 6.5% and Liquid bulk imports also increased by 51.5%.

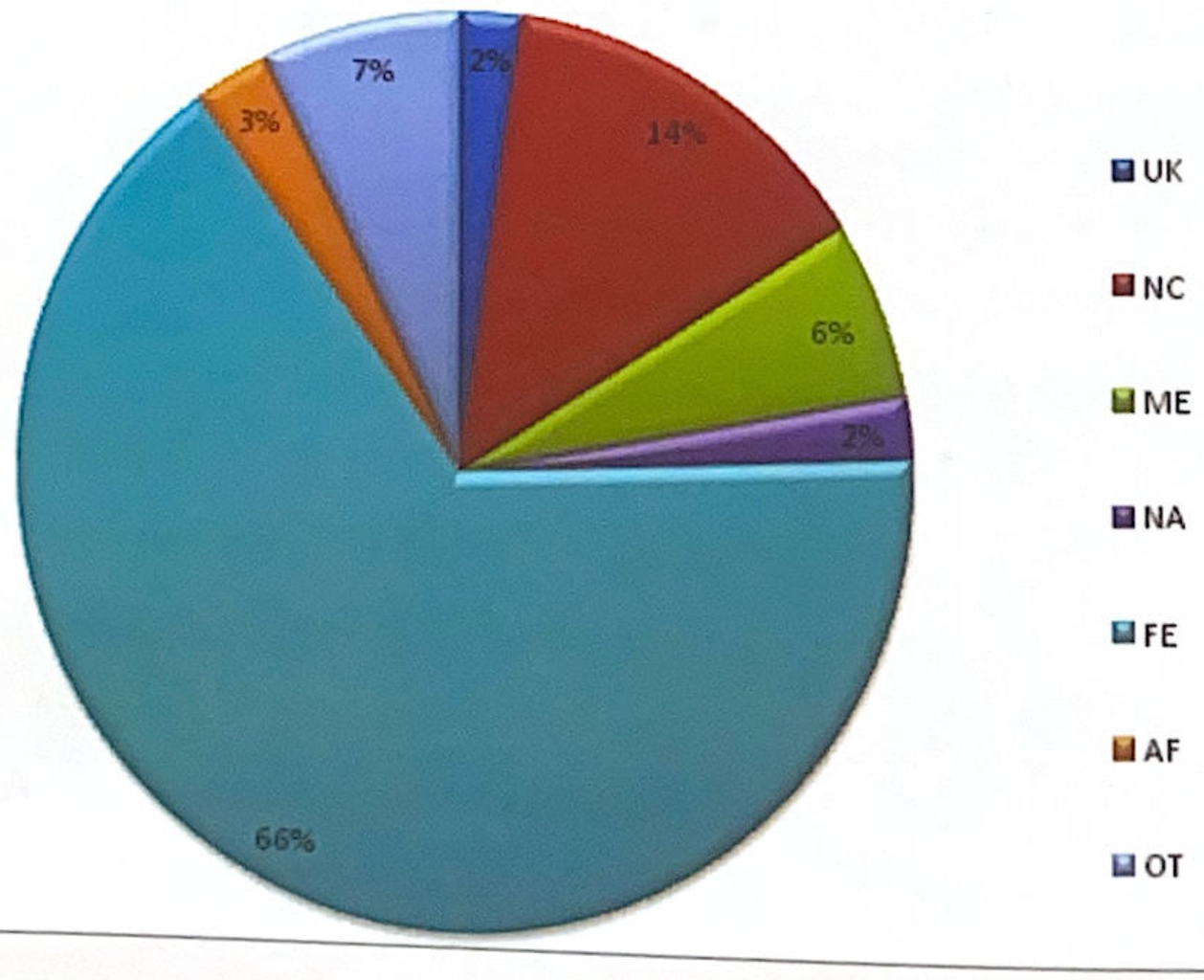
Table 4 COMPARISON OF GHANA'S SEABORNE TRADE PER CARGO TYPE

TRADE TYPE	Jan-Jun (H1) 2016 (mt)	Jan-Jun (H1) 2015 (mt)	Change
IMPORT:			
Liner	2,427,905.00	2,590,858.00	-6.2%
Break Bulk	982,671.00	962,215.00	2.1%
Dry Bulk	1,445,815.00	1,357,075.05	6.5%
Liquid Bulk	1,845,518.00	1,217,867.00	51.5%
TOTAL IMPORT	6,701,908.00	6,128,015.05	9.3%
EXPORT:			
Liner	824,350.00	792,919.00	3.9%
Break Bulk	206,405.00	322,778.00	-36.0%
Dry Bulk	1,427,382.00	1,020,446.00	39.8%
Liquid Bulk	73,087.00	13,921.00	425.0%
TOTAL EXPORT	2,531,224.00	2,150,064.00	17.7%
TOTAL IMPORT & EXPORT	9,233,152.00	8,240,172.59	11.5%

Table 7. DIRECTION OF GHANA'S SEABORNE EXPORT TRADE (in mt) (Jan-Jun 2016)

	UK	N. Cont.	Med. Eur	N. Amer	F. East	Africa	Others	TOTAL
LINER	42,124	162,505	97,416	48,922	368,201	69,068	36,114	824,350
BREAK BULK	1,750	6,555	6,996	6,232	178,716	502	5,654	206,405
DRY BULK	12,500	153,398	51,099	0	1,116,443	225	93,717	1,427,382
LIQ. BULK	0	26,085	0	0	0	0	47,002	73,087
TOTAL	56,374	348,543	155,511	55,154	1,663,360	69,795	182,487	2,531,224
SHARE	2%	14%	6%	2%	66%	3%	7%	100%

FIG 2: DIRECTION OF GHANA'S SEABORNE EXPORT TRADE (in mt)
(Jan -Jun 2016)



8.0 TRANSIT TRADE AND TRANSSHIPMENT THROUGH THE SEAPORTS OF GHANA

Total Transit/Transshipment trade volume for H1 2016 shows a decrease of 2.5% compared to H1 2015. Total volume of transit/transshipment for H1 2016 was 518,776 metric tons (mt).

Transit/Transshipment Imports for H1 2016 amounted to 482,112 mt, a decreaseof 6.7% compared to H1 2015. Transshipment/Transit Exports recorded 36,664mt in H1 2016, an increase of 141.1% compared to H1 2015. Table 8 below shows the details of the transit/transshipment trade volumes for the review period.

Table 8. SUMMARY COMPARISON OF TRANSIT TRADE AND TRANSHIPMENT THROUGH THE SEAPORTS OF GHANA (JAN. - JUN.) 2016 AND 2015

TRADE TYPE	Jan-Jun (H1) 2016 (mt)	Jan-Jun (H1) 2015 (mt)	CHANGE
TRANSIT/TRANSH. IMPORT	482,112	516,932	-6.7%
TRANSIT/TRANSH. EXPORT	36,664	15,201	141.1%
TOTAL	518,776	532,133	-2.5%

9.0 TRANSIT TRADE PERFORMANCE FOR BURKINA FASO, MALI AND NIGER

Total transit volume for the three (3) landlocked countries of Burkina Faso, Mali and Niger amounted to 459,829 mt in H1 2016. This represents a fall of 1.3% compared to H1 2015. The transit trade comprises imports of 423,818 mt and exports of 36,011 mt.

Major transit trade commodities included Lubricating Oil (47,236mt.), Processed Foods/ Beverages (51,535 mt) and Bagged Fertilizer (62,451mt.). Details are shown in Table 9.

Table 9. SUMMARY COMPARISON OF TRANSIT TRADE for BURKINA FASO, MALI & NIGER (JAN. - JUN.) 2016 AND 2015

TRADE TYPE	Jan-Jun (H1) 2016 (mt)	Jan-Jun (H1) 2015 (mt)	Change
TRANSIT IMPORT	423,818	453,790	-6.6%
TRANSIT EXPORT	36,011	12,382	190.8%
TOTAL	459,829	466,172	-1.3%

10.0 SHIPPING LINE PERFOEMANCE IN GHANA'S SEABORNE TRADE

10.1 Shipping Line Performance in the Containerized Trade

Thirty Three (33) Shipping Lines were involved in the containerized cargo trade which amounted to 283,623 TEUs for the review period (H1 2016). The highest operators were Maersk Line, with 94,155TEUs (32.7% of the container trade) and Mediterranean Shipping Company (MSC), with 46,043TEUs (16.0%). Details are shown in Table 10.

10.2 Performance of Shipping Lines per Volume of Shipment and Trade Type

A total of ninety two (92) Shipping Lines and Charterers participated in transporting the over 9.2 million mt of Ghana's seaborne cargo (import & export) through the Ports of Tema and Takoradi during the first half (H1) of 2016. The performance of the Lines per trade type (i.e. Liner, Break bulk, Dry bulk and Liquid bulk) is shown in Table 12 below.

10.2.1 Liner Trade

The Liner trade saw eighty nine (89) shipping companies and operators loading and unloading cargo at the sea Ports of Tema and Takoradi during this review period. The best performer was Maersk Line, which handled 873,253 mt of liner cargo, representing 25.6% of the Liner trade. Mediterranean Shipping Company (MSC) was next with 407,722 mt (or 11.9 of the Liner trade). Table 12 below shows the details of the other performers.

10.2.2 Break Bulk Trade

Forty five (45) Shipping Lines carried Break bulk cargo amounting to 945,302 mt through the ports of Tema and Takoradi for H1 2016. Maersk Line handled the highest share of 17.1% (i.e. 162,360 mt) of Break Bulk cargo discharged and loaded at both Ports. China Ocean Shipping was next with 127,247 mt (or 13.5% of the break bulk cargo handled).

10.2.3 Dry Bulk Trade

The Dry bulk trade, amounting to over 2.9 million mt, was handled by thirty seven (37) Shipping Lines and operators. High performers include I.M.T, with 1,114,838 mt (37.9% of the Dry bulk trade), HC Trading, with 591,334 mt (20.1%) and Dangote, with 139,450 mt (4.7%).

10.2.4 Liquid Bulk Trade

Twenty One (21) Shipping Lines participated in the Liquid bulk trade, which amounted to 1,918,630 mt for the review period (H1 2016). The highest operators were Juwell Energy with 600,495 mt (31.30% of the Liquid bulk trade), and BOST, with 339,446 mt (17.69%).

11.0 PERFORMANCE OF SHIPPING AGENTS IN GHANA SEABRONE TRADE

11.1 Shipping Agents' Performance in the Containerized Trade

Twenty Six (26) Shipping Agents were involved in the containerized trade to and from Ghana. Together, they handled 283,623 TEUs for the review period (H1 2016). The highest performing agencies were Maersk Ghana Ltd, with 94,189 TEUs (32.7% of the containerized trade) and MSC, with 46,033 TEUs (16.0% of the containerized trade). The details of the shipping agents performance per TEUs are shown in Table 11.

11.2 Performance of Shipping Agents per Volume of Shipment and Trade Type

Fifty Seven (57) Shipping Agents handled over 9.2 million mt of seaborne trade (import & export) through the Ports of Tema and Takoradi during the period of the first half (H1) 2016.

Table 13 below shows the performance in the various trades namely, Liner, Break Bulk, Dry Bulk and Liquid Bulk trade for the review period.

11.2.1 Liner Trade

Fifty one (51) Shipping Agents handled the total Liner trade of 3.4 million mt. The highest performer was Maersk Gh Ltd. with 873,494 mt, representing 25.4% of the total Liner trade for the period. Maersk was followed by MSCA Gh Ltd, with 407,722 mt (or 11.8% of the total Liner trade). The next was CMA CGM Gh Ltd, handling 190,348 mt, representing to 5.55% of the Liner trade. Then PIL Ghana Ltd. followed with 187,545 mt (or 5.4%).

11.2.2 Break Bulk Trade

In the Break bulk trade, thirty seven (37) Shipping Agents participated in handling 928,970mt of cargo. Global Cargo & Commodities Ltd. was the highest performer, with 210,397 mt (or 22.7% of the Break Bulk trade) for the period. GMT Shipping Ltd followed with 163,001 mt (or 17.6% of the Break Bulk trade), Maersk Gh. Ltd with 162,193 mt (or 17.5% of the Break Bulk trade), and Sevenlog Ltd with 110,195 mt (or 11.9% of the Break Bulk trade).

11.2.3 Dry Bulk Trade

The Dry bulk trade saw twenty five (25) Shipping Agents handling 2.9 million mt of cargo. Supermaritime Gh. Ltd handled the highest share of 33.7% (i.e. 993,748 mt) of the Dry Bulk trade. Hull Blyth Gh. Ltd was next, handling 624,868 mt (or 21.2% of the Dry Bulk trade), followed by Macro Shipping Gh. Ltd, which handled 458,723 mt (or 15.6% of the Dry Bulk trade).

11.2.4 Liquid Bulk Trade

Twelve (12) Shipping Agents handled the over 1.9 million mt of cargo in the Liquid Bulk trade segment. Oil and Marine Agencies Ltd handled the highest share of 63.8% (i.e. 1,224,490mt) of the Liquid Bulk trade. Bluesea Maritime Agency Ltd followed with 204,152 mt (or 10.6% of the Liquid Bulk trade).

TABLE 10 PERFORMANCE OF SHIPPING LINES PER LADEN CONTAINERS (in TEUs) -TEMA & T'DI

JAN. - JUN. 2016

SHIPPING LINE	IMPORT	EXPORT	TOTAL	% of TOTAL
ADVANCED MARITIME	2	-	2	0.0%
AFRICA EXPRESS LINE	776	250	1,026	0.4%
ARKAS LINE	4,587	1,559	6,146	2.1%
BOLLORE AFRICA LTD	190	204	394	0.1%
CHINA OCEAN SHIPPING	7,743	2,003	9,746	3.4%
CHINA SHIPPING	7,105	366	7,471	2.6%
CMA CGM	13,671	5,638	19,309	6.7%
EAGLE WEST AFRICA SERV.	2,484	544	3,028	1.1%
EVERGREEN SHIPPING	-	101	101	0.0%
GOLD STAR LINE	8,068	3,728	11,796	4.1%
GRIMALDI LINES	9,481	1,252	10,733	3.7%
HANJIN SHIPPING	4,375	1,350	5,725	2.0%
HAPAG-LLOYD	10,437	3,618	14,055	4.9%
HB SHIPPING	2	-	2	0.0%
HC TRADING	849	401	1,250	0.4%
HOEGH AUTOLINERS	-	18	18	0.0%
I.M.T	17	-	17	0.0%

MAERSK LINE	81,354	12,801	94,155	**32.7%**
MANDARIN BEIJING	1	-	1	**0.0%**
MEDITERRANEAN SHIPP. CO	36,908	9,135	46,043	**16.0%**
MESSINA LINES	1,365	760	2,125	**0.7%**
MITSUI O.S.K. LINES	12,050	4,306	16,356	**5.7%**
OTHER	164	17	181	**0.0%**
PACIFIC INTL. LINE	16,253	4,226	20,479	**7.1%**
PORTSIDE SHIPPING SERVICE	-	64	64	**0.0%**
SAFMARINE MPV N.V	32	3,745	3,777	**1.3%**
DIC SHIPPING DEV.	2	-	2	**0.0%**
UNITED ARAB SHIPP. CO	7,209	2,818	10,027	**3.5%**
UNIVERSAL AFRICA LINE	30	13	43	**0.0%**
VAN BLOOM SHIPPING LTD	1	-	1	**0.0%**
ZIM LINE	1,836	1,874	3,710	**1.3%**
TOTAL	**226,992**	**60,791**	**287,783**	**100.0%**

TABLE 11 PERFORMANCE OF **SHIPPING AGENTS** PER **LADEN CONTAINERS** (in TEUs) - TEMA & T'DI

JAN. - JUN. 2016

SHIPPING AGENT	IMPORT	EXPORT	TOTAL	% SHARE
ADVANCE MARITIME	2	-	2	**0.0%**
ANTRAK GHANA LTD	1,979	1,007	2,986	**1.0%**
BEACON SHIPPING GHANA	4,375	-	4,375	**1.5%**
BLUESEA MARITIME	-	17	17	**0.0%**
BLUE FUNNEL GHANA	4,587	-	4,587	**1.6%**
BOLLORE AFRICA LOGISTICS	-	205	205	**0.1%**
COMEXAS GHANA LTD TEMA	25	2	27	**0.0%**
DELMAS SHIPPING GH. CMA CGM	13,671	5,638	19,309	**6.7%**
DW CABLE NET SHIPPING GH LTD	68	-	68	**0.0%**
GETMA GHANA LTD	32	-	32	**0.0%**
GMT SHIPPING LTD	123	-	123	**0.0%**
GRIMALDI GHANA LTD	9,048	1,048	10,096	**3.5%**
HULL BLYTH GHANA	862	6,128	6,990	**2.4%**
INTERMODAL SHIPPING AGENCY GH	10,971	5,602	16,573	**5.8%**

MAERSK GHANA LTD	81,364	12,825	94,189	32.7%
MOL GHANA LTD	12,050	4,306	16,356	5.7%
MSCA GHANA	36,898	9,135	46,033	16.0%
NAVITRANS GHANA LTD	7,105	366	7,471	2.6%
OIL AND MARINE AGENCIES	10,437	3,618	14,055	4.9%
PIL GHANA LTD	16,253	4,133	20,386	7.1%
PORTS MARINE	-	64	64	0.0%
SAFMARINE	-	3,721	3,721	1.3%
SCANSHIP GHANA LIMITED	6,568	2,182	8,750	3.0%
SEVENLOG LIMITED	87	-	87	0.0%
SUPERMARITIME GHANA LIMITED	3,278	794	4,072	1.4%
UNITED ARAB SHIPPING AGENCIES GH.	7,209	-	7,209	2.5%
TOTAL	**226,992**	**60,791**	**287,783**	100.0%

GHANA SHIPPERS' AUTHORITY

We assist in providing solutions to
Shipment Problems such as:

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- **Late Arrival of Shipping Documents**
- **Cargo Insurance Claims**
- **Illegal Charges**
- **Short-Landing of Cargo**

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AMBASSADORIAL ENCLAVE, WEST RIDGE, ACCRA. **TEL:** 0302 666915-7, 668769. **FAX:** 0302 668768.
EMAIL: info@shippers.org.gh **WEBSITE:** www.shippers.org.gh

Table 12 PERFORMANCE OF SHIPPING LINES IN GHANA'S SEABORNE TRADE (JAN - JUN 2016)

IMPORT AND EXPORT (mt) - TEMA - TAKORADI

	IMPORT	EXPORT	TOTAL	% SHARE / TRADER TYPE	%SHARE
LINER					
ADVANCE MARITIME TRANSPORT	130	0	130	0.00	0.00
ADOM MBROSO COLDSTORES LTD	12,177	0	12,177	0.36	0.13
AFRICA EXPRESS LINE	7,118	10,605	17,723	0.52	0.19
AFRICAN FISH GH. LTD	454	0	454	0.01	0.00
AMISACHI LTD	2,180	0	2,180	0.06	0.02
AMISACHI/ WE 2 SEAFOODS LTD	1,903				
ALUMINO ESPANOL	0	3,701	3,701	0.11	0.04
ARKAS LINE	50,933	19,896	70,829	2.08	0.77
ASIA MARITIME PACIFIC	290	0	290	0.01	0.00
BBC CHARTERING & LOGISTICS	3,999	0	3,999	0.12	0.04
BOLLORE AFRICA LTD	26,032	1,056	27,088	0.80	0.29
CARIN	0	0	0	0.00	0.00
CANDLER SCHIFFAHRT GMBH	4,400	0	4,400	0.13	0.05
CCB LA COMPAGINE DU CAP BLANC	0	0	0	0.00	0.00
CHINA OCEAN SHIPPING	109,010	33,276	142,286	4.18	1.54
CHINA SHIPPING	48,869	6,857	55,726	1.64	0.60
CIRRUS	0	0	0	0.00	0.00
CMA CGM	99,315	90,774	190,089	5.59	2.06
CONSHIP LINE	50,696	0	50,696	1.49	0.55
CONTI GMT SHIPPING	879	0	879	0.03	0.01
COSMO SEAFOODS CO.	202	0	202	0.01	0.00
DANGOTE	85	0	85	0.00	0.00
DELMAS	259	0	259	0.01	0.00
DOLPHINE FROZEN FOODS	5,818	0	5,818	0.17	0.06
EAGLE WEST AFRICA SERV.	28,782	23,118	51,900	1.53	0.56
EITZEN CHEMICAL A/S	1,048	0	1,048	0.03	0.01
EUKOR CAR CARRIERS	1,129	0	1,129	0.03	0.01
EVERGREEN SHIPPING LINE	312	1,658	1,970	0.06	0.02
FERTICHIM	15,700	0	15,700	0.46	0.17
FOUTA GENERAL MERCHANDISE LTD	6,000	0	6,000	0.18	0.06
GLOVIS	6,410	0	6,410	0.19	0.07
GMT SHIPPING	115	0	115	0.00	0.00
GOLD STAR LINE	55,781	56,852	112,633	3.31	1.22
GOLD STAR FISH CO. LTD	3,215	0	3,215	0.09	0.03
GRIMALDI LINES	**84,075**	**19,691**	**103,766**	**3.05**	**1.12**
HANJIN SHIPPING	25,555	25,146	50,701	1.49	0.55
HAPAG-LLOYD	73,832	61,372	135,204	3.97	1.46
HB SHIPPING	307	0	307	0.01	0.00
HC SHIPPING	44,080	5,840	49,920	1.47	0.54

HOEGH AUTOLINERS	6,211	253	6,464	0.19	0.07
HUAL AUTOLINERS	2	0	2	0.00	0.00
I.M.T	2,876	1,550	4,426	0.13	0.05
IMC SHIPPING	833	0	833	0.02	0.01
J. MARR (SEAFOODS) LTD.	18,754	0	18,754	0.55	0.20
JAPAN TUNA ASSOCIATION	110	0	110	0.00	0.00
K' LINE	1,821	0	1,821	0.05	0.02
LOUIS DREYFUS COMMODITIES	9,965	0	9,965	0.29	0.11
MAERSK LINE	663,310	209,943	873,253	25.67	9.46
MANDARIN BEIJIN	1,122	0	1,122	0.03	0.01
MEDITERRANEAN SHIPPING CO.	277,530	130,192	407,722	11.98	4.42
MESSINA LINES	15,960	9,178	25,138	0.74	0.27
MITSUI O.S.K LINES	102,819	69,012	171,831	5.05	1.86
NIPPON YUSEN KAISHA	410	0	410	0.01	0.00
NMT LINES	2,155	0	2,155	0.06	0.02
OCEAN FARE CO. LTD	4,341	0	4,341	0.13	0.05
OCEANCREST TRANSPORT INC.	54,200	0	54,200	1.59	0.59
OLAM GHANA	6,008	0	6,008	0.18	0.07
OTAL	20,089	0	20,089	0.59	0.22
OTHER	85,908	8,513	94,421	2.78	1.02
PACIFIC INTL LINE	125,353	61,818	187,171	5.50	2.03
PIONEER FOOD CANNERY LTD	2,357	0	2,357	0.07	0.03
PORTSIDE SHIPPING LINES	5	1,846	1,851	0.05	0.02
POSEIDON SCHIFFAHRT GMBH	3,952	0	3,952	0.12	0.04
PRECIOUS COLDSTORE LTD	388	0	388	0.01	0.00
PREMIUM FOODS LTD	22,000	0	22,000	0.65	0.24
RAFFLES SHIP CHARTERING	7,500	0	7,500	0.22	0.08
RAFFLES SHIPPING INTERNATIONAL	24,000				
RAMANI DISTRIBUTION	28,000	0	28,000	0.82	0.30
ROYAL BOW CO. LTD	13,875	0	13,875	0.41	0.15
SAFMARINE	589	59,318	59,907	1.76	0.65
SALLAUM LINES	588	0	588	0.02	0.01
SDIC SHIPPING DEV.	1,295	0	1,295	0.04	0.01
SEABOARD OVERSEAS LTD	13,492	0	13,492	0.40	0.15
SEVENLOG	68,424	0	68,424	2.01	0.74
SIERRA FISHING CO. LTD	712	0	712	0.02	0.01
TEAM TANKERS VENTURES LTD	4,669	0	4,669	0.14	0.05
TED SHIPPING	61	0	61	0.00	0.00
TOPSHEEN SHIPP. GROUP LTD	166	0	166	0.00	0.00
TRUSTLINK VENTURES LTD	3,241	0	3,241	0.10	0.04
THORCO SHIPPING A/S	0	3,602	3,602	0.11	0.04
UNI-CHARTERING A/S	4,167	0	4,167	0.12	0.05
UNITED ARAB SHIPP. CO	40,782	47,007	87,789	2.58	0.95
UNIVERSAL AFRICA LINE	7,275	1,193	8,468	0.25	0.09
UNSPECIFIED SHIPP. LINE	6	0	6	0.00	0.00
VAN BLOOM SHIPP. LTD	1,283	0	1,283	0.04	0.01
VOLTA ALUMINIUM CO.	250	2,800	3,050	0.09	0.03

WE 2 SEAFOODS CO. LTD/ AMISACHI	2,675	0	2,675	0.08	0.03
ZIM LINE	15,280	24,343	39,623	1.16	0.43
ZOLA MARITIME	25	0	25	0.00	0.00
SUB-TOTAL	**2,437,925**	**990,410**	**3,402,432**	**100.00**	**36.85**
BREAK BULK					
ADVANCED MARITIME TAKORADI	60	0	60	0.01	0.00
AFRICA EXPRESS LINE	10	0	10	0.00	0.00
ARKAS LINE	2,131	0	2,131	0.23	0.02
BBC CHARTERING	128	0	128	0.01	0.00
BOLLORE AFRICA LTD	100	0	100	0.01	0.00
CHINA OCEAN SHIPPING	127,247	0	127,247	13.46	1.38
CHINA SHIPPING	13,856	0	13,856	1.47	0.15
CMA CGM	36,133	0	36,133	3.82	0.39
CONSHIP LINES	4,266	0	4,266	0.45	0.05
CONTI GMT SHIPPING	50,286	0	50,286	5.32	0.54
EAGLE WEST AFRICA SERV.	1	0	1	0.00	0.00
ED&F MAN SHIPPING	13,600	0	13,600	1.44	0.15
EVERGREEN SHIPPING LINE	1,074	0	1,074	0.11	0.01
FOUTA GENERAL MERCHANDISE LTD	46,805	0	46,805	4.95	0.51
GLOVIS	0	0	0	0.00	0.00
GMT SHIPPING	5,001	0	5,001	0.53	0.05
GOLD STAR LINE	9,629	0	9,629	1.02	0.10
GRIMALDI LINES	4,849	0	4,849	0.51	0.05
HANJIN SHIPPING	5,026	0	5,026	0.53	0.05
HAPAG-LLOYD	6,039	0	6,039	0.64	0.07
HC TRADING	680	0	680	0.07	0.01
HOEGH AUTOLINERS	121	0	121	0.01	0.00
I.M.T	1	0	1	0.00	0.00
IMC SHIPPING	3,516	0	3,516	0.37	0.04
MAERSK LINE	**162,360**	**0**	**162,360**	**17.18**	**1.76**
MEDITERRANEAN SHIPP. CO	42,482	0	42,482	4.49	0.46
MESSINA LINES	1,128	0	1,128	0.12	0.01
MITSUI O.S.K. LINES	25,038	0	25,038	2.65	0.27
NIPPON YUSEN KAISHA	54	0	54	0.01	0.00
NMT LINES	3	0	3	0.00	0.00
OLAM GH. LTD	52,391	0	52,391	5.54	0.57
OTHER	77,777	0	77,777	8.23	0.84
PACIFIC INTL. LINES	26,088	0	26,088	2.76	0.28
RAMANI DISTRIBUTION	6,000	0	6,000	0.63	0.06
ROYAL BOW CO. LTD	105,200	0	105,200	11.13	1.14
SALLAUM LINES	1	0	1	0.00	0.00
SDIC	2	0	2	0.00	0.00
SEVENLOG	46,040	0	46,040	4.87	0.50
TED SHIPPING	46,726	0	46,726	4.94	0.51
TOPSHEEN SHIPPING GROUP LTD	6,954	0	6,954	0.74	0.08

UNITED ARAB SHIPP. CO.	11,125	0	11,125	1.18	0.12
UNIVERSAL AFRICA LINE	2,089	0	2,089	0.22	0.02
VAN BLOOM SHIPPING	1,597	0	1,597	0.17	0.02
VITOL SA	1	0	1	0.00	0.00
ZIM LINE	1,687	0	1,687	0.18	0.02
SUB-TOTAL	**945,302**	**0**	**945,302**	**100.00**	**10.24**
DRY BULK					
ARKAS LINE	0	4,540	4540	0.15	0.05
BOLLORE LINES	6	13,039	13045	0.44	0.14
CARMEUS TRADING	31,531	0	31531	1.07	0.34
CHINA OCEAN SHIPPING	7,231	23,105	30336	1.03	0.33
CMA CGM	0	990	990	0.03	0.01
DANGOTE	139,450	0	139450	4.74	1.51
EURO AFRICA	0	5,500	5500	0.19	0.06
GOLD STAR LINE	0	22,052	22052	0.75	0.24
GRIMALDI LINE	0	1,250	1250	0.04	0.01
HAPAG-LLOYD	91	538	629	0.02	0.01
HB TRADING	28,994	0	28994	0.99	0.31
HC TRADING	575,009	16,325	591334	20.11	6.40
I.M.T	0	1,114,838	1114838	37.91	12.07
LOUIS DREYFUS COMMODITIES	5,364	0	5364	0.18	0.06
MACRO SHIPPING	83,021	27,100	110121	3.74	1.19
MAERSK LINE	3,795	18,853	22648	0.77	0.25
MANDARIN BEIJIN	40,000	0	40000	1.36	0.43
MEDITERRANEAN SHIPP. CO	**9,298**	**109,542**	**118840**	**4.04**	**1.29**
MESSINA LINE	0	539	539	0.02	0.01
MITSUI O.S.K. LINES	1,127	226	1353	0.05	0.01
NORDANA LINE	5,000	0	5000	0.17	0.05
OCEANCREST TRANSPORT INC.	83,800	0	83800	2.85	0.91
OLAM GHANA	57,989	0	57989	1.97	0.63
OTHER	86,254	13,358	99612	3.39	1.08
PACIFIC INTL. LINE	0	1,118	1118	0.04	0.01
SAFMARINE	0	102	102	0.00	0.00
SEABOARD OVERSEAS LTD	4,625	0	4625	0.16	0.05
SEVENLOG	119,900	0	119900	4.08	1.30
SPLIETHOFF	0	18,500	18500	0.63	0.20
THORCO SHIPPING A/S	11,000	0	11000	0.37	0.12
TRANSBULK SHIPPING	40,000	0	40000	1.36	0.43
UNITED ARAB SHIPP. CO	222	0	222	0.01	0.00
UNICARGO	0	6,500	6500	0.22	0.07
UNIVERSAL AFRICA LINE	0	69,687	69687	2.37	0.75
VAN BLOOM SHIPPING LTD	118,700	0	118700	4.04	1.29
YARA GH. LTD	19,750	0	19750	0.67	0.21
ZIM LINE	1,004	0	1004	0.03	0.01
SUB-TOTAL	**1,473,160**	**1,467,702**	**2,940,862**	**100.00**	**31.85**

LIQUID BULK					
BLUE OCEAN	79,481	0	79,481	4.14	0.86
BLUE/ EBONY	18,452	0	18,452	0.96	0.20
BOST	314,913	24,533	339,446	17.69	3.68
CHASE PETROLEUM	106,722	0	106,722	5.56	1.16
EBONY OIL & GAS	60,030	0	60,030	3.13	0.65
EBONY/ BLUE OCEAN	15,270	0	15,270	0.80	0.17
FUELTRADE	151,981	0	151,981	7.92	1.65
GLENCORE	49,168	0	49,168	2.56	0.53
HC TRADING	1,337	0	1,337	0.07	0.01
I.M.T	11,982	0	11,982	0.62	0.13
JUWELL ENERGY	600,495	0	600,495	31.30	6.50
MAERSK LINE	1,254	0	1,254	0.07	0.01
MEDITERRANEAN SHIPP. CO	3,454	25	3,479	0.18	0.04
OTHER	135,316	31,365	166,681	8.69	1.81
PIONEER FOOD CANNERY LTD	35,879	0	35,879	1.87	0.39
TEMA OIL REFINERY	20,013	17,189	37,202	1.94	0.40
TOTAL OIL TRADING	14,978	0	14,978	0.78	0.16
TRAFIGURA PTE LTD	**85,800**	**0**	**85,800**	**4.47**	**0.93**
VIHAMA/JUWELL	38,017	0	38,017	1.98	0.41
VITOL	32,979	0	32,979	1.72	0.36
WILHELMSEN SHIPS SERVICE	67,997	0	67,997	3.54	0.74
SUB-TOTAL	**1,845,518**	**73,112**	**1,918,630**	**100.00**	20.78
GRAND TOTAL	**6,701,906**	**2,531,224**	**9,233,130**	**100.00**	99.72

Table 13 PERFORMANCE OF SHIPPING AGENTS IN GHANA'S SEABORNE TRADE (JAN - JUN 2016)

IMPORT AND EXPORT (mt) - TEMA – TAKORADI

	IMPORT	EXPORT	TOTAL	% SHARE / TRADE TYPE	%SHARE
LINER					
ADVANCED MARITIME TAKORADI	130	0	130	0.00	0.00
AFRICAN STEAM SHIP	162	0	162	0.00	0.00
A&J SHIPPING SERVICES	13,821	0	13,821	0.40	0.15
ANDIPEX CO. LTD	17,035	0	17,035	0.50	0.18
ANTRAK GH. LTD	56,767	11,857	68,624	2.00	0.74
AQUA MARINE SHIPP. GH. LTD	654	0	654	0.02	0.01
BAJ FREIGHT T EMA	463	0	463	0.01	0.01
BEACON SHIPP. HANJIN GH.	25,535	0	25,535	0.74	0.28
BLUE FUNNEL GH. LTD	50,933	0	50,933	1.49	0.55
BLUESEA MARITIME GH. LTD	0	3,850	3,850	0.11	0.04
BOLLORE AFRICA LOGISTICS	312	2,073	2,385	0.07	0.03
BULKERS	49	0	49	0.00	0.00
COMEXAS GHANA LIMITED	8,008	93	8,101	0.24	0.09
CONSOLIDATED SHIPPING AGENCIES LTD	51,092	0	51,092	1.49	0.55
DADDO MARITIME	2	0	2	0.00	0.00
DAMCO LOGISTICS GH. LTD	54,200	0	54,200	1.58	0.59
DELMAS SHIPP. GH. CMA CGM	99,574	90,774	190,348	5.55	2.06
DOLPHIN SHIPP. SERVICES	12,590	0	12,590	0.37	0.14
ELDER DEMPSTER GHANA	2	0	2	0.00	0.00
FACULTY LOGISTICS LTD	17,000	0	17,000	0.50	0.18
FAIRPOINT BUSINESS T EMA	3,819	0	3,819	0.11	0.04
GETMA GHANA LTD	5,864	0	5,864	0.17	0.06
GLOBAL CARGO & COMMODITIES	75,968	0	75,968	2.22	0.82
GMT SHIPPING LTD	18,752	0	18,752	0.55	0.20
GRIMALDI GH. LTD	79,655	16,529	96,184	2.81	1.04
HULL BLYTH GH. LTD	47,398	96,769	144,167	4.21	1.56
ICM LOGISTICS SERVICES LTD	21	0	21	0.00	0.00
INCHCAPE SHIPP. SERVICES GH. LTD	69,538	0	69,538	2.03	0.75

INTERMODAL SHIPP. AGENCY GH. LTD	76,883	81,195	158,078	4.61	1.71
KHUDA SERVICE T EMA	12,173	0	12,173	0.36	0.13
KOYANKS COMPANY LIMITED	12,992	0	12,992	0.38	0.14
MACRO SHIPPING LTD	12,536	0	12,536	0.37	0.14
MAERSK GH. LTD	663,219	210,275	873,494	25.48	9.46
MARITIME AGENCIES	979	0	979	0.03	0.01
MOL GHANA LTD	102,819	69,012	171,831	5.01	1.86
MSCA GH. LTD	277,530	130,192	407,722	11.89	4.42
NAVITRANS GH. LTD	48,866	6,857	55,723	1.63	0.60
OIL & MARINE AGENCIES	73,835	61,372	135,207	3.94	1.46
PANALPINA GH LTD	3	0	3	0.00	0.00
PIL GHANA LTD	125,752	61,793	187,545	5.47	2.03
PORTS MARINE LTD	2,153	1,846	3,999	0.12	0.04
SAFMARINE	0	58,986	58,986	1.72	0.64
SCANSHIP GHANA LIMITED	86,735	35,779	122,514	3.57	1.33
SEATRADE SHIPPING AND LOGISTICS	0	0	0	0.00	0.00
SEVENLOG LIMITED	71,951	0	71,951	2.10	0.78
SHARAF SHIPPING AGENCY LIMITED	7,969	0	7,969	0.23	0.09
SILVERMARITIME GH. LTD	52	0	52	0.00	0.00
STARDEX MARINE CONSULT	9,113	0	9,113	0.27	0.10
SUPERMARITIME GHANA LIMITED	94,452	51,160	145,612	4.25	1.58
TRANSGLOBAL SHIPPING	3,798	0	3,798	0.11	0.04
TTV LIMITED	3,971	0	3,971	0.12	0.04
UNITED ARAB SHIPPING AGENCIES	40,802	0	40,802	1.19	0.44
SUB-TOTAL	**2,437,927**	**990,412**	**3,428,209**	**100.00**	37.13
BREAK BULK					
ADVANCED MARITIME TAKORADI	60	0	60	0.01	0.00
AFRICA CARGO CENTRAL LTD	16,273	0	16,273	1.75	0.18
ANTRAK GH. LTD	1,520	0	1,520	0.16	0.02
AQUA MARINE SHIPP. GH. LTD	1	0	1	0.00	0.00
BAJ FREIGHT TEMA	8	0	8	0.00	0.00
BEACON SHIPPING GHANA	5,026	0	5,026	0.54	0.05
BOLLORE AFRICA LOGISTICS	1,074	0	1,074	0.12	0.01

BLUE FUNNEL GH.	2,131	0	2,131	0.23	0.02
COMEXAS GH. LTD	2,088	0	2,088	0.22	0.02
CONSOLIDATED SHIPP. AGENCIES LTD	6,094	0	6,094	0.66	0.07
DADDO MARITIME SERV. GH. LTD	11	0	11	0.00	0.00
DELMAS SHIPPING GHANA	36,133	0	36,133	3.89	0.39
FACULTY LOGISTICS	27,900	0	27,900	3.00	0.30
GLOBAL CARGO & COMMODITIES	210,397	0	210,397	22.65	2.28
GMT SHIPPING LTD	163,001	0	163,001	17.55	1.77
GRIMALDI GHANA LTD.	3,297	0	3,297	0.35	0.04
HULL BLYTH GH. LTD	680	0	680	0.07	0.01
ICM LOGISTICS SERVICES LTD	11	0	11	0.00	0.00
INCHCAPE SHIPPING SERVICES	1	0	1	0.00	0.00
INTERMODAL SHIPP. AGENCY GH. LTD	12,149	0	12,149	1.31	0.13
MAERSK GH. LTD	162,193	0	162,193	17.46	1.76
MARITIME AGENCIES	294	0	294	0.03	0.00
MAXITIDE VENTURES LTD	1,395	0	1,395	0.15	0.02
MOL GH. LTD	25,038	0	25,038	2.70	0.27
MSCA GH. LTD	42,482	0	42,482	4.57	0.46
NAVITRANS GHANA LIMITED	11,783	0	11,783	1.27	0.13
OIL & MARINE AGENCIES	6,041	0	6,041	0.65	0.07
PANALPINA GH LTD	38	0	38	0.00	0.00
PIL GHANA LTD	26,088	0	26,088	2.81	0.28
PORTS MARINE LTD	1	0	1	0.00	0.00
SCANSHIP GH LTD	21,192	0	21,192	2.28	0.23
SEATRADE SHIPPING AND LOGISTICS	300	0	300	0.03	0.00
SEVENLOG LTD	110,195	0	110,195	11.86	1.19
SHARAF SHIPPING AGENCY LTD	0	0	0	0.00	0.00
SILVERMARITIME GH. LTD	22,000	0	22,000	2.37	0.24
SUPERMARITIME GH. LTD	17,282	0	17,282	1.86	0.19
UNITED ARAB SHIPP. AGENCIES	11,125	0	11,125	1.20	0.12
SUB-TOTAL	**945,304**	**0**	**928,970**	**100.00**	**10.24**
DRY BULK					
ANTRAK GH. LTD	6	13,578	13,584	0.46	0.15

BLUESEA MARITIME GH. LTD	0	6,500	6,500	0.22	0.07
BOLLORE AFRICA LOGISTICS	0	1,118	1,118	0.04	0.01
DAMCO LOGISTICS GHANA LTD.	83,800	0	83,800	2.85	0.91
DELMAS SHIPP. GH. CMA CGM	0	990	990	0.03	0.01
FACULTY LOGISTICS	10,484	0	10,484	0.36	0.11
GETMA GHANA LTD	18,564	0	18,564	0.63	0.20
GLOBAL CARGO & COMMODITIES	197,439	0	197,439	6.71	2.14
HULL BLYTH GH. LTD	604,003	20,865	624,868	21.25	6.77
INCHCAPE SHIPPING SERVICES	0	4,075	4,075	0.14	0.04
INTERMODAL SHIPP. AGENCY GH. LTD	1,004	22,052	23,056	0.78	0.25
MACRO SHIPP. GH. LTD	0	458,723	458,723	15.60	4.97
MAERSK GHANA LTD	3,795	18,955	22,750	0.77	0.25
MAP SHIPPING LTD	54,570	0	54,570	1.86	0.59
MOL GH. LTD	1,127	226	1,353	0.05	0.01
MSCA GHANA LTD	9,298	109,542	118,840	4.04	1.29
OIL & MARINE AGENCIES	91	538	629	0.02	0.01
PIL GHANA LTD	0	0	0	0.00	0.00
SCANSHIP GH. LTD	7,231	37,070	44,301	1.51	0.48
SEVENLOG LIMITED	199,900	0	199,900	6.80	2.17
SIFAX AGENCIES GH LIMITED	27,750	0	27,750	0.94	0.30
SUPERMARITIME GH. LTD	222,346	771,402	993,748	33.79	10.76
TIDE SHIPS LTD	0	2,068	2,068	0.07	0.02
UNITED ARAB SHIPPING AGENCIES GHANA	222	0	222	0.01	0.00
WESTERN FREIGHT AND LOGISTICS	31,531	0	31,531	1.07	0.34
SUB-TOTAL	**1,473,160**	**1,467,702**	**2,940,862**	**100.00**	31.85
LIQUID BULK					
ANTRAK GHANA LTD	73,979	0	73,979	3.86	0.80
BLUESEA MARITIME AGENCY LTD	204,152	0	204,152	10.64	2.21
CRTCR	0	17,189	17,189	0.90	0.19
DADDO MARITIME SERV. GH. LTD	124,200	29,813	154,013	8.03	1.67
GETMA GH. LTD	2,980	0	2,980	0.16	0.03
HULL BLYRTH GHANA	1,337	0	1,337	0.07	0.01
INCHCAPE SHIPPING SERVICES	173,634	0	173,634	9.05	1.88
MAERSK LINE	1,254	0	1,254	0.07	0.01
MSCA GHANA LTD	474	25	499	0.03	0.01
OIL AND MARINE AGENCIES	1,224,490	0	1,224,490	63.82	13.26
SEA AND SHORE SERVICES GHANA LTD	27,037	0	27,037	1.41	0.29
SUPERMARITIME GHANA LTD	11,982	26,085	38,067	1.98	0.41
SUB-TOTAL	**1,845,518**	**73,112**	**1,918,630**	**100.00**	20.78
GRAND TOTAL	**6,701,909**	**2,531,226**	**9,233,135**	**100.00**	100.00

Meeting between Ghana Shippers' Authority and Burkina Faso Shippers' Council

BURKINA FASO SHIPPERS' COUNCIL OFFICE IN GHANA GETS NEW REPRESENTATIVE

The Ghana Office of the Burkina Faso Shippers' Council has a new representative, in the person of Mr. Bationo Rakissiwindé. He took over from Mr. Yaya Yedan, who served in that capacity from July 2001 to January 2016.

Until his appointment, Mr. Rakissiwindé the Director of International Transport Observatory and Perspective, at the Burkina Faso Shippers' Council office in Ouagadougou. He was responsible for collecting, computing and analyzing data on the international transport of goods.

He was also the lead professional in the development of a maritime cargo management system for Burkina Faso with elaborate performance indicators on the international transport sector of goods to Burkina Faso.

Mr. Rakissiwindé was deeply involved in the collation of data on road governance; notably the abnormal practices in order to know the number of check points, the illegal collections and delays on West African corridors. He also participated in the preparatory works leading to the establishment of a Sub-Regional Observatory in matters of Trade and Transport Facilitation within UEMOA/ECOWAS.

Mr. Rakissiwindé holds two Masters degrees; namely, MSc. in Statistics and Economics and MSc. in Statistical Engineering; both from the College of Applied Economics and Statistics in Abidjan, La Cote d'Ivoire. He also holds a Bachelor of Science degree in Mathematics and Physics from Ouagadougou University, Burkina Faso.

In his new role, Mr. Rakissiwindé would be representing the Burkina Shippers' Council in all matters involving transport and transit in Ghana, with the view to protecting and promoting the interests of Burkinabe Shippers in Ghana. This would among others involve providing advisory services, strengthening the collaboration between Burkina Shippers' Council and all partners within the port community including the Port Authority, Customs Division of the Ghana Revenue Authority, Freight Forwarders, Port Security, Transport Unions and other Shippers' Organizations.

He would in particular be monitoring the implementation of the memorandum of understanding between Burkina Shippers' Council and Ghana Shippers' Authority in all matters affecting transit of Burkina Faso goods through Ghana.

Mr. Bationo Rakissiwindé

TERMINAL HANDLING CHARGES ABOLISHED IN GHANA

The Government of Ghana has abolished the implementation of Terminal Handling Charges (THC) at Ghana's seaports as a local charge. The directive was issued by the Minister of Transport, Hon. Fifi Kwetey in September 2016, following investigations by a Ministerial Committee into the justifications for the introduction of the said charge by Shipping Lines and Agents operating in Ghana.

In a statement issued to announce findings of the investigation, the Ministry stated, among others, that "no new service was introduced by the shipping companies at the ports in Ghana to warrant a new charge such as the THC". The Sector Minister indicated that THC may be introduced as part of freight payable by the shipper at the port of origin in accordance with the appropriate incoterms. He urged all Shipping Line/Agents to abide by the directive to ensure harmony in the shipping industry in Ghana."

The introduction of the Terminal Handling Charges was strongly opposed by a coalition of key business associations that represent the critical mass of the shipping community and traders in the country. The main contention was that the THC was illegitimate, duplicated cost to the shipper and injurious to their businesses and the economy at large.

The membership of the coalition included the Association of Ghana Industries (AGI), Ghana National Chamber of Commerce and Industry (GNCCI), Ghana Chamber of Mines, Ghana Union of Traders Associations (GUTA), Federation of Association of Ghanaian Exporters (FAGE) and the Greater Accra Regional Shipper Committee (GARSC).

The directive for the abolishment of the implementation of the THC in Ghana was re-echoed by H. E. President John Dramani Mahama in his address at the 1st Anniversary of the National Single Window and the launch of the Ghana Import, Export and Transit Process Manual.

He expressed grave concerns about the multiplicity of charges at Ghana's ports and the associated high cost of doing business at the ports.

Shipping Lines/Agents operating in Ghana have since appreciated the need for reducing the cost of doing business in Ghana's ports and have complied with the directive.

MARITIME ARBITRATION: A TOOL FOR TRADE FACILITATION IN SUB-SAHARAN AFRICA

By DR KOFI MBIAH - Chief Executive Officer of Ghana Shippers' Authority

This article is a continuation from last quarter's edition

IMPACT

It is common knowledge that liner bills of lading may contain arbitration clauses that specify that any dispute arising out of the carriage should be resolved by arbitration or in a jurisdiction chosen by the carrier. For a small claim which even though small can ruin the business of a small to medium size enterprise, an arbitration clause could specify a forum thousands of kilometersaway from where the goods were discharged. In such instances, the cost of arbitration becomes a disincentive to the claimant and thus an otherwise legitimate claim, well founded in law is left un-pursued.It thus becomes clear that the courts have a very important role to play in safeguarding the interests of vulnerable parties usually from sub-Saharan Africa. This is especially so as there is no definitive legislative policy in that respect.

The case of the *Bremen v Zapata Offshore Co*[25] serves to illustrate the role the courts can play in their application of the law to forum selection clauses. Here,there was an international towage contract for a drilling rig to be towed from Louisiana to Italy. The contract designated the High Court of London as the forum. In a dispute relating to the forum selection clause, the U.S. Supreme Court reasoned as follows:

"Forum-selection clauses have historically not been favoured by American courts. Many courts, federal and state, have declined to enforce such clauses on the ground that they "were contrary to public policy" or that their effect was to "oust the jurisdiction" of the court. Although this view still has considerable acceptance, other courts are tending to adopt a more hospitable attitude toward forum-selection clauses. This view, advanced in the well reasoned dissenting opinion in the instant case, is that such clauses are prima facie valid and should be enforced when enforcement is shown by the resisting party to be unreasonable under the circumstances.

In the interest of party autonomy and taking into consideration public policy, there is always the need for the court to achieve that delicate balance of ensuring that the will of private parties are given effect to while at the same time giving vent to public interest considerations".

[25] 407 US (1971)

which stipulated in essence that Balkan Energy shall make the Osagyefo Power Barge operational within 90 days of the execution of the Agreement. On the due date, Balkan Energy were unable to make the barge operational. A dispute arose.

On 23rd December 2009, Balkan Energy served notice of commencement of arbitration in The Hague under the United Nations Commission on International Trade Law (UNCITRAL) rules pursuant to the arbitration provisions in the Power Purchase Agreement.

On 26th February 2010, in the Netherlands made an attachment order against the assets of the government of Ghana.

The government of Ghana applied to the Ghanaian High Court for an interim injunction to restrain Balkan Energy from carrying out the arbitration. In pursuance of the said injunction, the Attorney General sought to restrain Balkan Energy, its agents, affiliates and subsidiaries from instituting or pursuing arbitration proceedings or any other proceedings against the government outside the jurisdiction of Ghana.

At the High Court, one of the reliefs sought was a declaration to the effect that the Power Purchase Agreement constitutes an international business transaction to which government was a party and is unenforceable as it infringes Article 181 of the 1992 Constitution.[34]

The parties sought the interpretation of the said provisions from the Supreme Court of Ghana. In a unanimous decision,the Supreme Court of Ghana ruled that the Purchase Power Agreement is an international business transaction.

In both the Ghanaian courts and the arbitral tribunal, the arbitrability of the dispute came to the fore. The Supreme Court of Ghana took the view that the Power Purchase agreement was void as it constituted an international transaction within the meaning of Article 181 (5) of the 1992 Constitution and was thus not arbitrable.

The International tribunal decided that the dispute was arbitrable and as it did not offend the Ghanaian constitution.In reaching its decision for the award in favour of Balkan Energy, the Permanent Court of Arbitration reasoned as follows:

Arbitration tribunals are not infrequently confronted with the need to interpret and apply constitutional provisions relevant to the resolution of disputes submitted to them, just as they are normally required to interpret and apply treaties that are relevant to the disputes. There is nothing abnormal in exercising a judicial function necessary for the proper administration of justice. Hence the Tribunal does not consider that, in asserting its competence to determine its jurisdiction in this case, it is disregarding or in anyway contradicting the force of Article 130 of the Constitution of Ghana.[35]

Once again it is important to look at the legislative provisions that guide the conduct of arbitration in Ghana in order to assess the level of respect afforded by the courts to party autonomy.

Section 1 of the Alternative dispute Resolution Act 2010 (Act 798) provides the following exceptions to arbitrability:

(a) The national or public interest
(b) The environment
(c) The enforcement and interpretation of the constitution
(d) Any other matter that by law cannot be settled by an alternative dispute resolution method

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[34] Article 181 of the 1992 Constitution of the republic of Ghana stipulates as follows:
1. Parliament may, by a resolution supported by the votes of a majority of all the membersof Parliament, authorize the Government to enter into an agreementfor the granting of a loan out of any public fund or public account.
2. An agreement entered into under clause (1) of this article shall be laid before parliament and shall not come into operation unless it is approved by a resolution of parliament.
3. No loan shall be raised by the Government on behalf of itself or any other public institution or authority otherwise than by or under the authority of an Act of Parliament.
4. An Act of Parliament enacted in accordance with clause (3) of this article shall provide:
5. (a) that the terms and conditions of a loan shall be laid before parliament and shall not come into operation unless they have been approved by a resolution of parliament
(b) that any moneys received in respect of that loan shall be paid into the consolidated fund and form part of that fund or into some other public fund of Ghana either existing or created for the purposes of the loan
6. This Article shall with the necessary modifications by Parliament apply to an international business or economic transaction to which the government is a party as it applies to a loan

[35] See paragraph 143 at page 54 of the Award.

These exceptions are almost universal[36] but exceptionally wide in their purview and could be open to varied interpretations to oust an otherwise well-founded arbitral jurisdiction. There is no doubt that in the Balkan Energy case, there was a constitutional matter; but a constitutional matter that lends itself to such interpretation as could open the floodgates for judicial intervention.[37]

Furthermore, section 24 of the Alternative Dispute Resolution Act 2010 (Act 798) states:

Unless otherwise agreed by the parties, the arbitral tribunal may rule on its own jurisdiction particularly in respect of:

(a) The existence scope or validity of the arbitration agreement;
(b) The existence or validity of the agreement to which the arbitration agreement relates;
(c) Whether the matters submitted to arbitration are in accordance with the arbitration agreement.

Despite these provisions the courts are quick to intervene on the exception clauses provided under section 1 of the Act in general arbitration matters. These same principles ought to inform the courts in sub-saharan Africa to intervene in international maritime law cases on the basis of public policy in instances of contracts of adhesion and where the bargaining power is manifestly skewed in favour of the stronger party.

The courts are even more strengthened by section 53 (1) of the Act which stipulates:
The Court shall set aside an arbitral award where it finds that the subject matter of thedispute is incapable of being settled by arbitration or the arbitral award was induced by fraud or corruption.
The words "incapable of being settled by arbitration", ought to be given a purposive rather than a literalistic interpretation for the measured intervention that may be necessary to protect a weaker party in an international commercial contract "unilaterally" imposed on the weaker party.

BUILDING CAPACITY

In order to build capacity for arbitrators and establish a reliable and generally acceptable seat of arbitration, it is imperative that deliberate, focused and targeted policies are put in place by African countries South of the Sahara to achieve this. The current situation where almost all contracts be they maritime or those of other specialized fields have embedded in them arbitration clauses that reserve forum to jurisdictions outside Africa does not bode well for the development of arbitration centres of recognition.

In some countries, there is a deliberate national legislative policy that deals with exclusive jurisdiction clauses in carriage of goods by sea covered by bills of lading.[38] Countries such as Canada[39], New Zealand[40], and Sweden[41].This position is also true with respect to some Arab countries notably Kuwait and Qatar. The deliberate policy to empower national courts to assume jurisdiction as a means of protecting the interests of consignees has been referred to as "jurisdictionalcabotage"[42].

To build the requisite capacity, countries of Saharan-Africa should adopt policies that encourage "jurisdictional cabotage". It is important to mention that courts in other jurisdictions especially the English Courts have frowned on such deliberate attempts of national courts to assume jurisdiction in the face of the forum selection clause in the bill of lading. Through the mechanism of an anti-suit injunction, the English courts have sought to enforce such arbitration clauses. The case of *O.T. Africa Line Ltd v Magic Sportswear*[43] is instructive.

Here, by means of subrogation, the cargo insurers sought to claim damages for the short shipmentof goods carried from New York to Liberia under a bill of lading that was issued in Canada. The freight was payable in Canada and the defendant carrier, although not a Canadian resident, had offices in Canada. The bill of lading contained a jurisdiction clause granting exclusive jurisdiction to the High Court of England. One month after commencement of proceedings in England for a determination that it

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[36] They fall within the general framework outlined in the case of *Coppee-Levalin SA/NV-V-Ken-Ren Chemicals and Fertilizers Ltd*, (1994)2 ALL ER 465
[37] Indeed the Supreme Court in its ruling called for a circumscription of the ambit of the provision.
[38] See as an example, the Australian Carriage of Goods by Sea Act 1991, SII. This section protects Australian arbitration clauses in the contract and ousts any other clauses in the contract that seek to limit the jurisdiction of the Australian Courts.
[39] see the Marine Liability Act 2001 c6 s.46 of Canada
[40] see the New Zealand Maritime Transport Act 1994, 210(1), the South African Carriage of Goods by Sea Act1986, s.3(1)
[41] The Swedish Maritime Code c13 ss60 and 61.
[42] see Allsop, J. opcit
[43] 2006 FCA 284

was not liable to the plaintiff and obtained an interim ex-parte anti-suit injunction against the plaintiff. An appeal was made to the court of Appeal and the House of Lords.Both dismissed the appeal and granted the anti-suit injunction. It is however important to mention the non-universality of this position even with the English Courts. In the case of the *"Al Battani"*[44] Justice Sheen suggested that an English Court might recognize the effect of foreign legislation on a contract governed by English Law because of comity of nations. It should be said that without that deliberate policy, the development of skills of arbitration in sub-saharan Africa would be at best theoretical.

JUDICIAL DETERMINATION

Building capacity for arbitrators and getting sub-saharan Africa to establish itself as a centre of excellence for arbitration could also come through definitive judicial policy that seeks to protect the interest of countries in sub-saharan Africa. The cases cited in this paper, from the United States of America, Great Britain, Canada, Australia, all go to show that judicial policy could be used as an approach to foster the protection of national interest where need be.

Here, the case of the *"New York Star"*[45] is indeed instructive.[46] In the *"New York Star"*, Justice Stephen delivering the judgment in the High Court of Australia asked some questions that remain pertinent. He asked whether it was in Australia's interest to take a generous approach to enforcing so called *Himalaya* clauses, giving the benefit of exemptions in the contract of carriage to non- party actors in the carriage activity, such as stevedores - that is whether it was in Australia's interest to permit carriers to widen the protected circle to all its agents and sub -contractors when Australia relied on foreign carriers to bring in and take out its imports and exports.

He said:

There is a further public policy consideration which at one and the same time bears upon the question of international commercial comity. While it is in the interest of great fleet-owning nations that their ocean carriers, and the servants and independent contractors which they employ, should be as fully protected as possible from liability at the suit of shippers and consignees, the interest of those nations which rely upon those fleets for their import and export trade is to the contrary. It was in response to such national interest that United States of America and Australia which both fell into the latter category, enacted the Harter Act of 1893 and our own Sea Carriage of Goods Act 1904, measures which circumscribed the carriers' freedom to contract out of liability. He adds:

Each was more stringent than the subsequent Hague Rules. Many nations particularly developing nations, have come to regard those rules as unduly favouring carriers at the expense of cargo owners, especially because of the quite restricted duration of the carriers' compulsory period of responsibility which they impose, ending as it does, immediately upon discharge. It is not clear to me that Australian courts should regard it as in any way in the public interest that carriers' exemption clauses, effective before loading and after discharge, should be accorded any benevolent interpretation either so as to benefit carriers or so as to benefit independent contractors by extending the scope of such clauses to include such contractors. If public policy does not dictate such a course, neither do consideration of comity.

The role that the judiciary can play in formulating policy in the direction of "jurisdictional cabotage" has a vent even within the framework of the New York Convention. In Article II it provides for the basic recognition and enforcement of the parties' autonomous bargain. It also expresses the key ingredients of arbitrability and enforcement by the courts. Within the same framework is the notion expressed as "capable of settlement by arbitration". As seen in the Nigeria cases earlier referred to, determination with respect to disputes that qualify for settlement by arbitration is always in the domain of the municipal courts. While this power lies in the bosom of municipal judges it must not be used capriciously, they must while seeking that intricate and delicate balance be alive to the overriding interests not only of the state but also the regional interest.

As pointed out by Allsop[47], *"there is no reason why countries cannot pool resources to create a virtual or synthetic network of arbitration law and structures of arbitration and of skilled professionals".*

Within sub-saharanAfrica, this possibility exists, but would require a conscious effort, judicial and legislative, to see it through.

Allsop adds:

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[44](1993)2 Lloyds Rep 210)
[45](1978) 139 CLR 231
[46](1980) 2Lloyds Rep 317(PC)
[47]Ibid, P. 29

"On a regional basis, with uniform rules as to the law of the arbitration, as to rules of procedure, with available transnational principles of contract and contractual interpretation and with uniform approach to curial supervision, enforcement and collateral assistance based on international conventions, a regional or multi-national organization could call upon the combined maritime skill of a region or the group of participating countries - arbitral, judicial, scholarly and professional for the resolution of disputes. Hearings could take place at the most convenient place".

From the above, it is clear that today's international commerce is characterized by a multiplicity of fields which are capable of engendering disputes. It is also notable that increasingly, the predominant desire of parties would be to resolve their disputes through arbitration. Thus the increasing importance of arbitration as a dispute settlement mechanism cannot be over-emphasized. Its role in shaping economic policy and protecting national interest is also paramount. It is against this backdrop that countries in Africa South of the Sahara should take keen interest in aribitration and build the requisite capacity for its institutionalization as the preferred mode of settling international commercial disputes.

TRADE FACILITATION AND ARBITRATION.

As pointed out earlier on this paper, there is no gainsaying that trade - a commercial activity will naturally engender disputes. Thus there is a connection between Trade Facilitation and Arbitration which is a predominant means of dispute settlement in commercial activity.

Trade Facilitation is defined as the simplification and harmonization of international trade procedureswhich would necessarily include activities, practices and formalities involved incollecting, presenting, communicating and processing of data required for the movement of goods in international trade. Such procedures would also include an appropriate, pragmatic, efficient and effective means of resolving disputes that arise as a result of the international commercial transactions. As stated earlier, disputes are a natural phenomenon of international commerce.

Included in basic principles of Trade Facilitation are Simplification, Standardization and Transparency. All these are ingrained attributes of international commercial arbitration. Thus, to ensure trade facilitation, there would be the need to have a dispute settlement mechanism that is simple to administer, that is characterized by uniformity in view of the international character of transboundary commerce, standardization and transparency for purposes of predictability, recognition and confidence.

There is no doubt therefore that arbitration is a needed tool for trade facilitation. Today's international commercial transactions are characterized by just -in-time deliveries, a high level of competitiveness buttressed by an effective technological advancement and an effective information and communication system. The objective of employing all these mechanisms for facilitating trade is to ensure least delays, lower cost, and to achieve competitiveness. If therefore disputes arise that cannot be settled expeditiously to the satisfaction of all parties, the ends of an efficient trading system would be elusive.

As pointed out earlier, in this paper, the formal adversarial or inquisitorial system of adjudicating cases through the courts have been known not only to be cumbersome and time-consuming, but also costly.

Arbitration even though not a perfect system has generally been found to suit better the interests of international commercial parties. The advantages of choosing your own arbiters, the flexibility of time, the relative ease with which specialized knowledge and expertise can be brought to bear are all ingredients of arbitration that have made it a more acceptable and reliable medium for the resolution of international commercial disputes.

As a tool for trade facilitation in sub-saharan Africa, there would be the need to ensure that sub-saharan Africa has the requisite, capacity, skill and professionalism for undertaking the role of arbitrators and for having the seat of arbitration in sub-saharan Africa.

This would require more than paying up service to the institutionalization of arbitration as a preferred method for international commercial dispute settlement.There must be a conscious effort within the legislative and judicial realm towards building the requisite capacity. The requisite capacity would ensure that Africa buildsa reservoir of highly skilled, experienced, scholarly and professional arbitrators for the resolution of international commercial disputes.

Until this is done, and the needed level of recognition and confidence is created, international commercial parties would increasingly demand to have

arbitration clauses in commercial agreements that cede jurisdiction and forum to well established judicial and arbitration centres outsidesub-saharan Africa. That undoubtedly would impede trade facilitation as claimants, very often from sub-saharan Africa will have to circle the globe to ventilate their claims.

CONCLUSION

Indubitably, the failings and shortcomings of the formal court system have made arbitration increasingly the centrepiece of international commercial dispute settlement. It is so because of its pragmatism, convenience, the confidentiality it offers the parties, the expedition with which cases are adjudicated, and above all the real likelihood of obtaining the ends of justice. Arguably, its less costly.

Despite all these advantages, commercial parties in sub-saharan Africa may have to circle the globe for arbitration centres as there are virtually no known internationally recognised commercial arbitration centres of repute, Africa South of Sahara.

It has also been difficult to build the requisite capacity in view of the fact that contractual arrangements entered into by commercial parties from sub-saharan Africa have embedded in the contracts, forum-selection clauses that reserve forum to arbitration centres outside of Africa.

It is to be noted that for the resolution of disputes and especially disputes with an international character, parties expect the exhibition of competence and professionalism amongst the arbitrators. They expect them to have the requisite skill and experience as well as the specialized knowledge that may be required to adjudicate their cases. Training should encompass not onlyaspiring arbitrators but also lawyers and other legal personnel who may be part of the arbitration process.

In the absence of these, parties outside of Africa will demand that forum selection clauses be incorporated in their international commercial agreements. Forum selection clauses that provide them with comfort of the level of adjudication as well as convenience which may be detrimental to the interests of parties in sub-saharan Africa. Sub-saharanAfrican countries can therefore take appropriate steps to build the requisite capacity to engender the required confidence of international commercial parties. This can be done through appropriate judicial and legislative intervention.

This could be especially so in cases relating to contracts of adhesion, where party autonomy is undermined because the weaker party has no means of influencing the contractual terms. In such instances judicial intervention would be most appropriate to safeguard the interests of parties who almost invariably are the parties from sub-saharan Africa.

In order to facilitate trade, arbitration should be seen as a necessary component of the tools of trade facilitation. As pointed out earlier, disputes are a necessary part of international commercial transactions and the better the method of addressing such disputes the more trade is facilitated. Efforts at trade facilitation must thus embrace a conscious and deliberate policy to create the structures and mechanisms necessary to enable Africa South of Sahara have seats for the adjudication of trade and commercial disputes.

The English Courts have always held the view as expressed by Lord Denning M.R. that:

"England is a good place to shop for justice, both for the quality of the goods and the speed of the service"[48].

For sub-saharan Africa to facilitate trade, it must amongst others embrace arbitration. To do so would require that it provides both the "quality and the speed of the service".

[48]The Atlantic Star (1973) QB 364 at 382 C.A

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SHIPPING REVIEW

GHANA'S AUTHORITATIVE QUARTERLY MARITIME JOURNAL

Vol. 18 No. 4 September-December, 2016

A BEGINNER'S ESSENTIAL VIEW OF MARITIME REGULATION

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A BEGINNER'S ESSENTIAL VIEW OF MARITIME REGULATION

AZOH-MBI Edward Chi-malang
Union of African Shippers' Councils

. INTRODUCTION

Over the past decades, regulation has gained unprecedented global importance in state and industry governance, due to necessity and the wide scope and depth of research on it and the positive outcomes from successful practice in especially OECD member countries. Historically, the best known of early maritime regulation (Rhodian Codes) comprised existing maritime customs and the maritime sector has always had to answer a natural call for regulation. Since the perils of the sea permeate and profile the entire descipline of maritime law, the evolution of maritime regulation has been predicated upon the response, anciticipation and mitigation of perils with a system of underlying standards. The fundamental objective of regulation besides state or industrial organisation is to restrict and protect the freedoms and practices of the industry for the purposes of stability and sustainable development. Maritime regulation which is a complex and densely interwoven activity has broadened the concept in both definition and scope.

The peculiarity of maritime regulation is that it involves the three main components of regulation, namely regulatory science, an interface between science and the regulatory system focused on a regulation's scientific underpinnings and concerns of especially marine environmentalists such as GESAMP; regulatory affairs which is administrative in nature and regulatory law covering legal aspects such as ratification, enactment and implementation. The sector is also one where the cartel form of self-regulation has developed to the prevailing extent of a serious risk and this clearly calls for external intervention. The regulatory process itself involves designing governance instruments, regulating and enforcement. As a discipline, it comprises two main parts: regulation (dealt with here) regulatory reform (dealt with separately).

1.1. What is regulation?

Both French and English authors view regulation in practice as an administrative function exercised by way of intervention through a public authority to organise, direct and control a state, industry or market in order to ensure equilibrium.

Regulation in the narrow sense is a specific form of govenance involving a set of authoritative rules with some administrative agency enforcing and monitoring conformity (Baldwin, Scott and Hood, 1998). Its broad meaning includes all social control mechanisms, statute law and constitutional provisions, which is why regulation is often equated with governing i.e., use of a combination of ways of authoritatively deciding and applying public purposes (Pildes and Sunstein, 1995).

As most political concepts, no definition of regulation is predominant, thus the world's various regulatory systems go by contextual definitions. Nevertheless, decades of OECD analytical rigour on this topic has settled on the definition that regulation is 'the diverse set of instruments by which governments set requirements on enterprises and citizens'. As to maritime regulation, governance authorities such as IMO, WCO, UNCTAD etc., constitute the platforms where the sector's requirements are set through the design of especially 'treaty' instruments while member governments remain responsible for enforcement in their respective states.

Fully defining regulation matters greatly because it qualifies the scope of application, regulatory review and reform and besides puts the present discussion into perspective. Thus, the OECD further clarifies the concept by specifying that regulation includes 'laws, formal and informal orders and subordinate rules issued by all levels of government, and rules issued by non-governmental or self-regulatory bodies to whom governments have delegated regulatory powers'. This explanation widens the scope of regulation and thus frames its most comprehensive meaning.

In other words, regulation is the range of legal and quasi-legal instruments used by a state, industry or regulatory system to implement policy, address a problem or manage risk. In the 'Jerusalem Papers in Regulation & Governance' David Levi-Faur (2010) relates that regulation in the European Union's legal system denotes a regulation, directive, decision, recommendation or opinion. From all the foregoing, regulation comprises both hard and soft law (explicit and implicit rules) and may be imposed through a statutory instrument, proclamation, institution, notice, certification scheme, agreement, levy, subsidy, fine etc.

Aldo Chircop, Norman Letalik, Ted L. McDorman, Susan J.Rolston (2012) assert that 'international shipping ... is indisputably the most complex and intricately regulated of all ocean uses'. This is partly because maritime regulation is bound to inspect and respect the vessel from design and construction and throughout sea logistics chain operations to the scrapyard.

Main features of effective regulation include cost-effectiveness, clarity and certainty of substantive rules, legitimacy of intervention, cooperation, incentives management, implementability, compliance-monitoring, etc. But, there must always be a legal basis for all regulation. In the OECD 'Checklist for Regulatory Decision-Making' all regulatory decisions must respect the rule of law, i.e., be authorised by higher levels of legislation, be consistent with treaty obligations and comply with relevant legal principles such as equity etc. In any case, the worth of any regulation depends on its regulatory quality and efficiency, which concern the

procedural and substantive aspects of gorvenance.

In addition to external regulation, alternative approaches are used in the sector such as self-regulation enforced by most professional associations. Statutory or delegated regulation works through outsourcing of expertise-intensive regulatory functions, e.g., the SGS in charge of technical import/export inspections and Classification Societies such as ABS and BV in charge of Quality Assurance certification and institutional accreditation.

The sector's heterogeneous network of industries requires a combination of cautious policy, intruments and institutional solutions; cost-effective and holistic regulation are therefore among the key guiding principles. Though the OECD observes that the liner and bulk shipping sectors appear to be less regulated than many others; generally, more and better regulation has emerged in the last decade including the so-called 4th pillar of maritime law (MLC 2006) in addition to SOLAS, MARPOL and STCW conventions.

1.2. Who is a regulator?

In Best Practice Principles on the Governance of Regulators (OECD) a regulator is 'an entity authorised by statute to use legal tools to achieve policy objectives, imposing obligations or burdens through functions such as licencing, permitting, accrediting, aprovals, inspection and enforcement'. As the use of tools in regulation is optional, the OECD further states that 'a regulator can use other contemporary tools such as information campaigns to achieve the policy objectives, but it is the exercise of control through legal powers that makes the integrity of their decision-making processes and thus their governance very important'.

The industry's complexity makes regulation by a dedicated network of coordinated institutions indispensable for its success. This view is perpetuated in 'Competencies of International Maritime Organisations to establish Rules and Standards'where Markus Detjen (2006) explores the legal frameworks within which international maritime organisations elaborate rules aimed at fostering sustainable development and argues that without the said institutions, appropriate ocean governance would be unimaginable.

Dedicated and partial regulators in the maritime sector include: IMO, WTO, WCO, UNCTAD, UNCITRAL, WMO, HELCOM, OSPARCOM, MOWCA, Regional MOUs, ISCOS, ISA, FAO, UNEP, IHO, IOC, Black Sea Commission, IALA, RFMOs, CICOS, FMC, etc.

These organisations are responsible for fleshing out

regulations on newly discovered significant problems relating to issues as diversed as merchant shipping; ocean energy exploitation; fisheries; Coast guard projects, transboundary water management, marine communication; marine scientific research, hydrographical and meteorological services; safety and environmental protection etc., all requiring robust regulatory machinery and international cooperation.

As chief sector regulator and trustee of maritime public interests, IMO has the responsibility of organising the elaboration and adoption of several technical and miscellaneous regulations in the form of conventions, codes, circulars, guidelines, resolutions and recommendations. Since 1958, IMO has adopted about 60 international conventions, 182 codes and other policy instruments among which 11 conventions deal with safety; 7 with marine pollution and 7 with liability compensation.

In the present paper, regulator types include technical standard-setting regulators (technology, safety and environment); economic regulators (trade, competition); social regulators (crew proficiency, professionalism and welfare). The subject matter is limited to administrative and legal aspects of regulation. As to use of words, regulated entities, regulated industry, regulated parties and regulatees are used interchangeably; while methods, approaches, regimes and techniques are synonymous.

2. Key stages of the regulatory process (adapted from OECD)

The process of regulation, which involves translating State policy or governance principles into instruments and applying them, variably includes the following:

- Identification of risk, industry or activity requiring governance;
- Establishing a case for action before seeking to address the problem;
- Analysing the risk environment or activity and level of regulatory empowerment required;
- Weighing a range of feasible policy options and strategies beginning with non-regulatory, quasi-regulatory, self-regulatory, co-regulatory and then regulatory approaches or outsourcing and adopting the optimal one or a combination that generates the greatest net benefit for the community;
- Regulatory cost-benefit and cost-effectiveness analysis;
- Transparency through regulatory reporting, education, public consultation and Regulatory Impact Statements (RIS) etc.;
- Preparing and submitting draft regulations, adoption, enactment or ratification, etc.;
- Administering the regulation (enforcement);
- Monitoring compliance and managing non-compliance;
- Regulatory Impact Assessment (RIA);
- Addressing regulatory failure (if necessary) by change of strategy, regime or regulatory reform;
- Regulatory administration performance assessment;

3. Why is external or public intervention by regulation necessary in the maritime sector?

Maritime regulation for WCA begins, for example, from IMO through MOWCA, relevant supervisory ministries (maritime/transport/environment/fisheries etc.,) to national maritime districts and sub-districts, thus covering the international, regional, national and local downstreaming of regulations.

i) Regulating for sector orderliness and transparency

The number and diversity of primary, secondary and tertiary maritime trades give rise to such a complex arena of inter-dependent and sometimes conflicting activities that if left unregulated, would lead to uncontrollable global chaos in the sector. This diversity is clearly marked by the overlap between marine environmental law, coastal law, biological diversity law, law of the high seas, offshore mining laws, law of the sea and fishing law, etc., (André Monaco, Patrick Prouzet, 2015) providing a lot of issues to be delicately sorted out by holistic and cooperative regulation. A sustainable adjustment of such varied and often contradictory interests is largely possible through regulation as it inspires order and discipline.

Regulation has elaborately marked out and clarified maritime spaces, zones, resources and other aspects using marine geography, communication, oceanography and meteorological parameters and factors. Professional, environmental and technological objectives and principles equally contribute in establishing important technical definitions and specifications such as special areas, EEZ, continental shelves, sanctuaries, protected areas, straddling fish stocks, landlocked states, contiguous zones, access channels, canals, maritime boundaries, multimodal logistics segments, signs, symbols, routes, territorial waters and high seas, maritime freedoms and obligations, etc., and this greatly minimises confusion, disputes, collision/shipwrecks, illegality and

insecurity in the sector, while strengthning sector assurance, predictability and efficiency.

Mandatory requirements such as registration, identification, licensing, reporting, classification, auditing, certification, accreditation, assessment etc., respectively with regards to ships, ship-owners, cargo, passengers, marine casualties, compliance, trades, performance, institutions, Global SAR Plans, installations etc., contribute considerably in sector stability and data bases. These forms of regulation coupled with standard GPS, VTS, AIS, GISIS, ECDIS, etc., equally facilitate detection, position and condition of everything in the sector, thereby rendering it transparent, safer, reformable, efficient and governable with a reasonable degree of certainty and accountability.

ii) Protection of core public interests

Maritime activities by their global nature encompass several core public interests and common concerns that require statutory protection such as safety, environmental quality, fair competition, health, ethics, standards and other social benefits such as consumer interests, seafarer working conditions, etc. All these are the so-called "non-economic interests" which because they are not profitable, are often over-riden by 'business interests' compromised by corrupt regulators, overlooked by complacent inspectors and neglected especially by devious ship-owners who principally aim at maximising profit.

Eric Rasmusen (2007) affirms that issues of 'health, safety, morals, and the general welfare' are the traditional subjects of the police-

power of the state. This means that regulating these issues is imperative for the rational and sustainable functioning of the society in general and in the present context, the maritime sector in particular. A state is just one country, but the maritime sector cutting across many countries of the world would certainly multiply or intensify disregard for 'non-economic interests' in the absence of effective regulation and of course with very devastating consequences. Proponents of the public interest theory insist that governments (and surely regulators) must intervene in these vital areas of corporate and human life to keep 'self-interested maximisers' (Sam Peltzman) on ckeck and this is most effectively achievable through regulation.

OECD studies likewise point out that ship-owners make a lot of savings by not complying with safety standards, whereas in a perfect market situation, these savings could be shared with shippers and ultimate consumers, but the reality is just the contrary and the situation requires a rational adjustment, institution of best practices and spreading of benefits.

iii) Regulating for a competitive maritime economy

Economists hold that supporting sustainable and inclusive growth and maintaining confidence in markets and thus the economy is crucial. If 90% of global trade is by UNCTAD moved by sea, then Jong-Soon Kang and Christopher Findlay (2000) are right to say that 'efficient and competitive international maritime transport services are ... vital for a productive world economy'. They further argue that 'policies or practices restricting competition and inflating the costs of services can therefore have a significant impact on the world economy ...' Thus, a globally competitive maritime economy becomes a major public interest to be protected by regulation.

Besides, IMO knowledge shows that there is a compelling factor for the regulation of each segment of the maritime industry. Similarly, the Negotiating Group on Maritime Transport Services within WTO 'aims to establish a multilateral framework of principles and rules for trade in services with a view to expansion of such trade under conditions of transparency and progressive liberalisation'. (Jong-Soon and Christohper Findlay). Transparency and liberalisation also come by way of open trades and competition.

To cement it all, the OECD in 'Regulatory Issues in International Maritime Transport' build a rationale for maritime regulation by testifying that shippers generally complain about random price-fixing by carriers, whereas such prices in terms of costs, affect the stimulation of efficiency and innovation. These objectives are either attained by effective regulation or by competition. Shipping regulation is necessary to eradicate unfair competition and unjustified surcharges in order to foster a competitive business scenario that maintains only efficient operators in the sector. Though regulation in this area may be considered by some as a mercantilist market expansion instrument, maintaining competition in shipping is one of OECD's *Common Shipping Principles* which have been a familiar reference to good international maritime transport practice.
Conversely, the advocacy for competition nevertheless gives way at national level, to regulation aimed at protecting indegenous enterprises whose growth is easily stifled by the crushing competitive capacity of multinationals.

iv) Regulating to check abuse of market power and trade barriers (turning win/lose into win/win)

The recommended starting point in market management is to allow markets to operate with the least external intervention as possible so that competition would spread growth and maximise welfare. However, if certain markets are left completely uncontrolled, all-powerful operators would misuse their power to maintain imperfect data and information asymmetry, distort the beneficial allocation of resources and indulge in multiple bad practices and thereby cause inefficiencies which often culminate into a situation called market failure. Failing markets imperatively require regulation for sustainable resurgence.

Jong-Soon Kang and Christohper Findlay share this view by holding that 'the basic reason for regulating shipping services is to restrain the concentration of power in shipping conferences or other forms of alliances ...'. Excess market power in the sector is known to be wielded by liner cartels and mergers, the last attempt being the P3 Alliance in 2014. In 1968 UNCTAD and the WB fought for the deregulation of this practice by enshrining the creation of shippers' councils and national shipping lines in developing countries to act as a countervailing force against ship-owner dominance. Noteworthy shipping competition regulation include the UN Code of Conduct for Liner Conferences (1974) and the 2008 repeal of the EU Liner Conference Block Exemptions (Regulation 4056/86) aimed at adjusting the imbalances between the supply and demand sides of shipping. A regulatory environment that improves and rationalises a sector, state or region's competitive position positively impacts on overall economic and social development (OECD).

Shipping barriers also restrict market entry, hold back business start-ups, trade and innovation. To this effect, Benjamin Parameswaran (2004) found that 'maritime transport costs profoundly influence international trade and may function as a significant barrier to trade'. Numerous administrative and economic barriers exist in the maritime sector in the form of regulations which accentuate the need for transport and trade facilitation. IMO's FAL Convention and recently the WTO Trade Facilitation Agreement are examples of instruments aimed at eliminating international maritime trade and transport barriers. This objective of regulation maximises burden-sharing and opportunities for win/win outcomes necessary in shipping markets where ship-owners are traditionally known to be winners.

v) Regulating for standards and best practices

As the global maritime sector is full of transnational industries, if each nation were to develop individual rules such as safety or pollution prevention norms, the outcome would be a muddle of incompatible national laws. One country, for example, might insist on steel lifeboats or very high safety standards while another prefers reinforced plastic lifeboats or less stringent standards. Consequently, IMO was established to serve as a forum for adopting homogeneous technical international standards, while WTO, UNCTAD, ILO, WCO, UNCITRAL etc., all contribute to maritime legal, socio-economic regulations and standards.

Standard setting commits the above institutions in the discouragement of discrepancies, discriminatory, restrictive and unfair practices in international trade and transport. In fact, uniform requirements apply to all sub-sectors such as ship design and building, marine insurance, SAR, salvage, navigation, fisheries, ship-management, communication, pollution-prevention and currently ship GHG emission standards etc.

Though regulation alone does not guarantee absolute safety and incident-free operations, if there is no regulation, substandard ships, maritime criminality, illegal fishing and uncontrolled pollution for instance, would multiply the risks to

ships, crew, cargo, marine eco-systems, environment, states etc.

For claims, regulation judiciously apportions liability while ensuring proportionate compensation. IMO addresses these issues with instruments such as the *LLMC* and the *Rotterdam Rules*, while best practices are enforced by most professional associations (GSF, INSA, IMPA, IFSMA, IAMCS, IADC, IALA, IACS etc.).

4.Forms of government or official regulation

Three broad categories of official regulation have been identified by the OECD.

a. Administrative regulations

These are rules, procedures, directives, usages and other requirements imposed by governments or regulatory authorities as support and conveyor of relevant activities. Administrative formalities and paperwork often referred to as 'red tape' represent various forms of bureaucracy used by governments or in the governance process to organise and coordinate activities, circulate instructions, administer rules and regulations, collect information and apply policy in a State, logistics or regulatory system. The shipping international public sector in particular generates more paperwork and therefore badly needs redtape reduction strategies due to its negative effect on sector freedoms and performance.

Administrative regulatory reform can institute paperless procedures (dematerialisation), improve transparency of application; and government, logistics chain or regulator would change from being a problem to being a solution. Maritime administrative regulations for instance, include ship registration conditions and procedures; inspections; licensing; paper work from forwarders, carriers, ports, taxation, ministries, SGS, customs, etc., and the number of papers is in several hundreds especially in a door-to-door global multimodal logistics chain with transshipment and landlocked legs.

b. Economic regulation

Simply put, economic regulation is aimed at maintaining competitive or free markets without which stagnation or chaos rather than orderly growth would be the mainstay. Its rules define who enters or leaves a business (entry/exit controls), what or how much they may produce (input/output controls) and what prices they may charge (price controls). If economic regulation applies directly in market decisions such as pricing, competition and market mechanisms, then Fabrizio Gilardi (2008) is right to describe regulation as 'public effort to steer the economy' just as the OECD describes regulators as market 'referees'.

Moreover, James H. Peoples and Wayne K.Talley (2004) find that 'securing low shipping rates for high quality transportation services contributes to the competitiveness of shippers, which further adds to the growth of economies'. This objective is equally attainable through economic regulation.

Areas found lacking in economic regulation include liner conference activities, competition, unjustified surcharges, maritime economic criminality, FOCs, offshore shell companies, etc.

c. Social regulation

French sociologist Jean-Daniel Reynaud(1970) views social regulation as a set of formal and informal rules and mechanisms aimed at reconciling social change with social cohesion in quest of stability. May(2002) on his part says social regulation is 'aimed at restricting behaviour that directly threatens public health, welfare or well-being'. while Mark McCracken (2005) adds that it is 'government-imposed restrictions designed to discourage or prohibit harmful corporate behaviour or to encourage behavior deemed socially desirable'. In other words, social regulation deals with the effects of economic activity on the health and welfare of citizens. (Fabrizio Gilardi). The foregoing definitions are complemented by the OECD, which considers social regulations as rules that 'protect public interests such as health, safety, the environment, and social cohesion'. (Examples: MLC 2006,

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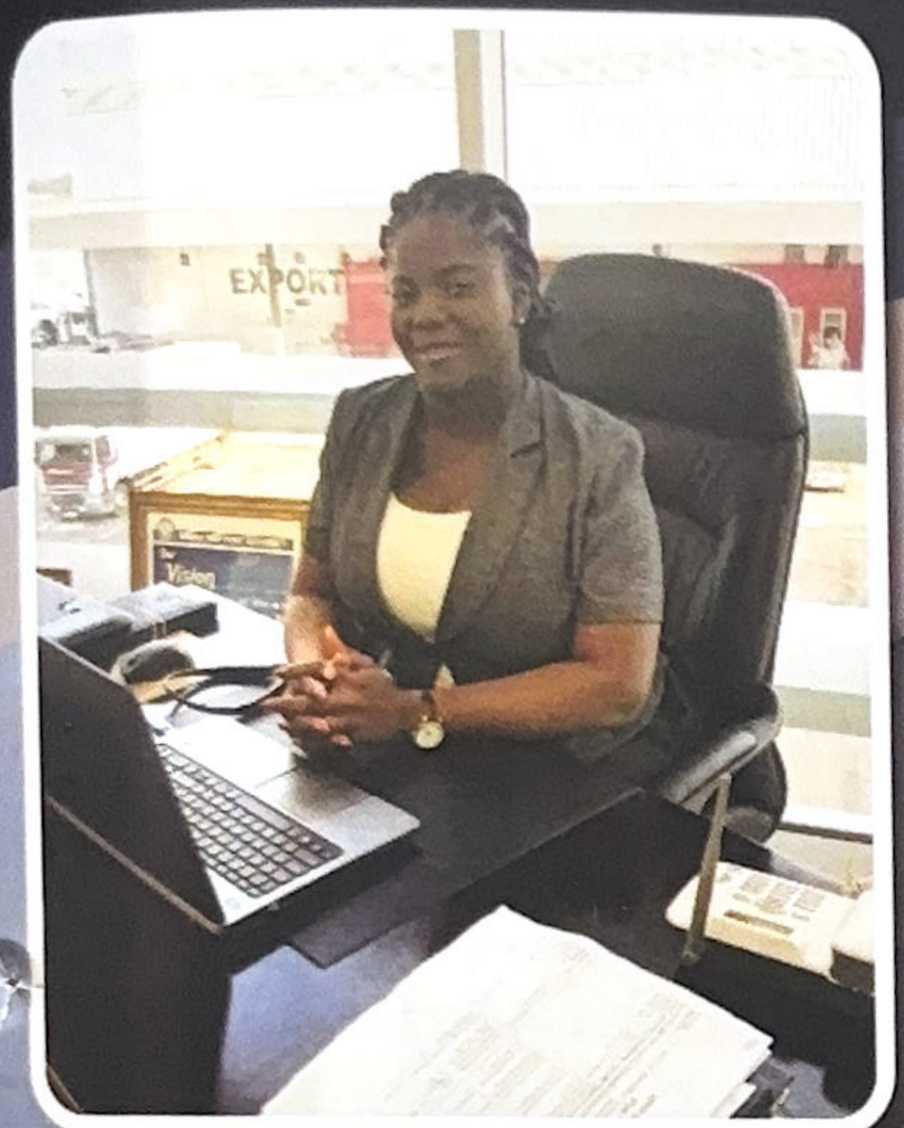

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Merchant Shipping (Minimum Standards) Convention 1976 and the IMO/ILO Joint Working Group guidelines on fair treatment of mariners).

5. Alternative or complementary forms of regulation

i) Self-regulation is an internal or voluntary approach whereby an industry or professional group institutes and complies with codes of best practices or principles that outline expected member conduct and standards, ensuring both enforcement and compliance monitoring. (ANAO) It works on government recognition with regulatees acting as surrogate regulators through self-regulatory programmes.

Self-regulation merits to Giandomenico Majone (2010) include a greater degree of expertise and technical knowledge, less formalised and less costly rule-making and dispute resolution, adaptability of rules to new technical knowledge and changing economic conditions etc.

Jong-Soon Kang and Christopher Findlay point out that the Liner Conference 'cartel' system which has existed for more than a century is a successful example of self-regulation in shipping. However, cartels are criticised for deficiencies in discipline and neglect of public interests and for being based on tariff agreements and conditions of carriage as shippers keep calling for external intervention.

ii) Quasi-regulation includes cases where regulators influence industry to act in a certain way, but which is not legally binding. By dialogue and relating with operators in a particular industry, government can play a role in developing codes of best practices, guidelines, public awareness campaigns, recommendations, or accreditation schemes without formally participating in their enforcement. Regulatees in this case become quasi-regulators.

iii) Co-regulation results from collaboration between industry and regulator in developing codes of practice or accreditation schemes supported by a legislative role. The regulator accompanies the full regulatory process by participating in the development, compliance monitoring and enforcement.

6. Methods of regulation

i) Market-based regulation

This method deploys economic regulatory instruments known as 'market-based instruments' (MBIs) to effect changes in market behaviour. The regime operates by applying subsidies, taxes or charges on processes or products, or by opening previously hidden or prohibited trading opportunities and setting an allowed level of market activity (capping). This involves creating saleable property rights such as allocating overall shipping gas emission permits and letting operators trade the quota-based permits freely (Shipping GHG Emission Trading Schemes). MBIs commonly feature among environmental policy instruments and are used to incentive marine polluters to reduce or eliminate negative environmental externalities. These instruments are often used in combination with other policy tools to avoid loopholes in the regulatory process such as CAC regulation being additionally developed by IMO to impose shipping emission standards.

ii) Command and Control Regulation (CAC). This traditional regulation method defines what is authorised and what is prohibited by specifying what and how it should be done. The 'command' is the compelling prescription by the regulator of standards or benchmarks and the means or process of attaining the set objective, while 'control' deals with enforcement and sanctions to follow from non-compliance. CAC regulation is backed by the force of law as it uses various methods such as law, contracts, performance agreements, incentives, threats etc., to coerce regulatees into compliance. In the new SOLAS Chapter VI (1) for instance, CAC is used to 'command' loaded

container weight verification either by the use of method 1 or 2. MARPOL is another good example of marine environmental CAC regulation as it stipulates what is prohibited in the prevention of pollution from ships and prescribes the method of prevention and sanctions. However, by the nature of things, international maritime organisations can only command while relying on member governments to 'control' or enforce compliance.

iii) **Regulatory bundling** refers to the practice of collectively applying the same regime of regulations where expedient on a cross-sector of activities. It is advantageous by way of side-effects and spreading of benefits.

7. Major theories of regulation

There may be several theories of regulation, but the few summarised below are key to understanding the basic regulatory process.

i) Public interest

Public interest is central to maritime policy because of its global, environmental and multi-disciplinary nature. In contrast to 'business interest' and the selfish interest of a person, enterprise or lobby, this foremost theory of regulation consecrates 'public interest' which embodies the welfare of the general public or interest in which the whole community has a stake significant enough to warrant recognition, protection and promotion especially by public or regulatory authorities. It is for instance vital in the regulation of public utilities and a declared state objective relating to it is called 'public policy'. 'Non-economic interests' such as safety and environment are universal values and that is why they run through the fabric of maritime regulation. This system of values frowns on conflicts between private and public interests. Altruistic regulation aims at ensuring the general good of the greatest possible majority by checking the intrusive tendency of private interest. However, regulation based on undefined public interest is vague and can lead to failure.

ii) Regulatory capture. When in the process of regulation, the relationship between the regulator and regulated parties has become too familiar, it is possible for the regulator to promote or prioritise the latter's interest rather than regulating for the common good or substantially for public benefit. When this happens, the regulator is said to be 'captured' and regulation becomes a bias response to the demands of an 'interest group' or lobby. Such third party interest could be served by restricting market entry, tariffs or substitutes. Typically, capture is of public managers by politicians and trade unions and it leads to a 'government failure' situation where the public is at a net loss. Capture is a common phenomenon in the WCA maritime sector where incumbent multinationals especially have to gain preferable policy outcomes by preventing the disruption of their acquired interest zones due to new regulation. Capture may be materialist (bribes, seeking external/government funding) or cognitive/cultural where regulators begin to think like the regulatees.

The Economic Theory of Regulation (Sam Peltzman) is an extension of the capture theory based on the idea that a regulatory regime can be bought or acquired by a specific industry or group and would therefore be designed and operated primarily for the latter's benefit. If the regulator accepts significant gifts from regulatees, that is a sign of political interference or outright capture which undermines performance. This theory closes up at the threat to regulatory independence, either from government pressures or regulatee vested interest. In *"Being an Independent Regulator, The Governance of Regulators"* (2016) the OECD identifies the critical points where undue influence can be exercised on a regulator and explores avenues for developing a culture of regulatory independence which is vital to efficient regulation and the defence of public interests.

iii) Regulatory failure related to 'government failure' can occur when government or the regulator fails to achieve its objective or more precisely where intervention results instead in more inefficiency. Reasons for failure include intrinsic flaws in the regulatory policy, process or strategy.

iv) Regulatory Impact Analysis/Assessment (RIA) is a systematic process of analysing and scrutinising the possible significant socio-economic, environmental, political and financial impacts of a policy proposal and the range of its regulatory options and alternatives. RIA critically assesses costs and benefits or positive and negative effects of each proposed regulation. It is geared to measure the degree of efficiency in attaining strategic objectives. The rationale of RIA is that all regulations should serve pre-determined policy objectives with proposed solutions matching the problems.

v) Regulatory Cost-Benefit Analysis (CBA). Regulation imposes new costs on the administration, industry and consumers. Using cost-benefit analysis in assessing regulatory proposals can contribute to better and more

dependable decision-making (OECD). CBA assigns a monetary value to each measure proposed. While it involves a lot of analytic challenges in seeking the widest and most practical range of benefits and costs as well as eliminating uncertainties, the process brings out the various components of direct and indirect costs of developing and implementing a particular regulation. *'Using Cost-Benefit Analysis to Craft Smart Regulation' (BR, 2014)* holds that, CBA is 'the best available tool to assess the trade-offs that are inherent to most new major regulations'. It outlines the cost on both sides (appliance and compliance): cost to government/regulator (administrative burdens); direct cost of compliance by regulatees and costs in terms of benefits or opportunities foregone; indirect costs on the public at large (spillover effects or externalities) etc. In the final analysis, regulatory options with maximum benefit and minimum cost on both sides of the regulatory system would be preferable.

vi) Regulatory Cost-effectiness Analysis (CEA) is a form of economic analysis that compares the cost and outcomes of a regulatory measure and those of its most promising alternatives in order to select the one with the highest effectiveness in meeting the set objectives at the lowest cost.

vii) Regulatory transparency is an 'essential condition for a free and open exchange whereby the rules and reasons behind regulatory measures are fair and clear to all participants' (Business.com). While discouraging information asymetry, confidentiality and exclusive policies, etc., transparency emphasises certainty, objectivity, social participation, simplicity, public consultation, feedback, disclosure etc., throughout the regulatory process.

viii) Regulatory design refers to designing instruments used to impose requirements at two levels. Downstream design creates a regime to give the appropriate incentives to regulated industry and consumers. Upstream design seeks to motivate regulators themselves to generate and run high quality regulatory regimes.

ix) Regulatory Arbitrage is a practice whereby regulates take advantage of loopholes in regulatory regimes abroad in order to avoid unfavorable or unprofitable requirements in the home country using a number of tactics such as restructuring transactions, financial engineering and headquarter relocation (Investopedia). By so doing firms escape the dragnet of rigid regulators. The maritime sector is well known for offering offshore safe-havens to 'phantom firms' (shell or anonymous corporations), economic citizenship, second passports, etc. Regulatory arbitrage commonly features under Flags of Convenience (FOC) or Open Ship Registries such as Liberia, Panama and Marshal Islands which in 2009 registered 40% of the entire world fleet without owning 1/5 of them. FOCs are criticised for masking beneficial ship-ownership and complicating due criminal prosecution, supporting sub-standard shipping, illegal fishing and violating labour regulations; requiring urgent norminative attention.

x) Regulatory Reform: A process of reviewing, sunsetting and changing governance instruments (laws, policies and regulations) that aims at improving legal quality and substantive efficiency to ensure the public benefits from successful cost-effective and transparent policies and regulations.

8. Key examples of international maritime regulations

IMO, the UN specialised agency to which UNCLOS entrusted global maritime governance chiefly controls the international maritime regulatory system. It has issued several legal frameworks that shape the maritime evolution of its member states. Here-below are a few key examples.

i) UN Convention on the Law of the Sea 1982 (UNCLOS). It was established in 1973 as an unconditional or peremptory norm 'jus cogens' which applies to both signatory and non-signatory states. It is the basic legal instrument comprehensively and authoritatively regulating the world's oceans and seas, outlining basic rights and obligations of States over ships flying their flags. It also governs ships and maritime transport services, administrative, technical and social policy issues. A number of insitutions including IMO, ISA and ITLOS were born out of the adoption of UNCLOS.

ii) International Convention on Standards of Training, Certification and Watch-keeping for Seafarers (STCW) 1978). The negative effects of country-to-country discrepancies in shipping professional qualifications and certification provided the rationale for the adoption of this Convention and it came into force in 1984. It sets training and certification standards for masters, officers, and watch-keeping personnel on seagoing merchant ships. The STCW-F 1995 was issued as an addendum for fishing vessel Personnel. After 1995 and 2010, the Convention awaits further reforms in 2017.

iii) The International Convention for the Safety of Life at Sea 1974 (SOLAS) was first adopted in 1914 as a reaction to the 1912 Titanic disaster and is the most important convention on maritime safety, providing minimum standards for the safe construction of ships and basic safety equipment, e.g., fire protection, navigation, life-saving and radio to be carried on board. It also requires regular ship surveys and the issue by Flag States of certificates of compliance. The evolution of SOLAS from birth till date has been tremendous with the last amendment enforced in July 2016.

iv) The International Convention for the Prevention of Pollution from Ships, 1973/1978, (MARPOL) deals with the prevention of pollution from oil, bulk chemicals, dangerous goods, sewage, garbage and atmospheric pollution resulting from accidental or routine ship operations at sea. The Protocols of 1978 and 1997 respectively reformed it and it remains the most important international ship oil pollution prevention regulation.

v) The Maritime Labour Convention (MLC 2006) is an IMO/ILO convention that entered into force in 2013 as the main maritime social norm with up-to-date standards and fundamental principles of international maritime labour regulation. Divided into Part A (mandatory requirements) and Part B (non-mandatory requirements), it consists of general provisions (16 articles) and the Code. It is peculiar in that its coming into force automatically closes the ratification process of 37 ILO conventions adopted between 1920 and 1996, if not yet effected. Though it is considered the 4th pillar of international maritime law, seafarers' associations criticise it for not being capable of materially changing life at sea and also because the more protective parts of the convention have been placed in the non-mandatory section. Nonetheless, consolidation is a laudable regulatory reform.

9. IMO regulatory process

Nine main bodies technically carry out IMO's regulatory process (including the seven committees and sub-committees) concerned with the adoption of mandatory and voluntary regulations. Developments in shipping and related industries are discussed by Member States in these bodies, where the need for a new convention can be tabled.

The process begins with the initiation and adoption of a draft proposal on a specific issue requiring governance at committee level, followed by signing, ratification and acceptance. The next step (implementation) is the responsibily of member governments who apply regulations on ships navigating in their territorial waters through FSC/PSC arrangements. By virtue of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, Member States can also discharge their FSC responsibilities on the ships of other nations. This incapacity of direct enforcement by IMO is the shortfall of its functional independence which is so vital to efficient regulation.

10. Regional Maritime Regulation

Regional maritime regulations in WCA for example emanate from MOWCA and its specialised organs and the Abuja MOU on PSC, Intergrated Coast Guard Function Network MOU, etc. Included are the Uniform River Navigation Regime agreements and the International Commission of the Congo-Oubangui-Sangha Basin (CICOS); Act n° 4/96-UDEAC-611.CE31 recognising the «*Inter-States Convention on the Multimodal Transport of Goods*»; CEMAC Community Merchant Shipping Code, Code of Conduct for the repression of piracy, armed robbery against ships and illicit maritime activity in WCA (Yaounde, 2013); AU 2050 African's Integrated Maritime Strategy (AIMS 2050) etc. These policies are all aimed at

'harnessing' the African blue economy, poverty alleviation and integrating Africa in the international political economy.

11. National Maritime Regulation

This includes relevant legislation and the legal acts of maritime administrations (MARAD) comprising maritime districts and sub-districts. Most WCA countries have a Merchant Shipping Department in charge of upward initiation of draft regulations for adoption and downward implementation. Its competence includes ship registration; inspections; issuing seamen's discharge booklets, embarkation permits, notices, directives and sanctions; providing subordinate guidance on how to comply with international, regional and national regulations etc. Marine notices and memos inform operators of important rules and decisions relating to safety, pollution prevention, ocean conservation policy, etc., thereby further clarifying the objectives and technical details of the legislation they support.

12. Conclusion

Regulation of the maritime sector has been an ongoing governance technique and responsibility for centuries embracing state, regional and international rule-making. IMO the chief regulator sets standards principally through treaties and administrative agreements passed down to various regions and member states for implementation. The sector's frequent use of command-and-control regulation is complemented with less costly and more flexible alternatives such as self-regulation. By all means, regulating the maritime sector is the most appropriate method of servicing the main engine of world trade and a sustainable marine environment.

Though the sector continues to threaten the global economy, safety and security with overwhelming marine pollution incidents, maritime criminality, offshore safe-havens and FOCs which await appropriate regulation, some critics conversely cry out on the proliferation of regulation which could be counter-productive. However, the complexity of merchant shipping trades, offshore oil and gas, fisheries and emerging ocean industries would give rise to a state of total chaos without global and well coordinated regulatory frameworks, authoritatively commanding with competence, consensus and certainty.

Business concerns, technological changes and social issues, are other burning areas calling for regulatory regimes that foster substantial public interests while remaining considerate of private investment in a capital-intensive sector with typically long term returns.

Challenges from frequent changes provoke regulations that are costly in terms of appliance and compliance. Despite this, the key concern for expert regulators is to design and enforce cost-effective regulations that do not defeat governance by multiplying social predicaments to marine labour and environment; encouraging non-conformity with standards, harbouring inefficient operators and criminals in the sector and consequently increasing the chances of ending in partial or total regulatory failure.

Even with pending problems, there is no gainsaying that IMO is currently regulating faster and wider than its member states, who are still hesitant about adopting ambitious regulatory policy agendas to curb excessive loss while stimulating economic growth. This implies that while converting their 'red tape' to 'fair tape', States have to step up their efforts in FSC and PSC, enforce world standards and ratify and implement relevant regulatory instruments. Creating a good regulatory environment, regulatory reform and making RIA obligatory are essential for high performance and innovation.

Maritime governance engineers the sector's efficiency and stability and the benefits are expected to trickle down through competitive and efficient markets, safety, minimal casualty and proportionate compensation, cleaner oceans, cooperative regulation, transparent commercial relations, inclusive and resourceful participation in world maritime trade and transport as well as modern ocean and coastal resource management.

GHANA SHIPPERS' AUTHORITY

DON'T PAY MORE THAN THESE NEGOTIATED RATES

In accordance with the Ghana Shippers' Authority Regulation, 2012, (L.I.2190) which mandates the Authority to negotiate charges with Service Providers on behalf of shippers, the Authority has successfully engaged Clearing Agents and Freight Forwarders and have agreed on the following charges:

Professional Fees of Clearing Agents/Freight Forwarders for the Sea Ports

SERVICE	AGREED MAXIMUM CHARGE
1. GENERAL CARGO	**GHC**
i. Conventional inimum charge up to 0 metric tons e.g. Steel oducts, plates, ums,etc	415.80
ny metric ton thereafter	2.21
ii. Bagged g. Sugar, Flour, Rice, etc. per etric ton	1.36
2. VEHICLES	**GHC**
. Saloon Cars	567.00
ii. Commercial Vehicles (Mini Buses, Vans, 3 Seater Estates etc)	816.00
iii. Trailers, Trucks, Buses etc	1,020.60
iv. Motor Bikes etc	181.44
Earth Moving Equipments eg. Excavators, Bulldozers, Dumpers	1,360.80
Unstuffin g Vehicles in Containers attracts an extra charge of:	151.20/20" 302.40/40"
3. CONTAINERISED CARGO	**GHC**
i. 1 X 20"	907.20
ii. 1 X 40"	1,209.60
iii. Part container goods up to 5 metric tons	362.88
iv. Any metric ton thereafter	45.36
4. SPECIAL SERVICES (Documentation)	**GHC**
The Bulk or Containerised or Vehicle charge applies + a processing fee as shown below:	
i. Warehousing	264.60
ii. Ex-Warehousing	264.60
iii. Bond to Bond	378.00
iv. CCVR Processing	189.00/BL
v. CCVR Petition	141.75/petition
vi. Clearance Permit	283.50
vii. Pre Entry (KIA)	283.50
viii. Dangerous Goods	567.00/TEU
ix. Permits & Licenses from MDA - *Electronic* *Manual*	47.25 94.50
x. *Exemption Coordination (pre - exempt)*	300.00
5. FORMS/SERVICE	**CHARGE/FEES**
Import Declaration Step 1 Incomplete	
Pro forma Step 2	5.00
(b) With Final Shipping Document complete	5.00
(c) Delivery Order	As per Shipping Agent
Terminal Handling Charges	As per terminal operator
Dangerous Goods Surcharge	GHC17.01

Deconsolidation (At The Golden Jubilee Terminal)

SERVICE	AGREED MAXIMUM CHARGE
GOODS IN CONTAINER	GHC/Rate
Maximum cost of a 20' container (20' container = 28cbm)	2,200.00 with a rate of 125.00 per cubic meter
Maximum cost of a 40' container (40' container = 56cbm)	4,000.00 with a rate of 215.00 per cubic meter (56cbm)
NOTE: Maximum cost of a 40' container with 3 vehicles = GHC 4,500.00 with a rate of GHC1,500.00/saloon car and GHC 1,800.00/SUV Maximum cost of a 40' with 5 cars = GHC 4,900.00 with a rate of GHC 1000.00/saloon car and GHC 1,250.00/SUV	

Deconsolidation (At Own CFS)

THC FOR GENERAL GOODS	AGREED MAXIMUM CHARGE
VOLUME	THC RATE IN GHC
0 – 1.0cbm / 0 – 99kgs	466.57
1.1 – 2.0cbm / 100 – 199kgs	631.12
2.1 – 3.0cbm / 200 – 300kgs	757.34
3.1 – 4.0cbm / 301 – 400kgs	852.01
4.1 – 5.0cbm / 401 – 500kgs	978.23
5.1 – 6.0cbm / 501 – 800kgs	1,041.34
6.1 – 7.0cbm / 801 – 1000kgs	1,104.46
7.1 – 8.0cbm / 1001 – 1300kgs	1,199.12
8.1 – 9.0cbm / 1301 – 1500kgs	1,228.43
9.1 – 10cbm / 1501 – 1700kgs	1,296.05
Any cbm thereafter	58.80

ProfessionalFeesofClearing Agents/FreightForwarders for Aflao andElubo

SERVICE	AGREED MAXIMUM CHARGE
CUSTOMS CLEARANCE CHARGES	GHC
Articulated Truck	945.00
Cargo Truck Load	756.00
Saloon Cars Import	756.00
Van and Bus Import	756.00
20' Footer Container	567.00
40' Footer Container	945.00
TRANSIT	CFA
Saloon Car	378,000.00
Van	472,500.00
Articulated Trucks	567,000.00
Cargo Trucks	472,500.00
Articulated Load	945,000.00
Cargo Truck Load	567,000.00
EXPORT	GHC
Articulated and Cargo Trucks	378.00
Dangerous Goods	661.50/ Transaction

NOTE:

A consignee or importer who opts for pre-financing from an Agent, interest rate shall be agreed between the consignee / importer and the Agent.

ProfessionalFees of Clearing Agents/Freight Forwarders for K.I.A

SERVICE	AGREED MAXIMUM CHARGE
PERSONAL EFFECTS (IN KILOS)	GHC
01 - 20	137.20
21 - 40	148.40
41 - 60	156.80
61 - 80	159.60
81 - 100	184.80
101 - 150	299.60
151 - 200	315.00
201 - 300	333.20
301 - 400	362.60
401 - 500	400.40
COMMERCIAL GOODS (IN KILOS)	GHC
01 – 20	184.38
21 – 40	193.90
41 – 60	212.80
61 – 80	238.14
81 – 100	373.94
101 – 150	379.33
151 – 200	391.02
201 – 300	432.88
301 – 400	466.76
401 – 500	492.80

Cargoes in excess of 500 kilograms attract GHC0.50 per additional kilogram

OTHER CHARGES	GHC
Human Remains	420.00
Saloon Cars (per vehicle)	350.00
Commercial Vehicles (Mini Bus)	420.00
Motor Cycle (per unit)	210.00
Dangerous Goods per air way bill	560.00

De-Consolidation

SERVICES	AGREED MAXIMUM CHARGE
AIR FREIGHT DE- CONSOLIDATION CHARGES (IN KILOS)	US$
1 – 20	56.00
21 – 40	64.40
41 - 70	77.00
71 - 110	84.00
111 – 210	98.00
211 - 260	114.80
261 – 310	144.20
311 - 400	176.40
401 - 500	200.20

NOTE: Extra kilo above 500kg attracts USD 0.35 per kilo. The above is to be converted into GHC at the prevailing rate. The weight or cubic meter, whichever is higher shall be applied.

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SHIPPER COMPLAINTS & SUPPORT UN ITS

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Mobile: + 233 (0) 26 3603290

Toll Free: 0800 30005

- The agreed rates are for the year 2016.
- Charges exclude VAT and NHIL.
- Shippers should insist on receipts for every payment.

IN CASE OF ANY CHALLENGES PLEASE CONTACT THE GHANA SHIPPERS' AUTHORITY THROUGH ANY OF THE CONTACTS PROVIDED HEREIN

MARITIME TRADE REVIEW (JANUARY - SEPTEMBER 2016)

1.0 OVERVIEW

Well into the third quarter of 2016, the maritime shipping industry continued to contend with slow economic growth accentuated by a lackluster economic recovery by China, uncertainties about the impact of Brexit and low commodity prices affecting developing and emerging economies. Indeed, the World Trade Organization (WTO) re-forecasted world trade growth in 2016 at 1.7%, below their previous forecast of 2.8%, and they also revised their initial forecast of world trade growth for 2017 from 3.6% to between 1.8% and 3.1%. These factors have kept freight rates on the major shipping routes at bay as over-supply of shipping space has not abated. Unfortunately, shippers in Africa have not benefitted much from freight rates to and from Africa have not experienced these low rates.

In their effort to increase their earnings in the wake of the low freight rates, some shipping lines decided to introduce what they termed as Terminal Handling Charges (THC) at destination, especially on the African continent. This development created some turbulence on the shipping front in West and Central Africa as shippers, freight forwarders, port operators, among others, strongly opposed the additional charge. Shippers in West Africa, particularly Ghana, contended that they had always paid an all-in freight charge. Therefore the payment of any such fee at destination without a corresponding service from the shipping lines would be tantamount to a double charge. Similar sentiments from shippers were expressed in Togo, Benin, Cote d'Ivoire, Nigeria, Cameroun, among others.

Fortunately, whilst world trade volumes decline, the recovery in Ghana's seaborne trade volumes continued into the Q3 2016 culminating in an increase of 10.47% for the period January– September (Q1-3) 2016 over the same period in 2015. This should arguably result in increased business activities for all stakeholders in Ghana's seaborne trade.

2.0 COMPARISON OF CARGO THROUGHPUT OF Q3 2016 AND Q3 2015

Cargo throughput for Q3 2016 increased by 6.2% compared to the same period of 2015 (i.e. Q3 2015). Total import and export trade volume in Q3 2016 increased by 6.9% compared to Q3 2015. However, total transit/transshipment trade volume in Q3 2016 decreased by 4.3% over Q3 2015. See Table 1 for details.

Table 1 SUMMARY COMPARISON OF GHANA'S CARGO THROUGHPUT Jul-Sept 2016 AND 2015

TRADE TYPE	Jul-Sept (Q3)2016 (mt)	Jul-Sept (Q3)2015 (mt)	CHANGE
TOTAL IMPORT & EXPORT	4,229,419	3,956,934	6.89%
TOTAL TRANSIT/TRANSH.	253,968	265,442	-4.32%
CARGO THROUGHPUT	4,483,387	4,222,376	6.18%

3.0 COMPARISONOF CARGO THROUGHPUT JANUARY–SEPTEMBER (Q1-3)2016 AND 2015

Table 2 shows the summary of seaborne trade comparison between Q1-3of 2016 and 2015.

Cargo throughput for the review period Q1-3 2016increased by 10.5% compared to the same period of 2015 (i.e. Q1-3 2015). Total import and export trade volume for Q1-3 2016 increased by 10.4% compared to Q1-3 2015. Total transit/transshipment trade volume for Q1-3 2016 increased by 12.2% over Q1-3 2015.

Table 2 SUMMARY COMPARISON OF GHANA'S CARGO THROUGHPUT (Jan –Sept) 2016 AND 2015

TRADE TYPE	Jan-Sept (Q1-3) 2016 (mt)	Jan- Sept (Q1-3) 2015 (mt)	CHANGE
TOTAL IMPORT & EXPORT	13,460,267	12,197,106	10.36%
TOTAL TRANSIT/TRANSH.	772,744	688,565	12.23%
CARGO THROUGHPUT	14,233,011	12,885,671	10.46%

4.0 PORTS SHARE OF CARGO THROUGHPUT FOR JANUARY – SEPTEMBER (Q1-3) 2016

Cargo throughput for the seaports of Ghana (i.e. Tema and Takoradi) for Q1-3 2016 was 14.23million metric tons (mt). Cargo throughput for the Port of Tema was 10.58 million mt representing 74.3% of the total, whilst the Port of Takoradi recorded 3.66 million mt, representing 25.7% of the total seaborne trade.

Transit/Transshipment imports amounted to 735,634mt, whilst transit/transshipment exports recorded 37,110mt. Table 3 below shows the summary performance for the review period.

Table 3.SUMMARY OF GHANA'S SEABORNE TRADE (in mt) JAN- SEPT(Q1-3) 2016

PORT	IMPORT (mt)	TRANSIT/ TRANSHP. IMPORT (mt)	*EXPORT (mt)	TRANSIT/ TRANSHP. EXPORT (mt)	TOTAL (mt)
TEMA	8,371,802	726,776	1,442,258	37,110	10,577,946
TAKORADI	1,101,276	8,858	2,544,932	0	3,655,066
TOTAL	9,473,078	735,634	3,987,190	37,110	14,233,012

* Exports exclude Ghana's crude oil exports

5.0 COMPARISON OF GHANA'S SEABORNE TRADE for JANUARY – SEPTEMBER (Q1-3) 2016 AND 2015PER CARGO TYPE

5.1 IMPORT TRADE

Total imports for the review period Q1-3 2016 was 9.5 million mt. This comprised 3.3million mt of Liner cargo, 1.4 million mt of Break bulk, 2.1 million mt of Dry bulk cargo and2.7 million mt of Liquid bulk imports.

In Table 4 below, it can be seen that imports for Q1-3 2016increased by 7.3% over Q1-3 2015. For the trade types, there was a decline in Liner imports by 13.2%. Break bulk imports increased by 1.1%, Dry bulk imports increased by 7.4% and Liquid bulk imports also increased by 57.8%.

Table 4 COMPARISON OF GHANA'S SEABORNE TRADE PER CARGO TYPE

TRADE TYPE	Jan-Sept(Q1-3) 2016 (mt)	Jan-Sept(Q1-3) 2015 (mt)	Change
IMPORT:			
Liner	3,276,279	3,774,405	-13.20%
Break Bulk	1,442,308	1,426,808	1.09%
Dry Bulk	2,051,764	1,910,953	7.37%
Liquid Bulk	2,702,726	1,713,027	57.77%
TOTAL IMPORT	**9,473,077**	**8,825,193**	7.34%
EXPORT:			
Liner	1,125,489	1,060,023	6.18%
Break Bulk	313,920	337,102	-6.88%
Dry Bulk	2,399,638	1,960,868	22.38%
Liquid Bulk	148,143	13,921	964.17%
TOTAL EXPORT	**3,987,190**	**3,371,914**	18.25%
TOTAL IMPORT & EXPORT	13,460,267	12,197,107	10.36%

5.2 EXPORT TRADE

The total export trade volume for Q1-3 2016 was 3.9 million mt. This represents 18.3% increase over Q1-3 2015. This was made up of 1.12 million mt of Liner items, 313,920 mt of Break bulk items, 2.39 million mt of Dry Bulk and 148,143 mt of Liquid Bulk.

6.0 PERFORMANCE IN LADEN CONTAINERS

Table 5 below shows the details of the performance in laden containers for Q1-3 2016. Total Laden Containers for imports and exports for Q1-3 2016 was 426,313 TEUs. This represents an increase of 10.2% compared to Q1-3 2015.

Total import Laden Containers for Q1-3 2016 was 343,472 TEUs; a 14.1% increase compared to Q1-3 2015. Total export Laden Containers for Q1-3 2016 was 82,841 TEUs; representing a decline of 3.4% compared to Q1-3 2015.

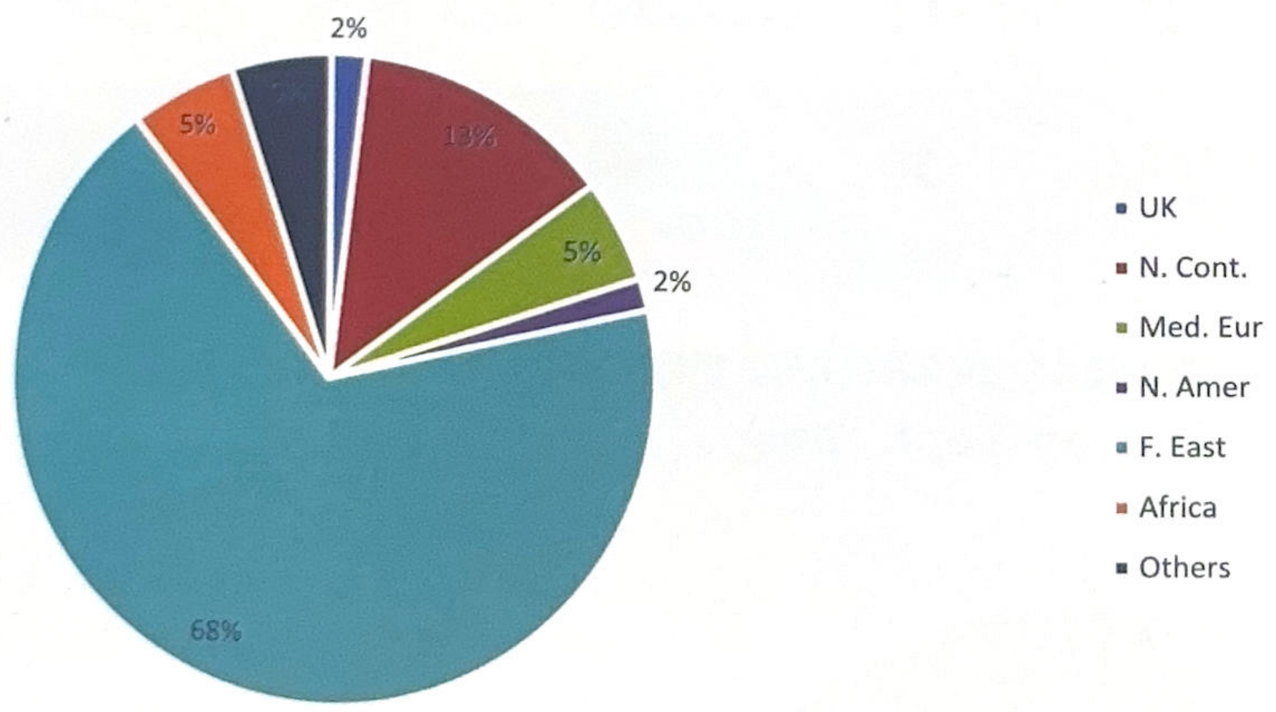
Table 5 GHANA'S SEABORNE TRADE IN LADEN CONTAINERS (in TEUs) PER PORT

TRADE TYPE	PORT	Jan-Sept (Q1-3) 2016 (in TEU)	Jan-Sept (Q1-3) 2015 (in TEU)	CHANGE
IMPORT	TEMA	331,489	290,457	14.13%
	TAKORADI	11,983	10,682	12.18%
	TOTAL IMPORT	**343,472**	**301,139**	14.06%
EXPORT	TEMA	71,338	66,003	8.08%
	TAKORADI	11,503	19,742	-41.73%
	TOTAL EXPORT	**82,841**	**85,745**	-3.39%
TOTAL	IMPORT/EXPORT	**426,313**	**386,884**	10.19%

Table 7. DIRECTION OF GHANA'S SEABORNE E XPORT TRADE (in mt)
Jan-Sept (Q1-3) 2016

Trade Type	UK	N. Cont.	Med. Eur	N. Amer	F. East	Africa	Others	TOTAL
LINER	57,110	219,828	139,373	56,447	469,200	133,651	49,880	1,125,489
BREAK BULK	1,770	7,034	8,827	6,354	281,622	1457	6,856	313,920
DRY BULK	12,500	266,394	53,970	0	1,964,280	4777	97,717	2,399,638
LIQ. BULK	0	26,085	0	0	0	75056	47,002	148,143
TOTAL	71,380	519,341	202,170	62,801	2,715,102	214,941	201,455	3,987,190
SHARE	2%	13%	5%	2%	68%	5%	5%	100%

FIG 2: DIRECTION OF GHANA'S SEABORNE EXPORT TRADE (in mt)
(Jan -Sept. 2016)



8.0 TRANSIT TRADE AND TRANSSHIPMENT THROUGH THE SEAPORTS OF GHANA

Total Transit/Transshipment trade volume for Q1-3 2016 shows anincreaseof12.2% compared to Q1-3 2015. Total volume of transit/transshipment for Q1-3 2016 was 772,744 metric tons (mt).

Transit/Transshipment Imports for Q1-3 2016 amounted to 735,634 mt, an increase of 9.9% compared to Q1-3 2015. Transshipment/Transit Exports recorded 37,110 mt in Q1-3 2016, an increase of 91.5% compared to Q1-3 2015. Table 8below shows the details of the transit/transshipment trade volumes for the review period.

Table 8. SUMMARY COMPARISON OF TRANSIT TRADE AND TRANSHIPMENT THROUGH THE SEAPORTS OF GHANA (JAN-SEPT.) 2016 AND 2015

TRADE TYPE	Jan-Sept (Q1-3) 2016 (mt)	Jan-Sept (Q1-3) 2015 (mt)	CHANGE
TRANSIT/TRANSH. IMPORT	735,634	669,183	9.93%
TRANSIT/TRANSH. EXPORT	37,110	19,382	91.47%
TOTAL	772,744	688,565	12.23%

9.0 TRANSIT TRADE PERFORMANCE FOR BURKINA FASO, MALI AND NIGER

Total transit volume for the three (3) landlocked countries of Burkina Faso, Mali and Niger amounted to 695,478mt in Q1-3 2016. This represents a rise of 12.3% compared to Q1-3 2015. The transit trade comprises imports of 659,144 mt and exports of 36,334mt.

Major transit trade commodities included Lubricating Oil, Processed Foods/ Beverages and Bagged Fertilizer. Details are shown in Table 9.

Table 9. SUMMARY COMPARISON OF TRANSIT TRADE for BURKINAFASO, MALI & NIGER JAN. –SEPT. (Q1-3) 2016 AND 2015

TRADE TYPE	Jan-Sept (Q1-3) 2016 (mt)	Jan-Sept (Q1-3) 2015 (mt)	Change
TRANSIT IMPORT	659,144	603,385	9.24%
TRANSIT EXPORT	36,334	15,919	128.24%
TOTAL	695,478	619,304	12.30%

10.0 SHIPPING LINE PERFOEMANCE IN GHANA'S SEABORNE TRADE

10.1 Shipping Line Performance in the Containerized Trade

Thirty Seven (37) Shipping Lines were involved in the containerized cargo trade which amounted to 422,342 TEUs for the review period Q1-3 2016. The highest operators were Maersk Line, with 144,612 TEUs (34.0% of the container trade) and Mediterranean Shipping Company (MSC), with 67,076 TEUs (15.7%). Details are shown in Table 10.

10.2 Performance of Shipping Lines per Volume of Shipment and Trade Type

A total of one hundred and seven (107) Shipping Lines and Charterers participated in transporting the over 13.5 million mt of Ghana's seaborne cargo (import & export) through the Ports of Tema and Takoradi during Q1-3 2016. The performance of the Lines per trade type (i.e. Liner, Break bulk, Dry bulk and Liquid bulk) is shown in Table 12 below.

11.0 PERFORMANCE OF SHIPPING AGENTS IN GHANA SEABRONE TRADE

11.1 Shipping Agents' Performance in the Containerized Trade

Twenty Seven (27) Shipping Agents were involved in the containerized trade to and from Ghana. Together, they handled 422,342 TEUs for the review period Q1-3 2016. The highest performing agencies were Maersk Ghana Ltd, with 144,612 TEUs (34.0% of the containerized trade) and MSC, with 67,076 TEUs (15.7% of the containerized trade). The details of the shipping agents performance per TEUs are shown in Table 11.

11.2 Performance of Shipping Agents per Volume of Shipment and Trade Type

Sixty One (61) Shipping Agents handled over 13.5million mt of seaborne trade (import & export) through the Ports of Tema and Takoradi during the period Q1-3 2016.

Table13 below shows the performance in the various trades namely, Liner, Break Bulk, Dry Bulk and Liquid Bulk trade for the review period.

TABLE 10 PERFORMANCE OF SHIPPING LINES PER LADEN CONTAINERS (in TEUs) TOTAL (TEMA & TAKORADI)

	JAN– SEPT (Q1-3) 2016			
SHIPPING LINE	IMPORT	EXPORT	TOTAL	% of TOTAL
ADVANCED MARITIME	2	40	42	0.01%
AFRICA EXPRESS LINE	979	344	1,323	0.31%
ARKAS LINE	7,017	2,004	9,021	2.12%

ARKAS LINE	7,017	2,004	9,021	2.12%
BOCS	10	0	10	0.00%
BOLLORE AFRICA LTD	222	361	583	0.14%
BREADBOX LINES	0	15	15	0.00%
CHINA OCEAN SHIPPING	14,492	2,496	16,988	3.99%
CHINA SHIPPING	7,636	366	8,002	1.88%
CMA CGM	19,947	7,678	27,625	6.48%
DELMAS	0	14	14	0.00%
EAGLE WEST AFRICA SERV.	4,388	924	5,312	1.25%
EUROAFRICA	1	0	1	0.00%
EVERGREEN SHIPPING	0	101	101	0.02%
GOLD STAR LINE	13,230	4,997	18,227	4.28%
GRIMALDI LINES	14,140	1,509	15,649	3.67%
HANJIN SHIPPING	5,543	1,590	7,133	1.67%
HAPAG-LLOYD	14,755	5,142	19,897	4.67%
HB SHIPPING	6	0	6	0.00%
HC TRADING	1382	485	1,867	0.44%
HOEGH AUTOLINERS	5	18	23	0.01%
I.M.T	17	0	17	0.00%
MAERSK LINE	127,065	17,547	144,612	33.93%
MANDARIN BEIJING	1	0	1	0.00%
MAXAM GH. LTD	7	0	7	0.00%
MEDITERRANEAN SHIPP. CO	54,606	12,470	67,076	15.74%
MESSINA LINES	2,166	892	3,058	0.72%
MITSUI O.S.K. LINES	18,298	7,129	25,427	5.97%
OTHER	240	113	267	0.06%
PACIFIC INTL. LINE	23,388	4,758	28,146	6.60%
PORTSIDE SHIPPING SERVICE	0	64	64	0.02%
SAFMARINE MPV N.V	54	4,850	4,904	1.15%
DIC SHIPPING DEV.	2	0	2	0.00%
UNITED ARAB SHIPP. CO	10,386	4,516	14,902	3.50%
UNIVERSAL AFRICA LINE	51	23	74	0.02%
VAN BLOOM SHIPPING LTD	1	0	1	0.00%
ZIM LINE	3,435	2,395	5,830	1.37%
TOTAL	343,472	82,841	426,227	100.00%

TABLE 11 PERFORMANCE OF SHIPPING AGENTS PER LADEN CONTAINERS (in TEUs)
TOTAL (TEMA & TAKORADI)
JAN – SEPT (Q1-3) 2016

SHIPPING AGENT	IMPORT	EXPORT	TOTAL	% SHARE
ADVANCE MARITIME	2	40	42	0.01%
ANTRAK GHANA LTD	2,827	1,181	4,008	0.94%
BEACON SHIPPING GHANA	5,543	-	5,543	1.30%

BLUESEA MARITIME	0	17	17	0.00%
BLUE FUNNEL GHANA	7,017	-	7,017	1.65%
BOLLORE AFRICA LOGISTICS	0	205	205	0.05%
COMEXAS GHANA LTD TEMA	46	12	58	0.01%
DELMAS SHIPPING GH. CMA CGM	19,947	7,692	27,639	6.48%
DW CABLE NET SHIPPING GH LTD	92	-	92	0.02%
GETMA GHANA LTD	61	-	61	0.01%
GMT SHIPPING LTD	129	-	129	0.03%
GRIMALDI GHANA LTD	13,595	1,191	14,786	3.47%
HULL BLYTH GHANA	1399	8,581	9,980	2.34%
INTERMODAL SHIPPING AGENCY GH	17,732	7,392	25,124	5.89%
MAERSK GHANA LTD	127,075	17,571	144,646	33.93%
MOL GHANA LTD	18,298	7,129	25,427	5.96%
MSCA GHANA	54,596	12,470	67,066	15.73%
NAVITRANS GHANA LTD	7,636	366	8,002	1.88%
OIL AND MARINE AGENCIES	14,755	5,142	19,897	4.67%
PIL GHANA LTD	23,406	4,665	28,071	6.58%
PORTS MARINE	0	93	93	0.02%
SAFMARINE	0	4,826	4,826	1.13%
SCANSHIP GHANA LIMITED	13,424	2,904	16,328	3.83%
SEVENLOG LIMITED	88	96	184	0.04%
SUPERMARITIME GHANA LIMITED	5,418	1,268	6,686	1.57%
UNITED ARAB SHIPPING AGENCIES GH.	10,386	-	10,386	2.44%
TOTAL	343,472	82,841	426,313	100.00%

GHANA SHIPPERS' AUTHORITY

PERFORMANCE OF SHIPPING LINES **IN GHANA'S SEABORNE TRADE**(in mt)
JAN SEPT (Q1-3) 2016
TOTAL (TEMA & TAKORADI)

SHIPPING LINES/CHARTERER	**IMPORT (mt)**	**EXPORT (mt)**	**TOTAL (mt)**	**% SHARE / TRADER TYPE**	**%SHARE**
LINER					
ADVANCED MARITIME	130	160	290	0.01	0.00
ADOM MBROSO COLDSTORES LTD	15,538	0	15,538	0.33	0.12
AFRICA EXPRESS LINE	8,928	17,564	26,492	0.57	0.20
AFRICAN FISH GH.LTD	454	0	454	0.01	0.00
AMISACHI/WE 2 SEAFOODS LTD	5,094	0	5,094	0.11	0.04
ALUMINO ESPANOL	0	3,701	3,701	0.08	0.03
ARKAS LINE	68,262	26,211	94,473	2.02	0.70
ASIA MARITIME PACIFIC	290	0	290	0.01	0.00
BBC CHARTERING	4,069	18	4,087	0.09	0.03
BOLLORE LINES	26,351	3,307	29,658	0.63	0.22
BOCS	225	0	225	0.00	0.00
BREADBOX	0	360	360	0.01	0.00

CANDLER SCHIFFAHRT GMBH	4,400	0	4,400	0.09	0.03
CHINA OCEAN SHIPPING	149,591	43,578	193,169	4.12	1.44
CHINA SHIPPING	56,382	6,857	63,239	1.35	0.47
CHINA SHIPPING GROUP	1,423	0	1,423	0.03	0.01
CMA CGM	130,732	123,485	254,217	5.42	1.89
CONTI GMT SHIPPING	879	0	879	0.02	0.01
CONSHIP LINES	50,871	0	50,871	1.09	0.38
COSMO SEAFOODS CO.	361	0	361	0.01	0.00
DANGOTE	86	0	86	0.00	0.00
DELMAS	278	300	578	0.01	0.00
DOLPHINE FROZEN FOODS	7,467	0	7,467	0.16	0.06
EAGLE WEST AFRICA SERV.	42,850	32,549	75,399	1.61	0.56
EITZEN CHEMICAL A/S	1,048	0	1,048	0.02	0.01
EUKOR CAR CARRIERS	3,592	0	3,592	0.08	0.03
EVERGREEN SHIPPING LINE	312	1,658	1,970	0.04	0.01
FERTICHIM	15,700	0	15,700	0.33	0.12
FOUTA GENERAL MERCHANDISE LTD	6,000	0	6,000	0.13	0.04
GLOVIS	19,284	0	19,284	0.41	0.14
GMT SHIPPING	115	0	115	0.00	0.00
GOLD STAR LINE	91,390	82,681	174,071	3.71	1.29
GOLD STAR FISH CO. LTD	4,132	0	4,132	0.09	0.03
GRIMALDI LINES	123,267	24,204	147,471	3.15	1.10
HANJIN SHIPPING	33,586	29,413	62,999	1.34	0.47
HAPAG-LLOYD	100,497	85,090	185,587	3.96	1.38
HB SHIPPING	463	0	463	0.01	0.00
HC SHIPPING	66,120	28,876	94,996	2.03	0.71
HOEGH AUTOLINERS	9,106	253	9,359	0.20	0.07
HUAL LINES	2	0	2	0.00	0.00
IMC SHIPPING	941	0	941	0.02	0.01
I.M.T.	2,877	1,550	4,427	0.09	0.03
J. MARR (SEAFOODS) LTD.	23,980	0	23,980	0.51	0.18
JAPAN TUNA ASSOCIATION	110	0	110	0.00	0.00
K' LINE	2,013	0	2,013	0.04	0.01
LOUIS DREYFUS COMMODITIES	9,965	0	9,965	0.21	0.07
MAERSK LINE	957,541	301,636	1,259,177	26.86	9.35
MANDARIN BEIJIN	1,136	0	1,136	0.02	0.01
MEDITERRANEAN SHIPPING CO.	370,672	183,921	554,593	11.83	4.12
MESSINA LINES	20,991	10,832	31,823	0.68	0.24
MITSUI O.S.K LINES	141,554	112,588	254,142	5.42	1.89
NIPPON YUSEN KAISHA	425	0	425	0.01	0.00
NMT LINES	4,951	0	4,951	0.11	0.04
OCEAN FARE CO. LTD	8,153	0	8,153	0.17	0.06
OCEANCREST TRANSPORT INC.	54,200	0	54,200	1.16	0.40
OLAM GHANA	15,013	0	15,013	0.32	0.11
OTAL	20,089	0	20,089	0.43	0.15
OTHER	106,594	12,321	118,915	2.54	0.88

PACIFIC INTL LINE	171,066	70,018	241,084	5.14	1.79
PIONEER FOOD CANNERY LTD	3,054	0	3,054	0.07	0.02
POSEIDON SCHIFFAHRT GMBH	3,952	0	3,952	0.08	0.03
PORTSIDE SHIPPING LINES	0	1,846	1,846	0.04	0.01
PRECIOUS COLDSTORE LTD	1,107	0	1,107	0.02	0.01
PREMIUM FOODS LTD	22,000	0	22,000	0.47	0.16
RAFFLES SHIP CHARTERING	7,500	0	7,500	0.16	0.06
RAFFLES SHIP INTL.	37,500	0	37,500	0.80	0.28
RAMANI DISTRIBUTION	28,000	0	28,000	0.60	0.21
ROYAL BOW CO. LTD	13,875	0	13,875	0.30	0.10
RMR SHIPPING	5	0	5	0.00	0.00
SAFMARINE	623	80,520	81,143	1.73	0.60
SALLAUM LINES	588	0	588	0.01	0.00
SDIC SHIPPING DEV.	1,295	0	1,295	0.03	0.01
SEABOARD OVERSEAS LTD	13,492	0	13,492	0.29	0.10
SEVENLOG	84,521	0	84,521	1.80	0.63
SIERRA FISHING CO. LTD	712	0	712	0.02	0.01
TEAM TANKERS VENTURES LTD	4,669	0	4,669	0.10	0.03
TED SHIPPING INC.	61	0	61	0.00	0.00
THORCO SHIPPING	0	3,602	3,602	0.08	0.03
TOPSHEEN SHIPP. GROUP LTD	166	0	166	0.00	0.00
TRUSTLINK VENTURES LTD	3,767	0	3,767	0.08	0.03
UAB SEAFISH TRADE	1,033	0	1,033	0.02	0.01
UNI-CHARTERING A/S	4,167	0	4,167	0.09	0.03
UNIVERSAL AFRICA LINE	8,211	1,315	9,526	0.20	0.07
UNITED ARAB SHIPP. CO	56,137	74,453	130,590	2.79	0.97
VAN BLOOM SHIPP. LTD	1,283	0	1,283	0.03	0.01
VOLTA ALUMINIUM CO.	250	2,800	3,050	0.07	0.02
VITOL SA	810	0	810	0.02	0.01
WE 2 SEAFOODS CO. LTD/ AMISACHI	2,675	0	2,675	0.06	0.02
ZIM LINE	25,033	31,412	56,445	1.20	0.42
ZOLA MARITIME	25	0	25	0.00	0.00
SUB-TOTAL	**3,288,057**	**1,399,079**	**4,687,136**	**100.00**	**34.82**
BREAK BULK					
ADVANCED MARITIME	60	0	60	0.00	0.00
AFRICA EXPRESS LINE	12	0	12	0.00	0.00
ARKAS LINE	4,150	0	4,150	0.30	0.03
BBC CHARTERING	128	0	128	0.01	0.00
BOLLORE AFRICA LTD	102	0	102	0.01	0.00
CHINA OCEAN SHIPPING	171,450	0	171,450	12.22	1.27
CHINA SHIPPING	14,608	0	14,608	1.04	0.11
CHINA SHIPPING GROUP	6,403	0	6,403	0.46	0.05
CMA CGM	46,574	0	46,574	3.32	0.35
CONTI GMT SHIPPING	57,247	0	57,247	4.08	0.43
CONSHIP LINES	6,420	0	6,420	0.46	0.05

ED&F MAN SHIPPING	13,600	0	13,600	0.97	0.10
EUKOR CAR CARRIERS	640	0	640	0.05	0.00
EVERGREEN SHIPPING LINE	1,074	0	1,074	0.08	0.01
FABRIMETAL GH.LTD	2,516	0	2,516	0.18	0.02
FOUTA GENERAL MERCHANDISE LTD	46,805	0	46,805	3.33	0.35
GLOVIS	44	0	44	0.00	0.00
GMT SHIPPING	5,000	0	5,000	0.36	0.04
GOLD STAR LINE	17,265	0	17,265	1.23	0.13
GRIMALDI LINES	6,524	0	6,524	0.46	0.05
HANJIN SHIPPING	5,605	0	5,605	0.40	0.04
HAPAG-LLOYD	12,453	0	12,453	0.89	0.09
HC TRADING	863	0	863	0.06	0.01
HOEGH AUTOLINERS	155	0	155	0.01	0.00
IMC SHIPPING	20,754	0	20,754	1.48	0.15
MAERSK LINE	226,776	0	226,776	16.16	1.68
MEDITERRANEAN SHIPP. CO	70,894	0	70,894	5.05	0.53
MESSINA LINES	2,057	0	2,057	0.15	0.02
MITSUI O.S.K. LINES	30,695	0	30,695	2.19	0.23
NIPPON YUSEN KAISHA	54	0	54	0.00	0.00
OCEANCREST TRANSPORT INC.	5,000	0	5,000	0.36	0.04
OLAM GH. LTD	84,850	0	84,850	6.05	0.63
OTHER	189,041	0	189,041	13.47	1.40
PACIFIC INTL. LINES	43,589	0	43,589	3.11	0.32
PREMIUM FOODS LTD	22,500	0	22,500	1.60	0.17
RAMANI DISTRIBUTION	13,000	0	13,000	0.93	0.10
ROYAL BOW CO. LTD	152,700	0	152,700	10.88	1.13
SALLAUM LINES	1	0	1	0.00	0.00
SDIC	2	0	2	0.00	0.00
SEVENLOG	46,040	0	46,040	3.28	0.34
TED SHIPPING	46,726	0	46,726	3.33	0.35
TOPSHEEN SHIPPING GROUP LTD	6,954	0	6,954	0.50	0.05
UNITED ARAB SHIPP. CO.	14,664	0	14,664	1.04	0.11
UNIVERSAL AFRICA LINE	2,123	0	2,123	0.15	0.02
VAN BLOOM SHIPPING	1,597	0	1,597	0.11	0.01
ZIM LINE	3,868	0	3,868	0.28	0.03
SUB-TOTAL	**1,403,583**	**0**	**1,403,583**	**100.00**	**10.43**
DRY BULK					
ARKAS LINE	0	5,185	5,185	0.11	0.04
BOLLORE LINES	0	13,039	13,039	0.29	0.10
CARMEUS TRADING	45,658	0	45,658	1.01	0.34
CHINA SHIPPING GROUP	225	0	225	0.00	0.00
CHINA OCEAN SHIPPING	7,231	30,248	37,479	0.83	0.28
CMA CGM	0	2,078	2,078	0.05	0.02
DANGOTE	196,450	0	196,450	4.35	1.46
EURO AFRICA	0	5,500	5,500	0.12	0.04

GOLD STAR LINE	0	22,052	22,052	0.49	0.16
GRIMALDI LINES	0	10,762	10,762	0.24	0.08
HAPAG-LLOYD	0	538	538	0.01	0.00
HB SHIPPING	28,994	0	28,994	0.64	0.22
HC TRADING	974,434	16,325	990,759	21.92	7.36
I.M.T.	111,720	2,020,377	2,132,097	47.18	15.84
L&C MARINE TRANSPORT	18,000	0	18,000	0.40	0.13
LOUIS DREYFUS COMMODITIES	5,364	0	5,364	0.12	0.04
MACRO SHIPPING	0	27,100	27,100	0.60	0.20
MAERSK LINE	5,043	18,853	23,896	0.53	0.18
MESSINA LINES	0	539	539	0.01	0.00
MANDARIN BEIJIN	40,000	0	40,000	0.89	0.30
MEDITERRANEAN SHIPP. CO	9,298	109,498	118,796	2.63	0.88
MITSUI O.S.K LINES	1,127	226	1,353	0.03	0.01
NORDANA LINE	5,000	0	5,000	0.11	0.04
OCEANCREST TRANSPORT INC.	83,800	0	83,800	1.85	0.62
OLAM GHANA	62,989	0	62,989	1.39	0.47
OTHER	129,533	23,243	152,776	3.38	1.14
PACIFIC INTL. LINE	0	1,118	1,118	0.02	0.01
SAFMARINE	0	102	102	0.00	0.00
SEABOARD OVERSEAS LTD	4,625	0	4,625	0.10	0.03
SEVENLOG	159,400	33,350	192,750	4.26	1.43
SPLIETHOFF	0	18,500	18,500	0.41	0.14
THORCO SHIPPING A/S	11,000	0	11,000	0.24	0.08
TRANSBULK SHIPPING	40,000	0	40,000	0.89	0.30
UNITED ARAB SHIPP. CO	222	1,139	1,361	0.03	0.01
UNIVERSAL AFRICA LINE	0	69,687	69,687	1.54	0.52
UNICARGO LINES	0	10,500	10,500	0.23	0.08
VAN BLOOM SHIPPING LTD	118,700	0	118,700	2.63	0.88
YARA GH. LTD	19,750	0	19,750	0.44	0.15
ZIM LINE	1,004	0	1,004	0.02	0.01
SUB-TOTAL	**2,079,567**	**2,439,959**	**4,519,526**	**100.00**	**33.58**
LIQUID BULK					
BLUE OCEAN	90,981	0	90,981	3.19	0.68
BLUEOCEAN/EBONY	18,452	0	18,452	0.65	0.14
BOST	720,679	73,787	794,466	27.88	5.90
BP SHIPPING	38,600	0	38,600	1.35	0.29
CHASE PETROLEUM	106,722	0	106,722	3.74	0.79
CIRRUS	34,920	0	34,920	1.23	0.26
EBONY OIL & GAS	60,030	0	60,030	2.11	0.45
EBONY/BLUE OCEAN	31,244	0	31,244	1.10	0.23
FUELTRADE	207,631	0	207,631	7.29	1.54
GLENCORE	56,467	0	56,467	1.98	0.42
HAPAG-LLOYD	600,495	25,802	626,297	21.98	4.65

HC TRADING	1,337	0	1,337	0.05	0.01
I.M.T.	14,051	0	14,051	0.49	0.10
LANONARK SHIPPING	2,980	0	2,980	0.10	0.02
MAERSK LINE	1,254	0	1,254	0.04	0.01
MEDITERRANEAN SHIPP. CO	474	0	474	0.02	0.00
OTHER	137,316	31,365	168,681	5.92	1.25
P.W.S.L	47,592	0	47,592	1.67	0.35
PETROINEOS TRADING	52,032	0	52,032	1.83	0.39
RAFFLES SHIPPING INTERNATIONAL	1,500	0	1,500	0.05	0.01
TE MA OIL REFINERY	0	17,189	17,189	0.60	0.13
TOTAL OIL TRADING	47,345	0	47,345	1.66	0.35
TRAFIGURA PTE LTD	132,516	0	132,516	4.65	0.98
VIHAMA	9,035	0	9,035	0.32	0.07
VIHAMA/JUWEL	38,017	0	38,017	1.33	0.28
VITOL	106,376	0	106,376	3.73	0.79
VOLTA RIVER AUTHORITY	139,423	0	139,423	4.89	1.04
WINSON OIL DMCC DUBAI	4,400	0	4,400	0.15	0.03
SUB-TOTAL	**2,701,869**	**148,143**	**2,850,012**	**100.00**	**21.17**
GRAND TOTAL	**9,473,075**	**3,987,181**	**13,460,256**	**100.00**	**100.00**

GHANA SHIPPERS' AUTHORITY

PERFORMANCE OF SHIPPING AGENTS **IN GHANA'S SEABORNE TRADE**(in mt)
JAN SEPT (Q1-3) 2016

TOTAL (TEMA & TAKORADI)

	IMPORT (mt)	**EXPORT (mt)**	**TOTAL (mt)**	**% SHARE / TRADE TYPE**	**%SHARE**
LINER					
ADVANCED MARITIME	130	160	290	0.01	0.00
AFRICAN STEAM SHIP	162	0	162	0.00	0.00
AFRICA CARGO CENTRAL LTD	24	0	24	0.00	0.00
A&J SHIPPING SERVICES	16,912	0	16,912	0.36	0.13
ANDIPEX CO. LTD	22,968	0	22,968	0.49	0.17
ANTRAK GH. LTD	65,892	14,297	80,189	1.71	0.60
AQUA MARINE SHIPP. GH. LTD	654	0	654	0.01	0.00
BAJ FREIGHT	463	0	463	0.01	0.00
BEACON SHIPP. HANJIN GH.	33,566	0	33,566	0.72	0.25
BLUESEA MARITIME	68,262	3,850	72,112	1.54	0.54
BOLLORE AFRICA LOGISTICS	0	2,073	2,073	0.04	0.02
BULKERS	49	0	49	0.00	0.00
COMEXAS GHANA LIMITED	8,944	215	9,159	0.20	0.07

CONSOLIDATED SHIPP. AGENCIES LTD	51,267	0	51,267	1.09	0.39
DADDO MARITIME SERVICES LTD	2	0	2	0.00	0.00
DAMCO LOGISTICS GH. LTD	54,200	0	54,200	1.16	0.41
DELMAS SHIPP. GH. CMA CGM	131,011	123,785	254,796	5.44	1.92
DOLPHIN SHIPP. SERVICES	14,166	0	14,166	0.30	0.11
ELDER DEMPSTER GHANA	2	0	2	0.00	0.00
FACULTY LOGISTICS LTD	17,000	0	17,000	0.36	0.13
FAIRPOINT BUSINESS T EMA	3,819	0	3,819	0.08	0.03
GETMA GHANA LTD	6,487	0	6,487	0.14	0.05
GLOBAL CARGO & COMMODITIES	84,972	0	84,972	1.81	0.64
GMT SHIPPING LTD	19,173	0	19,173	0.41	0.14
GRIMALDI GH. LTD	118,090	19,203	137,293	2.93	1.03
HULL BLYTH GH. LTD	72,249	157,495	229,744	4.90	1.73
ICM LOGISTICS SERVICES LTD	21	0	21	0.00	0.00
INCHCAPE SHIPP. SERVICES GH. LTD	83,039	0	83,039	1.77	0.62
INTERMODAL SHIPP. AGENCY GH. LTD	122,663	114,093	236,756	5.05	1.78
KHUDA SERVICE T EMA	18,588	0	18,588	0.40	0.14
KOYANKS COMPANY LIMITED	14,597	0	14,597	0.31	0.11
MACRO SHIPPING GH. LTD	12,536	0	12,536	0.27	0.09
MAERSK GH. LTD	957,450	301,968	1,259,418	26.88	9.47
MARITIME AGENCIES	979	0	979	0.02	0.01
MAWA	0	18	18	0.00	0.00
MOL GHANA LTD	141,554	112,588	254,142	5.42	1.91
MSCA GH. LTD	369,733	183,921	553,654	11.81	4.16
NAVITRANS GH. LTD	56,379	6,857	63,236	1.35	0.48
OIL & MARINE AGENCIES	102,959	85,090	188,049	4.01	1.41
PANALPINA GH LTD	3	0	3	0.00	0.00
PIL GHANA LTD	171,613	69,993	241,606	5.16	1.82
PORTS MARINE LTD	4,944	2,543	7,487	0.16	0.06
SAFMARINE	0	80,188	80,188	1.71	0.60
SCANSHIP GHANA LIMITED	126,662	49,383	176,045	3.76	1.32
SDV GHANA LTD	312	0	312	0.01	0.00
SEVENLOG LIMITED	90,607	808	91,415	1.95	0.69
SHARAF SHIPPING AGENCY LIMITED	20,843	0	20,843	0.44	0.16
SIFAX AGENCIES GH LIMITED	2	0	2	0.00	0.00

SILVERMARITIME GH. LTD	983	67,879	68,862	1.47	0.52
STARDEX MARINE CONSULT	15,174	0	15,174	0.32	0.11
SUPERMARITIME GHANA LIMITED	119,673	2,671	122,344	2.61	0.92
TRANSGLOBAL SHIPPING	3,798	0	3,798	0.08	0.03
TTV LIMITED	5,360	0	5,360	0.11	0.04
UNITED ARAB SHIPPING AGENCIES	56,157	0	56,157	1.20	0.42
SUB-TOTAL	**3,287,095**	**1,399,078**	**4,686,173**	**100.00**	**35.24**
BREAK BULK					
ADVANCED MARITIME	60	0	60	0.00	0.00
AFRICA CARGO CENTRAL LTD	20,810	0	20,810	1.48	0.16
ANTRAK GH. LTD	2,487	0	2,487	0.18	0.02
AQUA MARINE SHIPPING GHANA LTD	1	0	1	0.00	0.00
BAJ FREIGHT	8	0	8	0.00	0.00
BEACON SHIPPING GHANA	5,605	0	5,605	0.40	0.04
BLUE FUNNEL GH.	4,150	0	4,150	0.30	0.03
COMEXAS GHANA LIMITED	4,638	0	4,638	0.33	0.03
CONSOLIDATED SHIPP. AGENCIES LTD	13,332	0	13,332	0.95	0.10
DADDO MARITIME SERV. GH. LTD	11	0	11	0.00	0.00
DAMCO LOGISTICS GHANA LTD	5,000	0	5,000	0.36	0.04
DELMAS SHIPPING GHANA	46,574	0	46,574	3.32	0.35
FACULTY LOGISTICS	34,675	0	34,675	2.47	0.26
GLOBAL CARGO & COMMODITIES	319,856	0	319,856	22.78	2.41
GMT SHIPPING LTD	205,028	0	205,028	14.60	1.54
GRIMALDI GHANA LTD.	4,909	0	4,909	0.35	0.04
HULL BLYTH GH. LTD	1,503	0	1,503	0.11	0.01
ICM LOGISTICS SERVICES LTD	11	0	11	0.00	0.00
INTERMODAL SHIPP. AGENCY GH. LTD	21,909	0	21,909	1.56	0.16
MAERSK GH. LTD	227,211	0	227,211	16.18	1.71
MARITIME AGENCIES	127	0	127	0.01	0.00
MAXITIDE VENTURES LTD	1,395	0	1,395	0.10	0.01
MOL GH. LTD	30,695	0	30,695	2.19	0.23
MSCA GH. LTD	70,895	0	70,895	5.05	0.53
NAVITRANS GHANA LIMITED	14,608	0	14,608	1.04	0.11

OIL & MARINE AGENCIES	12,364	0	12,364	0.88	0.09
PANALPINA GH LTD	57	0	57	0.00	0.00
PIL GHANA LTD	43,592	0	43,592	3.11	0.33
PORTS MARINE LTD	1	0	1	0.00	0.00
SCANSHIP GH LTD	30,364	0	30,364	2.16	0.23
SDV GHANA LTD	1,074	0	1,074	0.08	0.01
SEATRADE SHIPPING AND LOGISTICS	300	0	300	0.02	0.00
SEVENLOG LTD	209,368	0	209,368	14.91	1.57
SHARAF SHIPPING AGENCY LTD	44	0	44	0.00	0.00
SILVERMARITIME GH. LTD	34,930	0	34,930	2.49	0.26
SUPERMARITIME GH. LTD	21,613	0	21,613	1.54	0.16
UNITED ARAB SHIPP. AGENCIES	14,664	0	14,664	1.04	0.11
SUB-TOTAL	**1,403,870**	**0**	**1,403,870**	**100.00**	**10.56**
DRY BULK					
ANTRAK GH. LTD	0	13,578	13,578	0.31	0.10
BLUESEA MARITIME GH. LTD	0	10,500	10,500	0.24	0.08
BOLLORE AFRICA LOGISTICS	0	1,118	1,118	0.03	0.01
DELMAS SHIPPING CMA CGM	0	2,078	2,078	0.05	0.02
DAMCO LOGISTICS GHANA LTD.	101,800	0	101,800	2.34	0.77
FACULTY LOGISTICS	10,484	0	10,484	0.24	0.08
GETMA GHANA LTD	26,263	0	26,263	0.60	0.20
GLOBAL CARGO & COMMODITIES	230,939	0	230,939	5.30	1.74
GRIMALDI GHANA LTD	0	9,512	9,512	0.22	0.07
HULL BLYTH GH. LTD	1,003,428	22,649	1,026,077	23.56	7.72
INCHCAPE SHIPPING SERVICES	0	4,075	4,075	0.09	0.03
INTERMODAL SHIPP. AGENCY GH. LTD	1,088	22,052	23,140	0.53	0.17
MACRO SHIPPING GH. LTD	0	699,160	699,160	16.05	5.26
MAERSK GHANA LTD	4,607	18,955	23,562	0.54	0.18
MAP SHIPPING LTD	57,870	0	57,870	1.33	0.44
MOL GH. LTD	1,127	226	1,353	0.03	0.01
MSCA GHANA LTD	9,298	109,498	118,796	2.66	0.89
OIL AND MARINE AGENCIES	91	538	629	0.01	0.00
SCANSHIP GH. LTD	7,231	54,099	61,330	1.41	0.46
SEVENLOG LIMITED	243,180	33,350	276,530	6.35	2.08
SIFAX AGENCIES GH LIMITED	84,750	0	84,750	1.95	0.64

SUPERMARITIME GH. LTD	251,270	1,436,504	1,687,774	38.75	12.69
TIDE SHIPS LTD	0	2,068	2,068	0.05	0.02
UNITED ARAB SHIPP. AGENCIES GH	222	0	222	0.01	0.00
WESTERN FREIGHT & LOGISTICS LTD	45,658	0	45,658	1.05	0.34
SUB-TOTAL	**2,079,307**	**2,439,960**	**4,519,267**	**100.00**	**33.05**
LIQUID BULK					
BLUESEA MARITIME AGENCY LTD	85,692	0	85,692	3.01	0.64
BULKSHIP & TRADE LTD	299,119	0	299,119	10.49	2.25
CRTCR	0	17,189	17,189	0.60	0.13
DADDO MARITIME SERV. GH. LTD	173,062	55,583	228,645	8.02	1.72
GETMA GH. LTD	2,980	0	2,980	0.10	0.02
HULL BLYTH GH. LTD	1,337	0	1,337	0.05	0.01
INCHCAPE SHIPPING SERVICES	337,251	18,482	355,733	12.48	2.68
MAERSK GH. LTD	1,254	0	1,254	0.04	0.01
MARINE MOR	2,000	0	2,000	0.07	0.02
MSCA GHANA LTD	1,412	0	1,412	0.05	0.01
MULTIPLAN	0	5,001	5,001	0.18	0.04
OIL AND MARINE AGENCIES	1,656,865	25,802	1,682,667	59.02	12.65
SEA&SHORE SERVICE GHANA LTD	123,383	0	123,383	4.33	0.00
SUPERMARITIME GHANA LIMITED	18,451	26,085	44,536	1.56	0.33
SUB-TOTAL	**2,702,807**	**148,142**	**2,850,949**	**100.00**	**20.51**
GRAND TOTAL	**9,473,079**	**3,987,180**	**13,460,259**	**100.00**	**100.00**

11TH MARITIME SEMINAR FOR JUDGES HELD AT THE M.T. ADDICO CONFERENCE HALL OF THE GHANA SHIPPERS' HOUSE, ACCRA

The 11th Maritime Seminar for Judges organised by the Ghana Shippers' Authority in collaboration with the Judicial Training Institute was successfully held on Friday 18th November 2016 at the M.T Addico Conference Hall of the Ghana Shippers' House. The seminar, eleventh in the series of Maritime Law Seminars, retained its primary objective of updating the knowledge base of the Justices/Judges of superior courts in Ghana to adequately prepare them for the challenges of interpretation and application of both domestic and international law on maritime issues.

Key personalities present at the seminar included Her Ladyship, Justice Georgina Wood (Mrs),Chief Justice of Republic of Ghana, Hon Fifi Kwetey, Minister of Transport, Mrs. Helen Akpene Ziwu, Ag. Solicitor General, representing the Minister of Justice and Attorney General and Dr. Kofi Mbiah, Chief Executive of the Ghana Shippers' Authority and Justices of the Superior Courts of Judicature.

Welcoming participants to the Seminar,the Chief Executive Officer Dr. Kofi Mbiahlauded the unalloyed support received from the office of the Chief Justice over this past decadeand also thanked the Judges of the superior courts of judicature who have over the years kept faith with this event.

He called for the Maritime Law Seminar series to be continued and even broadened to cover a wide array of new fields of endeavour with their attendant legal ramifications,"so as to keep our learned Judges continuously abreast with these new developments".

The Chief Justice, Georgina Wood (Mrs) delivering the keynote address commended the Ghana Shippers' Authority and the Judicial Training Institute for the able manner in which they have consistently and seamlessly organized these seminars from the maiden edition through to the 11th in the series. She mentioned that, since the commencement of the maritime law seminars series, a number of maritime trade and transport related cases have been expertly handled by the courts and that in some of these disputes, judges have drawn upon the knowledge gained from these seminars-"an ample testimony to the value and benefits accruing from the seminars" she added.

The Transport Minister, Hon. Fifi Kwetey, in his address said that efficient and effective transport system was critical for socio-economic development and therefore the importance of this seminar cannot be over emphasized as it contributes significantly to ensuring the international trade and maritime transport business are conducted in the spirit of law and order.

In a speech read on her behalf, the Honourable Minister of Justice Attorney General, applauded judges for their sound judgements in trade and commercial disputes over the years.

His Lordship Professor Justice Darte-Bah, who chaired the function, in his remarks applauded the GSA for putting together, The Admiral - A Compendium - a publication of all the papers presented at the 10 previous seminars, to serve as a ready reference for justices of the superior courts, maritime lawyers and researchers. The publication, he said, would be launched early next year.

Incisive presentations weredelivered by Professor P.K. Mukherjee, Mr.Alexander G. Buabeng, Mrs. Sandra Opoku and Dr. Kofi Mbiah on the following topics:

1. Essentials of Sea Carriage of Goods: Chinese and Common Law Perspective
2. International Commercial Arbitration and Public Policy: The Role of the Courts
3. Ship Arrest and Enforcement Procedures in Ghana.
4. Understanding the Legal Principles Underpinning CIF Contracts.

The one day seminar hosted in the M.T Addico Conference Hall of the Ghana Shippers' House was the first public event in the facility and had about 70 Judges participating.

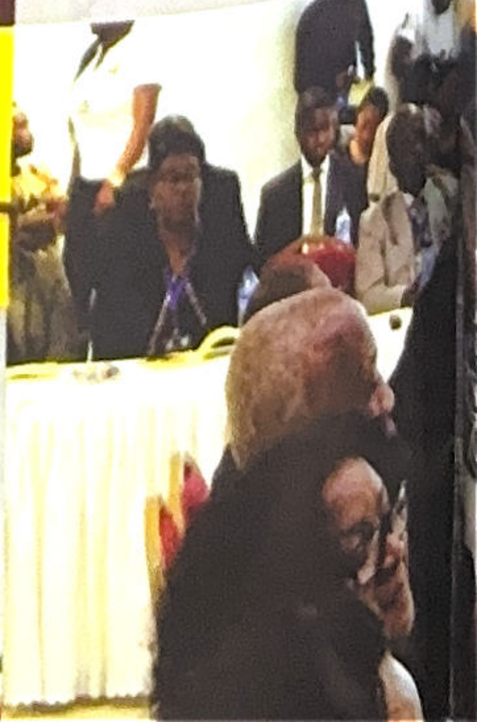
Organiser:

JUDICIAL TRAINING INSTITUTE

Ghana Shippers' House

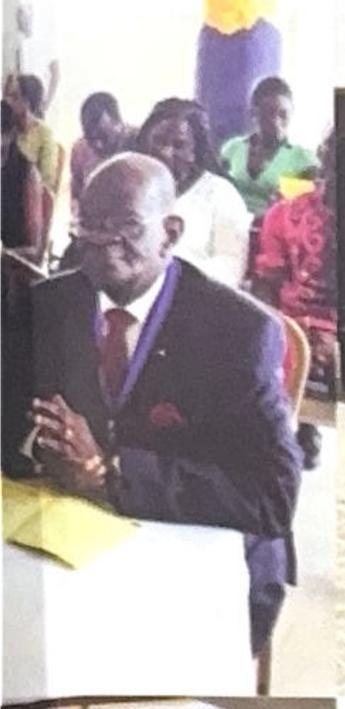
11th MARITIME LAW SEMINAR FOR JUDGES OF THE SUPERIOR COURTS

11th MARITIME LAW SEMINAR FOR JUDGES OF THE SUPERIOR COURTS
Organiser:
GHANA SHIPPERS' AUTHORITY
JUDICIAL TRAINING INSTITUTE



18th November, 2016
Shippers' House
Organiser:

9:00 am
Ghana Shippers' House



Organiser:

9:00 am

11th MARITIME LAW SEMINAR
JUDGES OF THE SUPERIOR COUR

11th MARITIME LAW
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11th MARITIME LAW SEMINAR
JUDGES OF THE SUPERIOR COUR

18th November, 2016
Organiser:
GHANA SHIPPERS' AUTHORITY

GHANA SHIPPERS' AUTHORITY

DON'T PAY MORE THAN THESE NEGOTIATED RATES

Acting under the auspices of the Ministry of Transport and in accordance with the Ghana Shippers' Authority Regulation, 2012, (L.I. 2190) the Ghana Shippers' Authority has on behalf of Shippers concluded negotiation of charges administered by the Ghana Ports and Harbours Authority and the Terminal Operators as follows:

A. HANDLING CHARGES (CONVENTIONAL CARGO)

CONVENTIONAL CARGO	SERVICE	IMPORTS Per TONNE GHC	EXPORTS Per TONNE GHC
1.Lifts up to 5 Tonnes	-Direct Handling	4.68	3.30
	-Indirect Handling	9.36	6.60
2.Lifts 6 to 10 Tonnes	-Direct Handling	8.19	5.50
	-Indirect Handling	18.72	13.20
3. Lifts above 10 Tonnes	-Direct Handling	11.70	8.80
	Indirect Handling	27.50	19.25

B. HANDLING CHARGES (UNPACKED VEHICLES)

B. HANDLING CHARGES (UNPACKED VEHICLES)

UNPACKED VEHICLES	SERVICE	IMPORTS Per Unit GHC	EXPORTS Per Unit GHC	Transfer to/from ICDs Per Unit-GHC	
				IMPORT	EXPORT
1.Saloon Car	-Drivable	72.54	50.60	38.03	27.50
	-Non drivable	108.81	75.90	57.33	40.70
2.Mini Vehicle	- Drivable	163.22	113.30	85.41	60.50
	-Non drivable	244.53	169.40	127.53	90.20
3.Utility Vehicle	- Drivable	226.40	156.75	118.17	83.60
	-Non drivable	339.30	234.30	176.67	124.85
4.Trailer Unit	-Drivable	226.40	156.75	118.17	83.60
	-Non drivable	339.30	234.30	176.67	124.85
5.Motor Bike	-Drivable	27.50	19.25	15.21	11.00
	-Non drivable	41.54	29.15	22.23	12.10

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SHIPPER COMPLIANTS & SUPPORT UNIT
Paga Border
Tel: (0) 26 3603290

Toll Free: 0800 30005

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Kotoka Int. Airport – Aviance Cargo Village
Tel: (0) 302 958136
Aflao Border
Tel: (0) 3625 30961
Mobile: (0) 20 9538394
Takoradi Port
Tel: (0) 312091754
Elubo Boarder
Tel: (0) 3122 22122
Mobile: (0) 20 8267489
Fax: (0) 3122 22012

C. HANDLING CHARGES (CONTAINERISED- IMPORTS/EXPORTS)

C. HANDLING CHARGES (CONTAINERISED- IMPORTS/EXPORTS)

1.Terminal Handling	SERVICE	IMPORTS Per TEU Stuffed Cont. GHC	EXPORTS Per TEU Stuffed Cont. GHC
a.Container with General Goods	-Direct Handling	65.52	45.65
	-Indirect Handling	220.00	113.30
b. Container with Dangerous Goods (I)	-Direct Handling	122.27	84.70
	-Indirect Handling	305.37	211.20
c. Container with Dangerous Goods (II)	-Direct Handling	81.90	57.75
	-Indirect Handling	203.58	143.55
2.Stuffing/Un stuffing	SERVICE	IMPORTS Per TEU Stuffed Cont. GHC	EXPORTS Per TEU Stuffed Cont. GHC
a.Container with General Goods	-FLC	241.61	209.00
	-LCL (Groupage)	281.97	243.10
	-Re-stuffing	361.53	311.85
b.Container with Used Engine/Spare parts	-20ft.	774.54	668.25
	-40ft	1,161.23	1,001.55
	-Re-stuffing - 20ft	774.54	668.25
	- 40ft	1,161.23	1,001.55
c.Container with Dangerous Goods (I)	-FCL	482.63	415.80
	-LCL (Groupage)	535.86	462.00
	-Re-stuffing	831.29	717.20
d. Container with Dangerous Goods (II)	-FCL	363.29	313.50
	-LCL (Groupage)	405.41	349.80
	-Re-stuffing	748.80	645.70
e.Container with Ramped/Hanged Vehicles	-20ft	774.54	668.25
	-40ft	1,161.23	1,001.55
3.Transport to/from ICD	-20ft. Stuffed	117.00	100.00
	-40ft. Stuffed	219.38	189.20
4. Additional Handling (Refer to pg. 56 of GPHA Tariff for this definition)	-Per 20ft. Cont.	118.17	101.75
	-Per 40ft. Cont.	177.26	153.45
6. Lift-On-Lift-Off of Cont. (Refer to pg. 59 of GPHA Tariff for this definition)	-20ft.	45.05	39.60
	-40ft.	90.09	79.20
7. Other Services	Cargo Type	Per Unit/GHC	Per Unit/GHC
a. Transfer of vehicles at GJT	-Saloon car	52.07	32.45
	-Mini Vehicle	117.00	80.85
	-Utility Vehicle	161.46	128.15
	-Trailer Unit	161.46	128.15

D. TRANSFER OF HEAVY-DUTY EQUIPMENT TO/FROM ICDs

TRANSFER OF HEAVY-DUTY EQUIPMENT TO/FROM ICDs	IMPORTS Per Unit GHC	EXPORTS Per Unit GHC
-Moved on Low Loaders	585.00	396.00
-Moved on their Own Wheels	118.17	83.60

E. STORAGE AND WAREHOUSING CHARGES (RENT)

E. STORAGE AND WAREHOUSING CHARGES (RENT)

1(a). Storage Rent on Imports

Cargo Type	Free	Chargeable Period/ (GHC)			
	Running Days	1st 7Days: Per Day	Next 7 Days: Per Day	Thereafter : Per Day	Measurements
-Stuffed Container	7	7.02	13.46	39.78	TEU
-Conventional Cargo	7	1.17	1.76	2.93	Tonne
-Saloon Cars	7	4.68	7.02	21.06	Unit
-Mini Vehicles	7	9.13	14.04	43.29	Unit
-Utility Vehicles	7	13.46	22.23	64.94	Unit
-Trailers Unit	7	13.46	22.23	64.94	Unit

1(b). Storage Rent on Exports (except sawn Timber, Curls and Logs, which have different rates)

Cargo Type	Running Days	1st 7 Days Per Day	Next 7 Days: Per Day	Thereafter : Per Day	Measurements
-Stuffed Container	7	7.02	13.46	39.78	TEU
-Conventional Cargo	7	1.17	1.76	2.93	Tonne
-Saloon Cars	7	4.68	7.02	21.06	Unit
-Mini Vehicles	7	9.13	14.04	43.29	Unit
-Utility Vehicles	7	13.46	22.23	64.94	Unit
-Trailers Unit	7	13.46	22.23	64.94	Unit

2. Dangerous Goods (DG) in Container – Import/Export

Cargo Type	DG Group	Free Storage Days	Rent Chargeable Period/GHC Per TEU		
			1 to 5 Days	6 to 10 Days	After 10 Days
Explosives	I	Nil	28.08	46.80	56.16
Flammable and Poisonous Gases	I	Nil	21.06	38.61	49.14
Oxidizing Substances And Organic Peroxides	I	Nil	21.06	38.61	49.14
Radioactive substances	I	Nil	28.08	46.80	56.16
Flammable Liquids	II	5	16.97	31.01	42.12
Flammable Gases	II	5	16.97	31.01	42.12
Toxic and Infectious Substances	II	5	16.97	31.01	42.12
Corrosive Substances	II	5	16.97	31.01	42.12
Miscellaneous Dangerous Substances And Articles	II	5	16.97	31.01	42.12

3. Monitoring Charges – Dangerous Goods in Container – Import/Export

Cargo Type	Per Day/GHC	
	IMPORT	EXPORT
-DG GROUP I	5.27	4.95
-DG GROUP II	3.51	3.30

F. DOCUMENTATION AND OTHERS

F. DOCUMENTATION AND OTHERS

DOCUMENTATION AND OTHERS	Per TONNE/ GHC	
	IMPORT	EXPORT
1. Documentation Charges	1.17	1.10
- Dry Bulk Cargo	1.17	1.10
- Frozen Meat/Fish	5.85	-
- Re-marking of Export Timber		

- **The agreed rates are for the year 2016.**
- **Charges exclude VAT and NHIL.**
- **Shippers should insist on receipts for payment.**

GHANA SHIPPERS' AUTHORITY– *Providing Shipping Solutions*

EFFECTIVE REGULATORY FRAMEWORK TO HARNESS E&P OPPORTUNITIES IN AFRICA TO SUSTAIN RAPID ECONOMIC GROWTH UNDER LOW GLOBAL OIL AND GAS PRICES

DR. MAIKANTI KACHALLA BARU - Group Managing Director,
Nigerian National Petroleum Corporation

Maritime & Petroleum Industries:
Challenges & Prospects

The Maritime industry is a key sector of the Nigerian economy. As a major oil producing and exporting country, as well as a consumer nation, the country is a large market for foreign investment and products, owing to its population. In this regard, the maritime industry holds the key to the nation's growth and development. Hence, to ideally unlock the potential in this sector, policies and programmes, that have numerous ways and capacity to boost the nation's economy, must be implemented.

Concerted efforts have to be made to address the problems militating against the industry's efficiency. Nigeria's strategic location in Africa puts her at an advantage in becoming the hub of shipping activities. The country is a coastal state with extensive coastline and vast exclusive economic zone. It has inland waterways and large volume of various commodities, oil and gas exports. Therefore, if the vision of increasing local content participation in the Nigerian maritime industry is pursued vigorously, the sector will fall in tandem with Goldman Sachs' 2003 Report, in which it was predicted that Nigeria will be one of the identified countries with the potentials to be like Brazil, Russia, India and China.

According to the Indigenous Ship Owners Association of Nigeria (ISAN), despite the country's large export of crude and importation of goods, estimated at about 150 million tons of cargo, no Nigerian flagged ship is currently plying international routes. Some other statistics indicate that Nigeria exports about 900 million barrels of crude oil annually, but foreign vessels earn the freight of about **$2.25 billion**, yearly, carrying the country's crude with no freight earning benefits to Nigeria. The country also loses businesses worth approximately **$3.5Bn** as a result of non-patronage of local chandlers by shipping lines in the Upstream sector. Cumulatively, these and others in dry cargoes, lead to a loss of business worth about **$7.5Billion** annually.

The story is not much different across the African Continent.

Recent studies indicate that 76% of shipping business that takes place in the entire West Africa is reportedly done in Nigeria. This implies that a solution to Nigeria poor maritime issues can be replicated in other African Countries.

Data from the United Nations Conference on Trade and Development (UNCTAD) indicates that the African Continent is yet to fully maximize its potential in the maritime industry, with only one African Country in the top 20 Liner shipping connectivity-index. **This is a challenge that must be addressed if there is going to be a change of fortune in the maritime domain across the Continent.**

There is thus a need to develop an effective regulatory framework that will holistically address the challenges and threats that impede efficient development of the maritime industry in relation to the Oil and Gas Sector. The framework will need to cover the various aspects of the **maritime domain** and all other related matters, including but not limited to maritime security, market entry strategies, ease of doing business in Africa, etc. In this regard, the African Union plans to hold an Extraordinary Summit on Maritime Security, Safety and Development in Africa, scheduled for Lome in October, 2016. The objective is to make maritime space the key driver of Africa's economic and social

development. This special session will build on the results of previous summits held in June 2013 and February 2015 respectively. This will enable us to put in place an African strategy for the protection of its seas and oceans, to provide peace, security and stability as well as to make African **Maritime space** the key driver for sustainable economic development.

Ladies and Gentlemen, individual Countries should also confront their local challenges. While the existing Laws and Policies in the Maritime sector are right and potentials exist for all aspects of Maritime business in Nigeria, the desired impact is yet to be felt because of a lack of implementation. The Cabotage Act, enacted in 2003, was essentially aimed at restricting the use of foreign vessels in Nigeria's domestic coastal trade and operations. It was designed to promote the development of indigenous tonnage by empowering Nigerians to participate. The provisions of the Act make it clear that only indigenous shipowners have the mandate to carry out coastal trade and inland shipping, and the tight conditions under which exceptions can be allowed.

Besides, the Nigerian Maritime Administration and Safety Agency (NIMASA) should be encouraged to effectively combat the menace of pirate and other illegal activities on the Nigerian maritime domain. Ensuring safety and security on the Nigeria's territorial waters will boost foreign investment in this sector. The unrest and activities in the Niger Delta region are matters of concern to the maritime stakeholders and they are being critically examined by the present Government, in order to improve the gains from this sector.

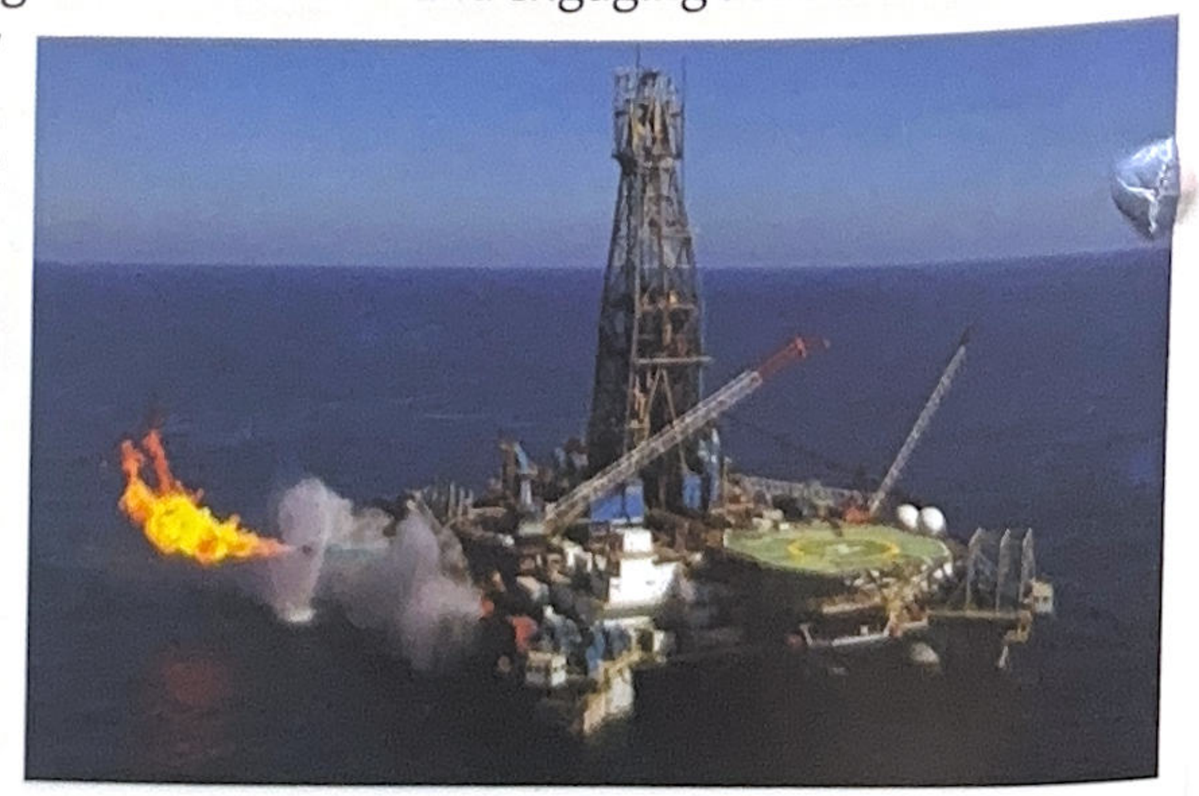
Additionally, actualization of a Port Reform Programmes, such as 24-hour Ports Operation, would also bring a lot of growth to the economy. It will make the Ports continually operational, leading to speedy cargo clearance. And with the electronic clearing system, the Customs can also play their roles 24 hours. Even the traffic in the Ports and within the Ports vicinities will be impacted. Moreover, there will be shorter dwell time for cargoes, turnaround time for ships and the Ports will become more competitive. This will make the Ports have the potential of being the best in the West African sub-region. Development, as enumerated in the maritime sector will help in boosting the economies of major landlocked countries within the West African region, such as Mali, Niger, Burkina Faso and Chad. The potential of the maritime transport will also promote enhancement of industrial growth and development, tourism, International relations and peaceful co-existence.

It will enable Nigerians to, quickly and effectively, take control of the Maritime activities along the West African sub-regions with the objective of becoming maritime authorities in the region. An increase in effective participation of Nigerian owned vessels will also help to reduce foreign companies' influence, exorbitant charges and price fixing of freight rates which have inflationary tendencies, Encouraging indigenous Ship ownership investment, even by non-shipping entrepreneurs or institutions will definitely improve our level of maritime technology and know-how. As Nigerians acquire more clout and confidence, more Joint Venture Partnerships will be formed with foreign companies to create a synergy, leading to exchange of technology, increased competition and efficiency.

In Conclusion:

Most maritime related policies that are currently in existence, which are aimed at improving the efficiency of the sector, should be rearticulated in order to unlock the potential that the sector offers. More programmes should be developed to focus on reinforcing general maritime business, in terms of human capital skills and financial capability. Taking lessons from other world-renowned maritime nations such as Norway, USA and Denmark, more professional maritime networks should also be developed in order to allow more informal maritime entrepreneurs to acquire enterprises with specific skills and develop their social capital. It is essential to create a more competitive and enabling environment through encouraging private investors' participation in the maritime business. This will contribute, greatly, to improving maritime sector efficiency and viability in Nigeria and indeed the African continent.

Once again, I thank you for this opportunity and wish you fruitful and engaging deliberations.



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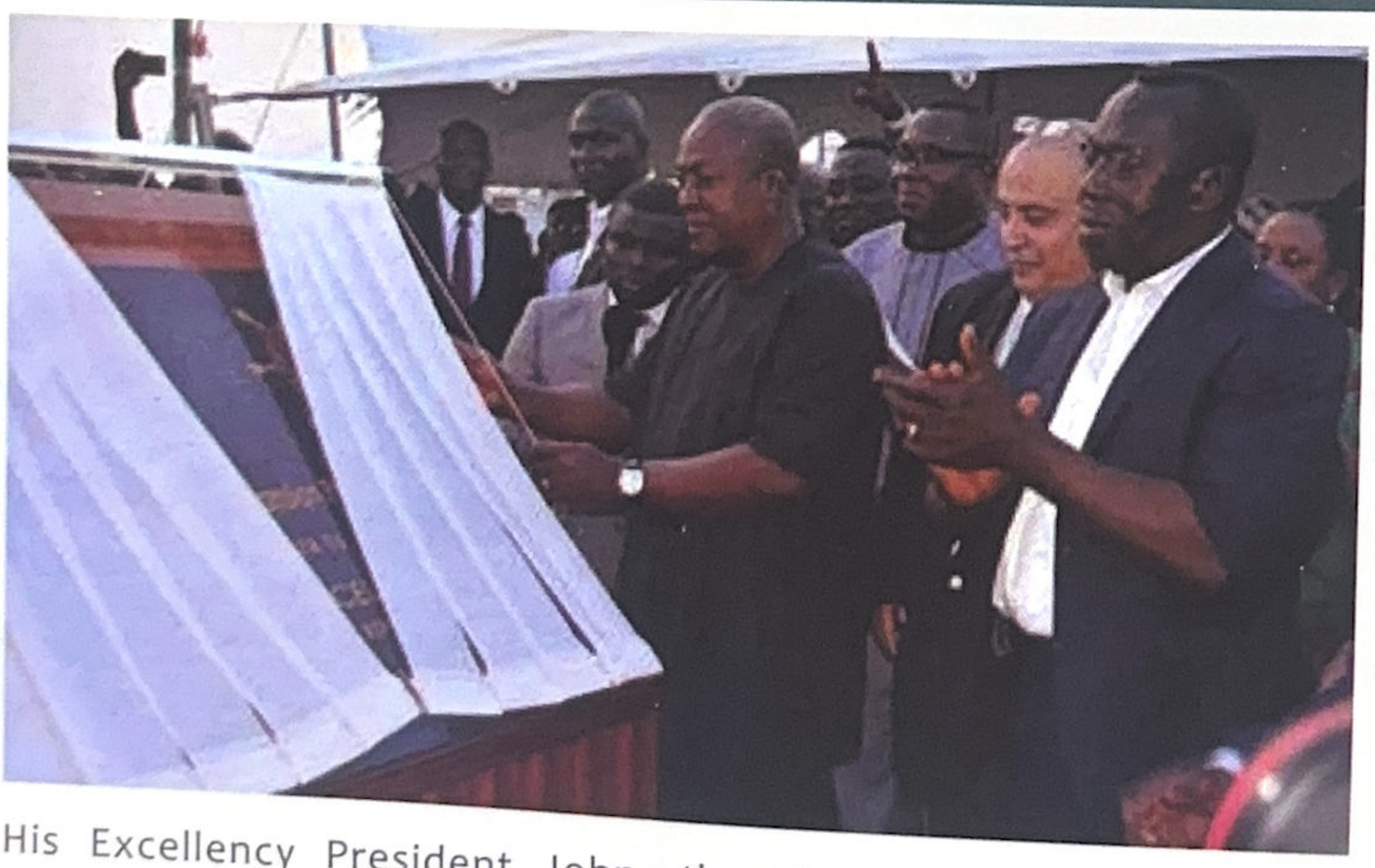
TEMA PORT TO HOLD SOME OF THE WORLD'S LARGEST CONTAINER SHIPS



His Excellency President John Dramani Mahama cut sword for works to commence on the Tema Port expansion project which comprises a 1.4km quay with four deep berths and container handling gantry cranes.

The port expansion project is a public private partnership between the Ghana Ports and Harbours Authority(GPHA) representing the Government of Ghana and the Meridian Ports Services (MPS). The project when completed will fundamentally change Ghana's position in West Africa's Maritime industry by affecting an increase in trade flow and improving transport links across West Africa.

Also, the expansion will allow Tema Port to accommodate some of the world's largest container ships, and improve cargo handling capacity and services . These improvements will enhance the port's competitiveness, and position it as a leading maritime trade hub in the West African region.

This modern port infrastructure will help link African markets to the global logistics chain and promote new trade opportunities as well as economic growth. Ghana will become a much more cost-effective in trade. The Tema Port expansion project is expected to be fully operational in the 4th quarter of 2019. It is one of the largest public private collaborations in Ghana's history.

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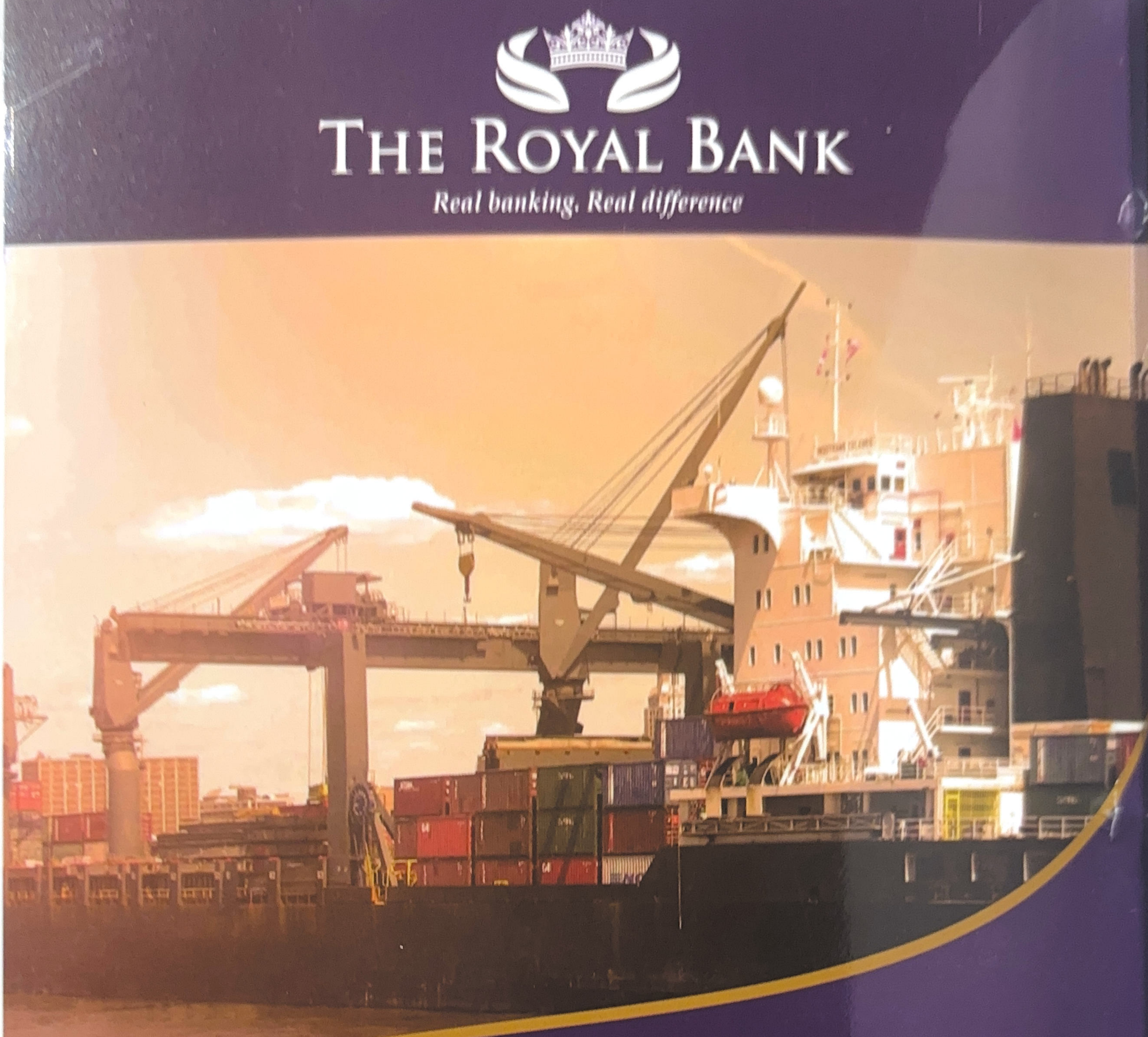

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