

COMMUNIQUE ON THE 3 – DAY 10TH MARITIME SEMINAR FOR JUDGES, HELD AT THE LADI KWALI HALL, SHERATON HOTEL AND TOWERS, ABUJA, ON 24TH – 26TH JUNE, 2008

INTRODUCTION

In recognition of the importance of Maritime Law and International Trade, and the indispensability of the judiciary in the adjudication, arbitration and interpretation of the law in Maritime and International Trade, the Nigerian Shippers Council in collaboration with the National Judiciary Institute started the Maritime Seminar for Judges in 1995, with the noble objective of acquainting the Bench and Bar with pertinent legal developments in the area of shipping and International Trade and their impact on Nigeria.

The significance of the Maritime Seminar for Judges is underscored by the fact that it provides a forum for judges, legal practitioners, law lecturers and many others across the country and the international community, to come together to exchange ideas with a view to imbibing best practices prevailing in the maritime industry.

This is the 10th Maritime Seminar for Judges. This indicates that the seminar series have come a long way.

WHEREAS:

The 10th Maritime Seminar for Judges was held from the 24th . 26th June, 2008 at the Ladi Kwali Hall, Sheraton Hotel and Towers, Abuja.

Topical issues were discussed and elucidated via well-researched papers presented, and highly commended commentaries made. The following topics were discussed:

- ❖ Obligations of Parties in Contract of Carriage by Sea Under International Carriage Conventions, Uniformity or Unilateralism?
- ❖ Dynamism & Diversities of the Carriage of Goods By Sea Conventions: Perspective of the New UNCITRAL Transport Instrument and its Impact on Developing Countries.

- ❖ Ship Financing as a Tool in Capacity Building In Nigeria.
- ❖ The Legal Status of WTO and the new Maritime Legal Regime.
- ❖ Case Management in Admiralty matters.
- ❖ Legal and Institutional Framework for Implementation of Inland Container Regime.
- ❖ An Appraisal of Marine Insurance Act and the Recommendation for its Amendment or Replacement with a new Statute.
- ❖ Merchant Shipping Act 2007.

RESOLUTIONS:

The following important resolutions emanated from the discussion of the topical issues listed above:

1. That in the quest for uniformity in the international framework for ease of carriage of goods by sea, and easy determination and application of maritime law, a uniform international framework, which would provide certainty, and predictability in conducting international trade with fairness and justice, and which would be fairly acceptable to the various interests (e.g. shippers and carriers) should be advocated and/or supported by Nigeria.
2. That it is advisable that Maritime Conventions be implemented on a regional basis as in the case of Road Carriage Convention (CMR) and Rail Carriage Convention (COTIF).
3. Considering that tax reliefs and tax incentives constitute major attributes of ship financing, the Nigerian government needs to clearly define and publicise the projected tax reliefs and incentives available in ship financing schemes for the benefit of the operators.
4. That other sources of funding be considered, such as money markets, CBN, capital markets, stock market, equity funds and

- investment banks, rather than rely solely on the Maritime Fund and/or CVFF for financing ship acquisition.
5. That Nigerian banks involved in ship financing should endeavour to collaborate with credible foreign banks with experience in this sector, with a view to sourcing the much needed additional capital from the International money market.
 6. That as shipping is acknowledgedly capital intensive, the Nigerian Government should continue to encourage and facilitate the provision of a solid capital base for shipping and tonnage development through the public-private collaboration; e.g. there is need for a synergy between Government and financial institutions to create a conducive interest rate regime that will facilitate ship and other maritime infrastructure financing.
 7. That there is need for a competitive industrial base that provides an environment for shipping development, which includes ship building and repair yards.
 8. That the Federal Government needs to continually fund its National Maritime Academies both in Oron and Badagry, in order to build capacity in this regard.
 9. That there is need for Government to encourage stakeholder participation in trade negotiations and constitute knowledgeable trade teams which can tap into, or exploit the flexibility and liberalism embedded in the WTO system, for the benefit of Nigeria's national policy objectives.
 10. That the WTO Agreement as it is, should not be given the force of Law in Nigeria. Rather Nigeria should enact individual laws to enforce certain aspects and measures of the WTO Agreement, which are consistent with our national strategic policy objectives.
 11. That it is pertinent to amend Nigeria's schedule of commitments in the Maritime Transport, to reflect the few changes introduced by the various legislations, such as the NIMASA ACT 2007, in

- order to comply with the GATS requirement of transparency and scheduling.
12. That the UK rules of court and the Lagos State High Court (Civil Procedure) Rules 2004 should be considered by those reviewing the Federal High Court Rules 2000 as guide lines.
 13. For the successful implementation of the Inland Container Depots, the Government of Nigeria needs to:
 - i. Improve the integration of multimodal systems through the linkage of Ports and the Inland Container Depots with rail.
 - ii. Carry out a total overhauling of the Federal and State road networks, to complement the new railway structure that will be put in place.
 - iii. Fast-track the railway revitalization project so as to properly lay the necessary foundation for the implementation of the ICDs.
 14. That Nigerian Shippersq Council should continue to be the regulatory body for ICDs, whilst the ICDs operation should be manned by professionals in the transport sector.
 15. That Nigerian Shippersq Council as the regulator of the ICDs should continue to enlighten shippers on the need to enter into contracts of carriage that would specify delivery at the ICDs.
 16. That the Nigerian Shippersq Council should champion the adoption of a world standard multimodal transport legal framework that would bring certainty and predictability in liability regimes so as to encourage, through carriage contracts, for delivery at the ICDs.
 17. That there is urgent need for a comprehensive legislation on the Inland Container Depots and the Container Freight Stations, stating the roles of government and private sector, for a successful implementation of the ICD regime.

18. That there is a need for an enabling law on marine insurance for the Cabotage Regime, in order to ensure that the insurance industry services the coastal trade optimally.
19. That the omitted section 375 of the old Merchant Shipping Act, on Bills of Lading, should be urgently legislated upon as an independent Bill of Lading Act.
20. That there is need for a relevant provision to be incorporated in the Merchant Shipping Act 2007, with reference to the updating of the Naira value on fines and fees, while the Government should ensure through its organ (NIMASA) that necessary amendments are made to the Merchant Shipping Act 2007, particularly where there are omissions to the Act.
21. That Government should ensure through its relevant organs, that any new development in International Transport Law is brought to the attention of the Honorable Minister of Transportation and that any necessary legislation be enacted timeously.

Done at Abuja, this 26th day of June, 2008.