

INTERNATIONAL MARITIME ORGANISATION DECLARES SHIPPING ACTIVITIES ESSENTIAL SERVICES: AN AFRICAN PERSPECTIVE

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Introduction

The world has experienced unprecedented disruptions to trade and businesses due to the COVID-19 pandemic and shipping activities have not been exempted. At the height of the pandemic, countries all over the world, including African countries, instituted partial or total lockdowns and placed restrictions on movement of people. These lockdowns also affected shipping activities as ports were either totally or partially shut and port activities significantly reduced. Crew changes were also prohibited as countries took proactive steps to constrain the spread of the pandemic.

The Rationale for Declaring Shipping Activities 'Essential Services'

Each month, about 150,000 seafarers need to be changed over to and from the ships in which they operate to ensure compliance with international maritime regulations. Due to the ongoing restrictions, large numbers of seafarers have had to extend their services onboard ships after many months at sea, as they are unable to be replaced after long tours of duty or be repatriated by aircraft to their homes. South

Africa, Rwanda and Nigeria are some African countries that prohibited crew changes, classifying seafarers as high-risk. Prohibiting crew changes, an act contrary to the provisions of international maritime regulations ensuring safety, health and welfare of shipping crew has tremendous impact on the health and lives of the seafarers. When trapped on ships, seafarers are at heightened risk of infection and mental illness while those remaining onshore are unable to earn a living to support themselves and their families.

The International Maritime Organisation (IMO), recognising the twin challenges of crew changes and inability of seafarers to fly home at the end of their periods of service at sea, as major problems facing the maritime industry and their implications on the safety and well-being of seafarers, issued a circular letter dated 5 May 2020, to all IMO Member States. The circular letter was issued together with a framework of protocols for ensuring safe ship crew changes and travel during the COVID 19 pandemic. The protocols set out general measures and procedures designed to ensure that ship crew changes take place during the COVID-

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19 pandemic. In an earlier circular letter dated 27 March 2020, the IMO had recommended to Member States to declare shipping activities as essential services and to designate seafarers and maritime personnel regardless of their nationality, when in their jurisdictions as “key workers” providing essential services.

The framework, which takes into account the differences in the risks that may need to be managed with regard to travel for the purposes of joining a ship and travel after leaving a ship using air travel as the protocol, had input from the International Air Transport Association (IATA).

Across Africa, even as countries gradually ease internal lockdown restrictions, many are yet to address the issue of crew changes. As at 20 May 2020, countries such as Cameroon, Algeria, Liberia and South Africa still continue to prohibit crew changes or have their borders closed. In Nigeria however, the Federal Government through the Nigerian Maritime Administration and Safety Agency (NIMASA), on 27 May 2020, took a laudable step and designated seafarers and dockworkers as essential workers and exempted them from travel restrictions in line with the protocols by the IMO.

Conclusion

It is the expectation that the governments of all IMO Member States will implement the general measures and procedures set out in the framework to facilitate safe ship crew changes during the COVID 19 pandemic.