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THE MARITIME SECTOR - DEALING WITH THE PANDEMIC AND THE WAY FORWARD



The maritime transportation system at the global level has been deeply impacted, as supply chain functions have been disrupted all over the world. Maritime operation largely depends on the fluidity and smooth functioning of the supply chain. Though this article we seek to emphasise on the manner in which, the shipping industry and maritime ports in particular, will need to adapt to the new normal with strategies and recommendations in place, to handle and overcome such situations in the future.

It comes as a relief, that many governments have now realised that the lock down is not a measure that can be sustained for prolonged periods and it is rather essential to keep the economy functioning. The unlock policies have slowly opened up the possibility of the supply chain being used for non-essential movement of cargo. The ship owners have also taken decisions to mitigate loss and offset the shock of the pandemic by giving the green signal to scrap many

old and commercially non-viable vessels.

Opening up of overseas trade to aid the economy, is paramount for any country at this moment and the shipping industry with its global reach is the game changer in this regard. The new normal has forced the developed and the developing nations to change the way business is conducted. Digital avenues and modern technology are now being utilised to the maximum advantage and the maritime world also a part of this transformation and evolution; this in turn will further boost e-commerce, e-filing of permits and documentation, e-communication between key persons like shipper, consignee, carrier, authorities; use of drones and robotics in cargo movement, warehouses, stacking yards etc.

Where Shipping is concern the port authorities of the trading nations have been thrust upon with this major function and role to monitor, supervise and implement



SIX ETHICS OF LIFE

Before you Pray ~ Believe
Before you Speak ~ Listen
Before you Spend ~ Earn
Before you Write ~ Think
Before you Quit ~ Try
Before you Die ~ Live

- IBN TAYMIYYAH



government guidelines and policies in this regard. The fluid transfer of documentation using electronic medium, deep cleansing, the use of Personal Protective Equipment, periodic sanitization, maintaining logs and records, conducting periodic temperature checks, has been vital to curb the spread of the virus which can be easily communicated and transferred throughout the supply chain.

One challenge that most ports now face is the inability to forecast the container traffic, dry cargo, liquid cargo, automobile cargo and project cargo that is likely to come into the port.

As unlock strategies for for each economy are adopted in a phased manner, the 3 C' - Communication, Collaboration and Coordination are crucial. In relation to the port functions, some countries that already have a council or independent body to advise them on port performance, situations like the pandemic or any crisis for that matter, are taken up on a priority basis by such council/body. The council consist of members from all industrial partners like executives of the supply chain, including elected officials of the port, government officials etc, wherein the members meet and discuss on various issues of the labourers, ocean carriers, terminal operators, truckers, equipment providers, railroad operators, looking at the problems faced at large by the supply chain and to develop and come up with solutions that work for the good of all; they take inputs for the various divisions, assess the impact, seek responses and implement

decisions in relation to the ground realities. Hence if port countries do not have a council or body in each port to address such needs then it is highly recommended that such a council/body is formed to look after all involved in port activities. Nation's which already have such a council in place have been able to coordinate and elevate many of the disruptions in the supply chain through the regular meetings and implementation of strategies by such councils.

Maintaining log reports and records and keeping the same periodically updated throughout the supply chain will aid in understanding the difficulties faced by the industry; for instance collection of feedback from ocean carriers on the challenges and obstacles faced by them in other markets like Asia, Europe, the African sub-continent, Latin America etc can help alleviate the risk of blank sailings and help pre-determine the possibility of cancellation of sailings etc. It is also a suggestion that port authorities have a regional or national Management Operating System, which should consist of open running database of all warehouses, open areas available in and around the port area, for overflow of cargo; the warehouse providers should update the space that they have based on their need.

It is further pertinent for port authorities under the government as well as private entities, who have entered into long term lease agreements with the ocean carriers and port operators for port space, to be extremely humane and considerate on outstanding rentals,

bearing in mind that the pandemic is a force majeure incident and all are faced with additional compliance requisites, in implementing cleansing processes, social distancing, protective gear and the like, which is an additional burden and cost. There is a pressing need to address the reduction in revenue and the increase in cost which is faced by the entire industry during and post, this pandemic situation.

The upside is the remodelling of the system and manner in which the administration and management of the port and related activity had been carried out during COVID-19, wherein most of the work now being done from remote locations, as far as possible, while maintenance and ground staff has been cut down to the minimum. Here the downside is going to be encouraging and getting people to come back to work in an environment that is safe.

It is disheartening to know that the shipping industry in many nations is not protected under any government act nor is any aid or support being announced to the employee related to the maritime industry. This is also a cause for concern, given the ratio to the job opportunities and employment provided in and around the ports.

The lesson to be learned from this pandemic or in any crisis is that recovery situation is to be analysed and preparedness to deal with such a crisis in the future is to be considered on a much deeper level

UAE'S NEW ISLAMIC LAWS TOWARDS PERSONAL FREEDOM

On the 7th of November 2020, United Arab Emirates had announced a series of legal changes and amendments. It was a major overhaul of the Country's Islamic Personal laws that has never occurred

ever before in the Legal system of UAE.

The state run agency has reported that these reforms are aimed at boosting the nation's economy as well as the social

situation along with consolidating the "Principles of Tolerance". The Islamic Legal code has previously led to several court cases against the foreigners and outrage in their home nations; hence

UAE believes that the new laws would attract Foreign Tourists and Investments.

The move is followed by a historic peace deal between UAE and Israel that was brokered by the United States as the Gulf nation is also set to host World Expo in Dubai and this is welcoming change ahead the event. It is a known fact that nearly 90% of the 10 million people living in the Emirates are foreigners which includes professionals from the United States, Europe and other Arab countries. The World Expo is a high-stake event that is reportedly expected to flourish the economic activity in UAE along with inviting over 25 million visitors.

AMENDMENTS IN THE LAWS DEFENDING HONOR CRIMES

In a much-awaited move of enhancing women's rights, the UAE government has decided to scrap the laws defending "honour crimes." It is a widely condemned tribal custom that allowed the male member to evade prosecution for assaulting a woman for eloping, fraternising with men, or any transgression of conservative values seen as dishonouring the family. However, under the new set of laws the punishment for 'honour killings' would be same as any other kind of assault.

Any type of harassment and bullying against anybody irrespective of the gender would be taken in account seriously and the convict shall be subjected to severe penalties. Further, the rape of a minor or someone "with limited mental capacity" will be punished with execution including death penalty. Also any indecent act in the public shall be heavily fined rather than imprisonment.

ALCOHOL CONSUMPTION BECOMES LEGAL.

Even though liquor has been widely available in the nation in bars and clubs, individuals required a government-issued licence to purchase, transport or even to have alcohol at their homes. As a matter of fact, due to illegality, previously anybody could be prosecuted for consuming alcohol without a licence. Henceforth, the penalties over alcohol consumption are non-existent, as sale, purchase and consumption of alcohol is permitted as far as the individual is above 21 years.



DIVORCE AND INHERITANCE

This is one of the biggest changes that had occurred in regards to Divorce under the new laws. Previously, divorces for non-Muslims followed the laws in the husband's home country, and divorces between Muslims were carried out according to Shariah. The new legal system has turned the tables around as now UAE will follow the laws of the country in which the marriage took place.

Previously, inheritance for Muslims was carried out according to Shariah, which usually allots female heirs half of what male heirs get, and non-Muslim heirs could petition to have their home country's laws applied. Under the new laws, inheritance will be governed by the laws of the deceased's home country, in simple terms an emigrant can choose the law that would apply for their inheritance.

COHABITATION OF UNMARRIED COUPLES'

Another relaxation included in the new set of laws would allow cohabitation of unmarried couples as it had been considered a crime for the longest time in UAE. Even though authorities tried to ignore the foreign couples especially in Dubai, the threat was still floating among the tourists. However as per the new laws unmarried couple living together is legal.

SUICIDE AND "GOOD SAMARITANS"

The reforms decriminalise suicide and attempted suicide. Previously, a person

who survived a suicide attempt could be prosecuted. However, this offence has now been removed and the Courts and Police are supposed to provide mental health support to vulnerable people.

However assisting a person in attempting suicide, remains a crime and can carry an unspecified jail sentence.

Also, previously, a person who offered aid (such as CPR or first aid) to someone could be held accountable for the latter's injury or death. This provision has been removed and as per the new law any person assisting with a bona fide intention in an emergency and yet the other person gets harmed then the person who had assisted the injured will not be punished.

PROCEDURAL REFORMS

Courts have been mandated to provide legal translators for defendants and witnesses who do not speak Arabic.

Privacy laws have also been strengthened, and evidence related to alleged indecent acts will now have to be protected and cannot be publicly disclosed.

2020 has been a tough and transformative year for the United Arab Emirates and this step towards the Westernization of the Gulf nation, the broadening of these laws and personal freedoms would significantly change the UAE's perception on the global level. These progressive and pro-active changes would take immediate effect; also reflect the efforts of the Emirates' rulers to keep pace with a rapidly changing society



HOT TIPS

Shipping industry urges Governments to take forward USD 5 billion proposal to accelerate the decarbonisation of maritime transport.

16/11/2020 Source : BIMCO



As governments come together at the UN International Maritime Organization (IMO) to consider important next steps to decarbonise maritime transport, the global shipping industry urgently calls on them to take forward its proposal for an industry-financed, USD 5 billion research and development programme, to catalyse the transformation of the industry from dependence on fossil fuels to operating with zero-carbon energy sources.

“Meeting the ambitions of the IMO Greenhouse Gas reduction strategy requires immediate actions, which the IMO member states made very clear a few weeks ago. Now, we look forward to seeing the member states put weight behind their calls for action and advance our proposal, which can actually help the industry develop the technology needed to reach our decarbonisation targets,” says Deputy Secretary General Lars Robert Pedersen, BIMCO.

Although total emissions from shipping are about 7% lower than in 2008, there is a limit to what can be achieved so long as ships remain dependent on fossil fuels and global demand for maritime services continues to grow. The carbon reductions required by the IMO target of reducing total emissions from international shipping by at least 50% by 2050 compared to 2008, will only come from identifying and developing new zero-carbon technologies so that commercially viable zero-carbon ships can begin to operate in the 2030's.

There are several potential solutions, such as hydrogen or ammonia produced from renewable energy sources, but these do not yet exist in a scale or form that can be ap-

plied to large ocean-going ships. A host of complex technical questions remain to be answered, including safety, storage, distribution, energy density considerations and lifecycle impacts. In short, we do not yet know what the fuels of the future will be.

The shipping industry has therefore proposed a USD 5 billion R&D programme, to be overseen by IMO and financed through a required R&D contribution of USD 2 per tonne of marine fuel consumed. The R&D programme would be managed through a non-governmental research and development organisation – an International Maritime Research and Development Board or IMRB. The co-sponsors emphasize that for the proposal to work, the R&D contributions need to be compulsory via an IMO regulation, to ensure that all shipping companies globally contribute, in a fair and equitable manner, and that the necessary funds will be generated to achieve the programme's objectives. A number of governments are understood to be positive to the proposal, subject to addressing issues such as governance.

The Industry is eager to work with governments to ensure that this initiative is implemented as soon as possible and calls on the IMO Marine Environment Protection Committee to support the development of the IMRB concept at its critical meeting starting November 16th. The IMO 2050 climate targets can only be achieved with the immediate acceleration of zero-carbon fuels and technologies, and the IMRB is a crucial vehicle for driving the progress needed to build a zero-carbon shipping industry.

Highlights of the International Maritime Research and De-

velopment Board (IMRB) proposal:

The IMRB would be quasi-independent, subject to IMO Oversight, with the sole duty to accelerate the research and development of low-carbon and zero-carbon fuels, energy sources, propulsion systems and other new GHG reduction technologies, operating under a Charter approved by the IMO.

An International Maritime Research Fund (IMRF) would provide industry financing for the IMRB research and development programmes, collecting about USD 5 billion over a ten-year period via contributions of USD 2 per tonne of fuel consumed by every ship.

Other relevant stakeholders such as energy suppliers, technology companies, research and development institu-

tions and foundations would be welcome to participate and contribute to the International Maritime Research Board and its work.

The IMRB is designed to work itself out of a job in 10-15 years by delivering research and development projects that will then allow commercial entities to provide the technologies and services that will move proven technologies into the global fleet by the 2030s, so that the IMO target for 2050 can be achieved.

The shipping industry organisations behind the proposal emphasise that the USD 2 contribution is not to be seen as a market-based CO2 reduction measure as it would only exist for a defined technical purpose – the acceleration of R&D for zero-carbon propulsion systems.



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