

Maritime Law

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Abstract: This paper focuses on transportation in Galati, river transport talking on the Danube River and Air Transportation, why is it needed, what important it will bring in Galati City. It analyses the Challenges and suspect of a sustainable Maritime Industry in Nigeria , using SWOT to analyze, how to grow or develop river in Nigeria, challenges failed by river and navigable water in Nigeria, methods for improving river transport and navigation in Nigeria, difficulties of maritime transportation in Nigeria and the last part of the paper focuses on the case study of a claim filed by Captain to owners for MV Nivanga for a reward for salvaging m/v Catamaran to a safe berth.

Keywords: river transport; navigation in Nigeria; safe berth; waterways

1 Introduction

Water transportation on the planet exaggerates an extremely crucial job in the movement of individuals, goods and services from one port to another. Transportation as the name suggests is one of the basic administrations in the financial existence of most countries the world over.

Transportation empowers individuals to interface and serves in as an imperative part of physical distribution and also a methods for moving individuals, products and different items starting with one place to another, it is likewise a basic service that is impossible without by most economies. Until as of late, water transportation has been the main methods for survival and additionally Communication for the general population of most on the coasts. It is a key apparatus for financial advancement of the locales and additionally the general improvement of the country. The advancement of waterways, for transportation and recreation and it's going to financial advantages can't be over highlighted. As an outcome, a sensible number of

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private and public endeavors maintain fleet of vessels for the haulage of goods and ventures to explicit required area.

This paper focuses on transportation in Galati, river transport talking on the Danube River and Air Transportation, why is it needed, what important it will bring in Galati City. Chapter two focuses on the Challenges and suspect of a sustainable Maritime Industry in Nigeria , using SWOT to analyze, how to grow or develop river in Nigeria, challenges failed by river and navigable water in Nigeria, methods for improving river transport and navigation in Nigeria, difficulties of maritime transportation in Nigeria and the last part of the paper focuses on the case study of a claim filed by Captain to owners for MV Nivanga for a reward for salvaging m/v Catamaran to a safe berth.

2 Transportation in Galati

2.1. River Transport

The Danube River in Romania is safe a river for navigation all through for two draft of ship classes of vessels which is up to 7m sea vessels downstream of Braila port-town and up to 2m river canal barges upstream of Braila. Therefore, there are likewise two classifications of Danube ports which are maritime fluvial and the fluvial. Romania's greatest river and ocean port is Galati, arranged at the purpose of convergence between the Danube with the Siret and Prut rivers, in the city's industrial territory and in the closeness of the dockyard. The port stretches out more than 864,131 m² and also has fifty-six berths in two port basins: Docuri and Bazinul Nou. In addition to that a mineral port with sixteen berths, taking into account 25,000 tdw se vessels and up to 3,000 tdw river barges to moor, lies near Mittal Steel SA Works.



Figure 1. Danube River¹

Another three harbors are: Braila (398,630.13 m² what's more, 25 berths) represented considerable authority in reshipping merchandise from sea vessels to river freight barges; Tulcea (82,762 m² and 41 berths) with three unmistakable areas: Industrial, business and sea fishing, and Sulina, located at the mouth of the Sulina Arm, is a second in significance harbor. Galati, Braila and Tulcea have numerous associations with the national rail and road organize, dockyards, custom focuses and free zones.

The Bank of the river (between 493+800km and 490km). This harbor is separated in four particular territories: Ramadan business region; Cioroiu oil region; Bazinul Plantelor business region and Veriga basin utilized generally for ship-building and repair. Second in line comes Cernavodă Port that was built between 1887 and 1905. It has a fluvial zone nearby the Danube, a business territory with six berths, a 9

¹ Source:

https://www.google.ro/imgres?imgurl=https%3A%2F%2Fthumbs.dreamstime.com%2F%2Fview-over-danube-river-its-most-low-level-see-island-middle-galati-romania-view-over-danube-river-galati-99348195.jpg&imgrefurl=https%3A%2F%2Fwww.dreamstime.com%2Fstock-photo-view-over-danube-river-its-most-low-level-see-island-middle-galati-romania-view-over-danube-river-galati-image99348195&docid=Ufvi8JhhGaUzzM&tbnid=b6lvCA8ua45IAM%3A&vet=10ahUKEwjryMDu_YDfAhW0llsKHTxC4wQMwgwKAkwCQ..i&w=1300&h=957&bih=577&biw=1366&q=DANUBE%20RIVER%20GALATI&ved=0ahUKEwjryMDu_YDfAhW0llsKHTxC4wQMwgwKAkwCQ&iact=mrc&uact=8

hectare stage and a waiting zone, on the left bank of the Danube – Black Sea Canal with waiting wharfs or trains of barges and traveler wharfs.

Route on the Danube is imperiled and very dangerous in winter, when the water solidifies once every 2-3 years for a time period of 30-40 days, and causes ice blocks on the channel when the ice defrosts. Furthermore, the removal of alluvia at the waterway mouths which form a sort of a "bar" because of the sudden decantation of suspended dregs load at the contact with the salt sea water. With the end goal to keep up the profundity required by sea ships, the Sulina mouth is continually being dragged. To deal with the circumstance, the Sulina Arm was canalized and reached out by another 12 kilometers. In past times, rapids in the Iron Gate zone and the rocks showing up in the channel at shallow waters, presented navigational route issues, however the development of the "Iron Gate" Hydropower and Navigation System (1971), fitted with a twofold gate lock, which end up to settled the circumstance.

2.2. Air Transportation

Why is it Needed, What are the Important Impact will it Bring in Galati City:



Figure 2. Airport

Air transport is an imperative empowering influence to economic growth development and improvement. Air transport encourages joining into the worldwide economy and gives indispensable availability on a national, territorial, and global

scale. It produces trade, promote tourism, and make business and employment opportunities

Air transport is one of the world's most vital industries. Its advancement and its specialized and administration accomplishments make it one of the highest contributors to the progression of our modern society. Expanding incomes from taxes and encouraging the protection of ensured territories

Impact of Airport in Galati

Airport generate employment which will increase people's wealth, facilitates world trade which will help Galati participate in the global market in other to increase globalization of production. Encourage the city to specialize in projects that will bring comparative advantage and to trade with other cities or countries in production of goods and services faster. It will improve transportation links to other cities and countries that want to do businesses directly to Galati city, this will result to a better exploit of economic scale by companies and reduce costs. It will also improve effective networking and cooperation between cities and companies around the globe and increases, encourage great spending on researches and development by companies.

Air transport empower worldwide marketing of products and services, giving an competitive transportation medium, particularly for time sensitive items or goods and trade with far distance markets. Over 80% of businesses detailed that air transports are in some cases vital for their effect on sales, with relatively 60% considering them as either indispensable or imperative. Organizations and companies revealed that average, 25% of all sales are subject to air transports. Therefore if airport is provided in Galati it will allow sales to be faster and it will bring better contact and effective, successful communication between buyers and sellers.

3 Challenges and Suspect of a Sustainable Maritime Industry in Nigeria

Using SWOT to analyze theory: SWOT analysis also known as SWOT matrix which in full mean strengths, weaknesses, opportunities, threats. It's a form of planning procedures that evaluates those four elements mentioned above. SWOT analysis is a technique that allows organizations or companies to perform for each of their

services, products and markets when trying to improve or to determine on the best way the company will achieve future growth. This involves the process of identifying strengths and weaknesses of a company or organization and the opportunities and threats that is present in the market that the company operates in.

Strengths:

Given the extent of its economy, Nigeria with a GDP of \$514.97bn in 2013, \$568.51bn in 2014 and \$481.07bn in 2015, up till this year 2018 which is expected to be \$411.00bn is evaluated as the nation with the biggest economy in Africa. As indicated by IMF's World economy outlook projections, Nigeria is relied upon to develop at a faster rate than the normal developing business sector and creating economies development or growth of 5.3% and the normal development rate in Sub-Saharan Africa of 5.95%. Following the GDP rebasing arrangement, protection presently contributes significantly to GDP (from a quarterly commitment of 0.15% to quarterly commitment of 0.45% after the GDP rebasing approach as per some recorded proof).

Ensuing upon the recapitalization strategy, NAICON has redesigned its administrative prerequisites, including an intentional code on corporate administration, operational rules, risk the executives structure, KYC (Know Your Client) also AML/CFT (Anti-Money Laundering/Combating the Financing of Terrorism) prerequisites, and the adoption of IFRS (International Financial Reporting Standard). These activities have altogether enhanced the administrative condition for the Maritime industry.

Presently there are 1,227 marine cargo vessels owned by Nigerians; this figure is a proportion of potential local interest for marine insurance products. If Nigeria Local shipping organizations patronize marine insurers, this will support benefit in the marine protection industry.

Weaknesses:

Poor Customer Satisfaction: Most insurance agencies in Nigeria are pondering issue of satisfying their clients when it comes to product offerings, nature of administrations furthermore, advancement of items offered. While customer benefit is unmistakably essential for winning new clients and holding existing ones, Nigerian insurance industry battles to accomplish an adequate level of customer satisfaction. In the light of moderate industry development, numerous insurance agencies have pursued after mergers and securing to expand market share and

accomplish economies of scale. While this procedure may be functional the ideal procedure is continuing existing clients and attracting in new ones.

Lack of public trust in Insurance Companies: Poor support and execution originate from the poor disposition of the insurers in claims payment. The custom of defaulting in claims meant some type of awful attention for the industry and consequently, trust in the industry dissolved altogether. Strategy archives still convey conditions that breeds doubt with customers.

Absence of technique manpower: poor technical skills and learning gaps are the major factors representing foreign control and imposing business model of the marine insurance sectors.

Poor Enforcement: Nigerian insurance industry is challenged in authorization of guidelines on mandatory insurance. Usually to have fake and bad insurance papers exhibited as authentic ones particularly on Marine and engine insurance assessment.

Opportunities:

The National Marine Insurance Bureau has been built up to assume responsibility of and gather protection requires on rough or gas load trades. The push of this approach is to check capital flights (in billions of US dollars) which Nigeria loses to outside insurance agencies commanding the marine protection division.

The sector has been fortified for more noteworthy effectiveness through recapitalization policies. Substantial increment in the least capital necessities in 2007 prompted a decrease in the quantity of safety net providers from 104 to 60 of every 2008. Further market consolidation, yet at a lower scale, is normal as a result of direction expecting banks to divest their nonbanking exercises including insurance.

The presentation of the neighborhood content arrangement of the oil and gas industry speaks to noteworthy lift to every single united part to the oil and gas sector including marine protection. The execution of the Local Content Act, as per insurance Act of 2003, the National Insurance Act of 1997, what's more, issuance of rules for oil and gas business in Nigeria, 100 percent, 70 percent and 40 percent of all life, non-life what's more, marine insurance risks individually in the Nigerian oil and gas industry are to be controlled by Nigeria insurers. Foundation of obligatory "Cost Insurance and Freight" (CIF) in the oil and gas transporting and export organizations done in Nigeria. The utilization of Cost Insurance and Freight terms in Nigeria's export contracts gives income making opportunities for Nigerian Insurers.

Threats:**1. Poor Regulatory Framework**

The controllers of Nigerian protection industry feebly implement policies. This is clear in the close nonappearance of working principles and absence of organization, supervision also, control of marine protection organizations in the area. Subsequently, to date no solid policies articulation is issued on the organizations that have not agreed to working necessities in the industry.

2. Negative Macroeconomic Environment

A stable macroeconomic condition advances the funds important to back venture a precondition for accomplishing practical protection industry and feasible financial development. Insurance agencies are delicate to financial basics. Nigeria's macroeconomic strategies in the course of the last decade have been portrayed by occasional money related indiscipline, prompting unstable and for the most part high swelling, extensive conversion scale swings, and negative genuine loan fees for expanded periods. Such monetary conditions may increment protection premium or prevent the capacity of insurers to pay claims.

3. Problematic Judicial system

Prosecution in our Courts in Nigeria today is known to be long-winding and it isn't phenomenal for cases to stay in courts of first occasion for 5years. The postpones experienced in prosecution can be most harming where business debate are included. This is more so in maritime protection debate prosecution where parties to suit are more than regularly local and international.

4 River in Nigeria

This method of transportation is exceptionally urgent, especially in the Coastal Regions. This method of transportation isn't regularly utilized in Nigeria with the exception of in the littoral zones like the Niger Delta Region. River transportation involves transporting products, administrations and travelers over neighborhood and global waters. Water transportation is the most widely recognized methods for transportation in Nigeria especially regions close to waters e.g. Rivers State, Lagos

State, Delta state, Akwa Ibom State, etc. specifically as a portion of the networks are situated along the shoreline.

Lagos Lagoon has turned out to be one of the important tourist spots in Lagos. The name of this place has been associated with the city of Lagos. Lagos is one of the noticeable urban communities of the nation of Nigeria. The name of this place really signifies "Lake" in Portuguese. Lagos Lagoon in Lagos extends about a vast territory. A large sand pool which is around 2 to 5km wide isolates the Lagoon from the incomparable Atlantic Ocean. There is a Lagos harbor which is built as a channel. This harbor goes through the focal point of Lagos Lagoon in Lagos. The river of Lagos Lagoon is exceptionally shallow. This has deflected numerous maritime vessels not to explore in Lagoon region. Nevertheless, there are a several smaller freight boats and water crafts on the Lagoon. Water transportation is the huge method of transportation in the western locale of Lagos State. The explanation behind picking water transport as the fundamental standard is that street transportation isn't adequate in that piece of Lagos because of the nature of the territory.

5 River Transportation and the Development

Water transportation is imperative to the social monetary advancement of seaside networks including Coastal Communities. Transportation in actuality is a key to financial advancement of any general public regardless of the modes. It encourages financial progression, Stucky (1973). On the off chance that a Country, State or Local Government Area means to build up her mechanical, business and other formative need, at that point she needs to enhance or have a decent transportation framework. Water transportation figuratively speaking, causes man to overcome or build up his physical condition. In the waterfront networks water transportation assumes an essential job;

- It adds to the financial improvement of the networks.
- Water transportation in the beach front networks help to make openings for work and empower business enterprise. As the main methods for transportation, transportation organizations are built up by private people and government. Thus utilizes a large number of individuals in the region who commonly would have stayed jobless.

- Water transportation encourages showcasing exercises in the beach front networks in Port Harcourt conduits and country on the loose.
- Water transportation makes correspondence between beach front networks and its environs to be conceivable.
- Another commitment of water transportation is the advancement of the waterfront Communities.
- Water transportation additionally supports and encourages entertainment and the travel industry in the riverine territories. Since the Niger Delta Region is an inside for the travel industry, the main methods for getting to these voyagers focuses in the area are through water transportation. This demonstrates water transportation has been contributive to the advancement of Coastal Communities regarding income age and monetary enhancements.
- Water transportation likewise help in expanding the rate of building constructions in the Coastal Communities, since it is the main means by which building materials are transported to building locales from the source.

The job of water transportation to man particularly those inside the riverine parts of the world can't be over accentuated. In any case, there is the need to enhance the current principles of water transportation to empower it meet its commitment of adding to the improvement of towns.

6 Challenges failed by Rivers/Waterways and Navigable Waters Users in Nigeria

In the course of the exploration, there were some striking difficulties that clients of the conduits look in Rivers State with deference suburbanites and administrators and these are:

- Floating logs and flotsam and jetsam in the waterway particularly the safe waters.
- Sea Piracy
- Illegal oil bunkering
- Lack of security contraptions and legitimate preparing by pontoon administrators and drivers alike.

- Narrow and shallow courses, spillage of water crafts used to pass on products and travelers alike.
- High cost of tolls.

7 Methods for Improving River Transportation and Navigation in Nigeria

The improvement of waterways;

- The Government of the day can give enough boats to regattas to energize diversion, the tourism and navigation.
- There should be legitimate and occasional dredging of canals, streams and other navigable rivers.
- The governments ought to intermittently do enormous sand filling of waterfronts to make shorelines/beaches that are extremely attractive and that can serve tourist fascination.
- The governments can give great sewage treatment plants to lessen the impact of fecal issues from further contamination or polluting of rivers, creeks, and waterways.
- Adequate and successful policing of the rivers to guarantee satisfactory security for the around the area or the users.

8 Difficulties of Maritime Transportation in Nigeria

- Legislation and Legal Matters/Reforms
- Safety and Security; Search and Rescue
- Marine Environment and Protection
- Preparing and Manpower Capacity Development
- ICT Deployment Date and Information the management
- Innovation Infrastructural Support
- Funding (Paucity)
- Innovative work Economic Viability

- Covering inter-government Institutional obligation

9 Case Study on Claim by Captain to Owners

MAUITOGA VS CONSORT SHIPPING LINE LTD 1995

Court: HIGH COURT FIJI AT SUVA ADMIRALTY JURISDICTION

Captain: BALE POASE MAUITOGA

Respondents: CONSORT SHIPPING LINE LIMITED

CASE: Marine salvage- Apportioning the share of the owner of the salvaging vessel

On January 23 1991 the captain of Nivanga was on voyage from Suva to Moala Group and Gua and saw a submerged vessel Catamaran close to the Gua Islands. He stopped Nivanga and according to the Law of the sea he towed the wreck vessel to Qarani, Gua there the Catamaran was refloated by him the captain) and was repair with the assistance of his crew members. After the repair the captain Nivanga back to Suva towing the Catamaran vessel with it. They arrived Suva, an employee of the respondent () Mr. Smith who was the Fleet Superintendent was informed about the Salvage which he requested from the owners of Catamaran a reward of \$25,000 which was handed to the respondent of Nivanga.

The captain and his crew member claimed that a certain amount must be paid to them which he was entitled to which the respondent had not paid anything to them hence they filed for an affidavits asking for distribution of the salvage amount.

In Reply to the Motion, Mr. Smith swore a testimony expressing, inter alia, that the candidates were "full time employees" of the Respondent and they have been paid for the work they did as to the salvage operations. He said that no signs were given by him that they would be paid part of the salvage. He stated that the salvage was done in 1991 and the main reason the claim is being made presently is on the grounds that the Respondent legally fired the work of the crew members.

The said Mr. Smith by his oath sworn 19 August 1994 further denies that there were talks among him and the captain in relation to the salvage rescue nor did he arrange any settlement with the owners of the vessel;

It was done by their Managing Director Mr. Leo Smith. Mr. Smith further says that the Captain owes the Respondent the total of \$2694 being the sum the Respondent paid for lawful expenses to protect him when he was charged for assaulting a passenger on their vessel "Soul of Free Enterprise". He needs this to be considered if any request for the salvage is granted to the Captain. He said that apart from the candidates there were 18 other crew members on board the 'Nivanga' when she towed in the "Catamaran.

The sole issue for the Court's assurance is in what extent the said total of \$25000 ought to be allotted between the proprietors, the skipper and team.

75% to the proprietor and 25% to Captain and team (of the last sum, 1/3 to the Captain and the rest separated among group individuals

DECISION:

Therefore, the final outcome, on the principles of apportionment, an order was made that the said total of \$25000 be allocated between the Owners, Captain and Crew in the following proportion: 75% to the owners which adds up to \$18750, 25% to the Captain and crew but out of this 25%, 33% to be paid to Captain which adds up to \$2083 and the total of \$208.35 to every one of the twenty crew members (which incorporates the second and third candidates) yet the offer of the team who have not influenced a case to be paid into Court to be held in trust for them by the Chief Register until the point that they make application for installment out to them.

HELD:

Although the Captain and the team individuals were paid their usual wages as workers of the vessel owners, according to the standard maritime practice they were qualified for their separate offer in the reward. Since 1883 and the downfall of sail, the apportionment to the owners has been commonly 75%.

10 Conclusion

Water transportation additionally supports and encourages entertainment and the travel industry in the riverine territories. Since the Nigeria is an inside for the travel industry, the main methods for getting to these voyagers focuses in the area are through water transportation. This demonstrates water transportation has been

contributive to the advancement of Coastal Communities regarding income age and monetary enhancements.

The government should buy bigger vessels that can convey up between 50-100 travelers at an opportunity to address the issues of workers.

The government of Rivers State should update the Ministry of Transport-Marine Transport Section and guarantee that they give bigger pontoons to passing on merchandise and enterprises that can't be dealt with by speed vessel administrators. For example the development of substantial hardware for development and building materials to the riverine networks will be empowered.

The government should give efficient security mechanical assembly along the conduits to upgrade wellbeing and the advancement amusement and the travel industry. The government ought to empower protection and preservation and landscapes along the waterways in the chose networks to accomplish the reclamation and support of social legacy and qualities. The government ought to present some special boating occasions like; maritime procession of verifiable vessels, regattas, paddling competition, restoration of historical journeys on the waterways, water taxis connection of historical site. The security of the Waterways are fundamental for water system, drainage, transport, recreational use, drinking water supply, handling water, cooling water, washing water, fishing in the marine biological community in the banks. Water transportation likewise help in expanding the rate of building constructions in the Coastal Communities, since it is the main means by which building materials are transported to building locales from the source. The job of water transportation to man particularly those inside the riverine parts of the world can't be over accentuated. In any case, there is the need to enhance the current principles of water transportation to empower it meet its commitment of adding to the improvement of towns.

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