

WHAT NEXT IN PIRACY WAR?



Marines on patrol board a skiff used by pirates



Abduwali Abdukhadir Muse in New York, USA to face charges of piracy

The war against piracy in the Indian Ocean and Gulf of Aden has run into stormy weather with Kenya showing reluctance to continued being the holding ground for arrested and convicted brigands.

Only last week, a Kenyan judge ruled that the country had no jurisdiction to make rulings on offences that had been committed outside its territorial waters.

A Memorandum of Understanding (MOU) entered between Kenya and the Western Alliance comprising of the United States and the European Union Naval Force (EUNAVFOR) ended in September and has not been renewed amid claims by some government spokesmen of unfulfilled promises.

The ruling comes in the middle of a sharp rise in the number of vessels being hijacked frequently in the seas close to Kenyan,



PMAESA Secretary General, Mr. Jerome Ntibarekerwa

Tanzanian and Somali shores.

Justice Mohamed Ibrahim who sits in Mombasa, where most of the cases have been tried and finalized ordered the release of nine Somali nationals charged with piracy in a dramatic ruling saying that they were brought to Kenya under coercion.

In a landmark ruling delivered this month the judge terminated the proceedings in the lower court against the suspects and prohibited any magistrates' court from dealing with the case saying that the Kenyan courts have no jurisdiction to deal with matters arising outside Kenya.

The courts he said, did also not have jurisdiction in criminal cases and in particular in the offences set out in the penal code where the alleged offence took place outside the geographical area known as Kenya.



"The local courts can only deal with offences or criminal incidents that take place within the territorial jurisdiction of Kenya," he noted.

The nine suspects had been charged with piracy in the high seas of the Indian Ocean, while armed with three AK 47 rifles, a pistol, RPG-7 portable rocket launcher, SAR 80 rifle and a Carabine rifle.

They had attempted to hijacked MV Courier off the East African Coast.

The Judge noted that the term high seas was ambiguous and unless clearly defined could not be construed to refer to any

states jurisdiction least of all Kenya's.

The judge issued an order to the government to ensure their safe release and passage to their respective countries of origin.

Failing this, they were to be handed over to the United Nations High Commission for Refugees to deal with them as normal displaced persons.

The ruling has put a freeze to all piracy cases going on in the country and there are even suggestions that the international community considers setting up a court similar to the International Criminal Court

(ICC) at the Hague which deals with crimes against humanity to deal specifically with piracy.

This suggestion was floated by the Secretary General of the Intergovernmental Standing Committee on Shipping (ISCOS) Mr. Archie Mgondah during an interview with Al Jazeera TV in London this week. PMAESA has been in the forefront of seeking for an international solution to the political turmoil in Somalia which could bring an end to the soaring piracy crisis.

Khomotso visits PMAESA Ahead of PAPC Conference

The Chief Executive of the Transnet National Ports Authority (TNPA) Mr. Khomotso Philhela recently paid a courtesy call on the PMAESA Secretariat where he was briefed on the ongoing programmes and plans for the 8th PAPC Conference in Arusha next month.

He was received by the Secretary General of PMAESA Mr. Jerome Ntibarekerwa and members of the secretariat who updated him on the expanded work plan as well as the forth-coming conference on linking ports to corridors sponsored by the United Nations Economic Commission for Africa (UNECA) at the Mombasa Beach Hotel between the 23rd and 25th November 2010.

Plans for the Arusha Conference are at an advanced stage of preparations spearheaded by the secretariat staff and the Tanzanian Ports Authority planning committees who have reported good progress.

Delegates have registered from many African ports as well as from international organisations based in Europe, United States of America, Asia and the Middle East.

For the first time, the conference will be run on a parallel basis to enable delegates the choice of focused participation and to ensure as much ground as possible is covered.



From Left: Mr. Jean Rukankama (Communications Consultant, PMAESA), Mr. Khomotso Philhela (Chief Executive, Transnet NPA), Mr. Jerome Ntibarekerwa (Secretary General, PMAESA), Mr. Isaac Onyango (Port Statistics Officer, PMAESA) and Mr. Njuguna Mutonya (Communications Expert, PMAESA)

To maximize on the time available for the conference some of the annual meetings will be held early in the morning while the third day has been left open for an excursion to the Ngorongoro National Park one of Africa's most exclusive animal conservatories.

Mr. Ntibarekerwa thanked the Transnet

Group for their continued support of the PMAESA secretariat programmes and events.

Mr. Philhela was the guest of honour at the inauguration of the new Secretariat in up-market Kizingo area of Mombasa four years ago and whose furniture was donated by the TNPA.

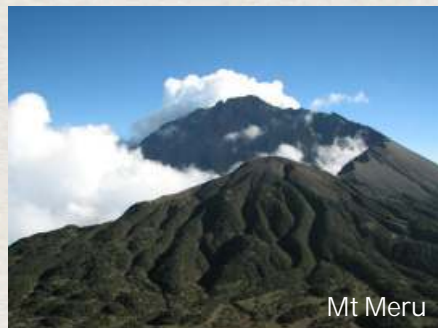
Details of the Conference are available

Arusha, Tanzania

Size: 83 sq km (52 sq miles). **Location:** Northern Tanzania, Arusha Region

The town of Arusha, Tanzania is the country's safari capital located in the north of the country. It has a population of 427,185 (2005 est.). The city is located on a plateau in the Great Rift Valley amidst the Serengeti plains, Ngorongoro Crater, Lake Manyara, Tarangire National Park, and Mount Kilimanjaro.

Arusha is a small town nestled in the shadow of Mount Meru with commanding views of the mighty Mount Kilimanjaro. Although Dar es Salaam is larger, Arusha tends to be visited more by tourists as it is the gateway to the northern safari circuit. It is likely to be the start of your adventure to the famous parks in the north.



Mt Meru

Because Arusha is located by the foot of Mount Meru, yearly temperatures ranges from 13 to 25 degrees Celsius between the wet and dry seasons. Due to Arusha's altitude, dry air is prevalent. Arusha experiences an eastern prevailing wind from the Indian ocean, a couple of

hundred miles east.

Arusha is also the headquarters of the East African Community Secretariat; home to the United Nations International Criminal Tribunal for Rwanda(UNICTR) and numerous International Conferences.

How To Get There

Arusha has a small national airport, used on domestic routes by Coastal Aviation and Precision Air. Kilimanjaro International



Airport (JRO) services flights from the rest of the world with the likes of KLM and Alliance Air. JRO is an easy 40-minute's drive of approximately 60 km (38 miles) to Arusha, Tanzania.

What To Do (Activities)

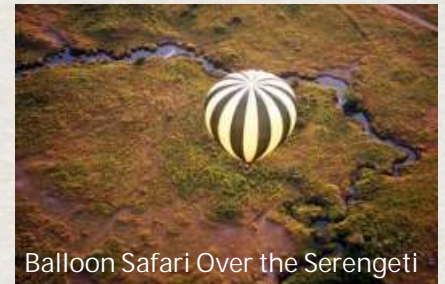
Game drives, forest walks, mountain biking, canoeing, numerous picnic sites; three or four-day Mount Meru climb - good acclimatisation for Mt. Kilimanjaro. The lakes, forest and Ngorongoro Crater can all be visited in the course of a half-day outing at the beginning or end of your holiday.

When To Go

To climb Mount Meru: June-February although it may rain in November. Best views of Mount Kilimanjaro: December-February.

Getting Around in Arusha

The main mode of public transport is daladala, the ubiquitous minibuses which ply their trade on all the main routes in town. They are very cheap (Tsh 250 (\$0.20) is the fixed price for any trip around town, but they will become very cramped and safety is a serious consideration. Taxis are plentiful and cheap, although make sure to agree on a price before leaving for your destination (expect to pay no more than Tsh7000 for a trip within town at any time of the day). Car hire is possible though most companies prefer to provide their own drivers.



Balloon Safari Over the Serengeti

Conference Venue: Snow Crest Hotel



The Big Five



Masterplan for Port Lüderitz



Aerial view of the port

A feasibility study commissioned by Namport to investigate the possibility of deepening and expanding the port of Lüderitz will enable the corporation to create a new Port Master-plan for its future development.

The study was started last year and was expected to be handed over at the end of this year.

Namport is determined to diversify the service offering for the Port of Lüderitz with the intention of ensuring sustenance of the port operations through a revival process. Namport has had various consultations since March 2008 with key stakeholders

seeking support and cooperation to start an all inclusive initiative that would lead to the establishment of a spatial development initiative for the area and using the port of Lüderitz as the main link to the sea.

These consultations yielded positive results on 27 August 2010, when Namport signed three

Memorandum of Understandings (MoU) with Karas Regional Council, Lüderitz Town Council and Lüderitz Waterfront Development Company (Pty) Ltd at an event witnessed by the Minister of Regional, Local Government, Housing and Rural Development, Honourable Jerry Ekandjo.

The event also saw the MoU exchange in the spectrum of economic development between

the Lüderitz Town Council and Namibia Chamber of Commerce and Industry (NCCI) Lüderitz Branch.

The MOU touches on among others linking the port of Lüderitz to the SADC through existing corridors, establishment of a private public partnership (PPP)

to manage the planned expansions as well as general overall modernisation and development programmes among others.

The Port of Lüderitz foresees itself as the "Gateway to Southern Namibia, Northern Cape Province and South-West Botswana".



Mr. Widdux Mutwa,
Port Manager, Port of Lüderitz

8th PAPC Conference

6 - 8 December 2010, Snow Crest Hotel - Arusha, Tanzania

Improving Ports Performance to Fast-Track Africa's Economic Development

To register visit: www.pmaesa.org/papc2010

Dutch Firm to Dredge Mombasa and Beira Ports



Port of Mombasa

The Dutch dredging company of Van Oord has been awarded the contract to dredge the approaches for the port of Mombasa, after an adjudication process eliminated three other firms. This comes in the wake of their April award to also dredge the port of Beira, in Mozambique to expand a previously

Mr. Gichiri Ndua,
Managing Director, KPA

treacherous approach. The Kenyan contract, worth an undisclosed amount, is due to commence shortly, a port source disclosed recently. The dredging contract was postponed a year ago to enable the dredging to coincide with the construction of a second container terminal planned for Mombasa. It is planned to use

the material dredged from the approach channels for levelling and preparing the area for the new terminal.

Port authorities at Mombasa say that once the second container terminal is completed and in business they will target regional transshipment cargo. The Beira contract is worth € 37 million and commenced in April this year. A total of 8 million tonnes of sand and mud will be dredged from one of the more notorious port entrances along

the East African coast.

This material will be utilised for the construction of a new coal terminal to service exports from the Moatize coal mine, which is due to come into operation next year.

On the Beira contract Van Oord is using among others two medium size trailing suction hopper dredgers. It has not been disclosed what type of dredger will be used with the Mombasa contract.

Source: ports.co.za



Port of Beira

Age Worries for Tanzanian Maritime Experts

Tanzania Ports Authority has blown the whistle on the fast declining numbers of qualified maritime experts due to age and natural attrition.

According to TPA Director General, Mr Ephraim Mgawe, Tanzania today boasts of only 32 captains and 19 marine engineers many of whom are at an advanced age.

"This situation is not encouraging at all. We need to find a solution to the problem as soon as possible," Mr Mgawe was quoted by the local Daily News.

Mr. Ephraim Mgawe,
Director General, TPA

"It takes about ten years to train a marine officer or an engineer. We must act swiftly," he said. He was speaking at the World Maritime Day held at Harbours Club in the city.

The Deputy Director of Marine Transport, Mr Saad Fungafunga said the situation needed immediate intervention, pointing out that funds to that effect would soon be available.

"The cost of training these experts is high. We need a special fund to train such professionals as is the case with pilots," Mr Fungafunga said.

MSC Maeva Finally Makes it to Durban



The *MSC Maeva* as it leaves the port of Durban

The largest container vessel to sail into South African waters *MSC Maeva* left Durban after its maiden call amidst pomp and fanfare after delivering its first load of cargo. Tug boats accompanying the giant vessel fired water jets astern in the traditional seamen's farewell gesture before

she slowly disappeared over the horizon on her way to the Far East at the start of what is expected to be a regular shuttle.

The entry of the *MSC Maeva* was made possible by the recently completed dredging exercise done at the Durban

Harbour complete with refurbished berthing facilities. Although the *Maeva* was constructed in 2005, it could have navigated the Durban waters because of their previous low draught.

At 325 metres long with a beam of 42.8 metres - and a total container capacity of nearly 8,100 TEUs - the *MSC Maeva* is one of the newer generation Super Post-Panamax vessels.

It was anchored at berth 108 at Durban Container Terminal: Pier 2 where it will remain for three days to load containers of cargo before returning to the Far East. The ship will be discharging 1,276 containers and loading 4,669 containers.

Container vessels of up to 15,000 TEU capacity exist but do not include South Africa in their routes.

The maiden voyage of the vessel is a significant achievement not only for MSC, but for Transnet and the Port of Durban.

It represents the port's capacity to cater for these large vessels and to retain its position as one of the leading ports in Africa.

TRANSNET LAUNCHES NEW SOYA FACILITY

Transnet Port Terminals recently received its new 20,000 metres squared bulk warehouse at Maydon Wharf, Durban to handle increasing demand for soya bean.

This is to meet a significant increase in demand for soya beans as feedstock for biodiesel.

Transnet Port Terminals expects to handle 500,000 tons of cargo during its first year of operation, and this could increase to around 700,000 tons as customer confidence in the new facility grows.



Inside the warehouse



The bulk warehouse at Maydon Wharf area

The new bulk warehouse is one of the final touches on a project to increase the overall capacity of the 83-year-old Agriport multipurpose terminal, which covers an area of

sqm. 80,000 in Durban's Maydon Wharf area.

Transnet has invested R140 million in the overall Agriport expansion.

Ethiopian Dry Port in Dramatic Upsurge



The Doraleh Container Terminal

The Ethiopian Dry Port Enterprise (EDPE) plans to increase the number of containers it handles nine-fold this budget year.

Last budget year, the enterprise handled about 12,000 containers imported from Djibouti through its two dry ports at Mojo and Semera. The enterprise has plans to increase this amount to 100,000 this year. With an average of ten days storage allotted to each container, the enterprise's container handling capacity is estimated to be 50,000 per annum.

Ewnetu Taye, head of EDPE, told Capital that the enterprise will undertake numerous expansion works this budget year to enhance its capacity.

An asphalt concrete work covering about 7 hectares along with the

installation of floodlights and generators being carried out by the state owned Water Works Construction Enterprise at a cost of 250 million birr at the Mojo Dry Port is part of the implementation of plans by the enterprise.

Out of the total area of 61 hectares the Mojo Dry port covers, the enterprise has only been using seven and half hectares to carry out its work. Mojo Dry Port is the first such facility in the country built on the outskirts of Mojo town which is some 73km east of Addis Ababa.

The new 7 hectare asphalt construction project includes the upgrading of half of the 7.5 hectare gravel terminal that has been on use.

Source: *Capitalethiopia.com*

Visitors Corner



The Board of Directors from SUMATRA (Surface and Marine Transport Regulatory Authority) of Tanzania paid a courtesy call on the PMAESA Secretariat

Events

Legal Committee(LEG) 97th Session
15/11/2010
IMO Headquarters
UK

W/shop on Linking Ports to Corridors for Eastern and Southern Africa Region
23/11/2010
Mombasa, Kenya

6th Trans Middle East Egypt 2010
23/11/2010
Hilton Alexandria Green Plaza, Alexandria, Egypt

Maritime Safety Committee (MSC) 88th Session
24/11/2010
IMO Headquarters
UK

ICOPMAS 2010
29/11/2010
Tehran, Iran

Intermodal Europe 2010
30/11/2010
Amsterdam
Netherlands

Ports and The Environment 2010
01/12/2010
Amsterdam
Netherlands

Port Logistics
06/12/2010
Antwerp
Belgium

PAPC 2010
6 - 8 December 2010,
Snow Crest Hotel, Arusha,
Tanzania

Information

e-PMAESA Newsletter is produced by the PMAESA Secretariat.

Publisher: Jerome Ntibarekerwa (jntibarekerwa@pmaesa.org)

Editor: Njuguna Mutonya (dmutonya@pmaesa.org)

Design: Mubarak Adam (msodha@pmaesa.org)

Tel: +254 41 222 3245 or +254 41 20 238 1184

PMAESA can be contacted via email:

pmaesa@pmaesa.org

PMAESA
Our Ports
Our Future

www.pmaesa.org