

**IN THE THIRD SESSION OF THE SIXTH
PARLIAMENT OF THE FOURTH
REPUBLIC OF GHANA**



**REPORT OF THE COMMITTEE ON ROADS AND
TRANSPORT**

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**INTERNATIONAL CONVENTION FOR
THE CONTROL AND MANAGEMENT OF
SHIPS' BALLAST WATER AND
SEDIMENTS, 2004**

July, 2015

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**REPORT OF THE COMMITTEE ON ROADS AND TRANSPORT ON THE INTERNATIONAL
CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIPS' BALLAST WATER AND
SEDIMENTS, 2004**

1.0 INTRODUCTION

- 1.1 The International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 was laid in Parliament by the Hon. Minister for Defence Dr. Benjamin Bewa-Nyog Kunbour on behalf of the Minister for Transport, Hon. Mrs. Dzifa Attivor on Friday, 10th July, 2015 in accordance with Article 75(2) of the 1992 Constitution. The Convention was subsequently referred to the Committee on Roads and Transport for consideration and report pursuant to Order 189 of the Standing Orders of Parliament of Ghana.
- 1.2 During the consideration of the Convention, the Committee had interactive discussions with the Minister for Transport, Hon. Dzifa Attivor, the Director of Policy Planning, Monitoring and Evaluation of the Ministry of Transport and some key officials of the Ghana Maritime Authority (GMA) who provided extensive information on the Convention in reference.
- 1.3 The Committee acknowledges the invaluable contributions of the Hon. Minister and the officials who attended upon it.

2.0 REFERENCE DOCUMENTS

- 2.1 References were made to the following documents during the consideration of the referral:
- i. The 1992 Constitution of Ghana
 - ii. The Standing Orders of Parliament of Ghana

3.0 BACKGROUND INFORMATION

- 3.1 The International Convention for the Control and Management of Ships' Ballast Water and Sediments was adopted on 13th February, 2004 at a conference held in London under the auspices of the International Maritime Organization (IMO). The Convention will enter into force twelve (12) months after ratification by thirty (30) countries representing not less than 35% of

the world merchant shipping tonnage. Forty-four (44) countries have ratified the Convention as at July, 2015.

3.2 It has been estimated that ten billion tonnes of ballast water are transferred globally each year, potentially transferring from one location to the other, species of various invasive aquatic organisms that may prove ecologically harmful when released into a non-native environment.

3.3 Under the Convention, all ships are required to implement a Ballast Water and Sediments Management Plan, carry a Ballast Water Record Book and carry out standard ballast water management procedures.

3.4 As the Ballast Water Management Convention was being finalised for adoption, IMO together with the United Nations Development Programme and the Global Environment Facility (GEF) initiated various programmes including the GloBallast Partnership (GBP) to assist developing countries to reduce the transfer of harmful aquatic organisms in ships' ballast water.

3.5 In West Africa, Ghana and Nigeria were chosen as lead partnering countries to lead in the implementation of the control and management of ships' ballast water and sediments programme. Ghana has so far benefitted from a number of national and regional training programmes organised by the GBP project which began in 2006 and expected to end in 2016.

3.6 In view of this Ghana has held discussions with stakeholders in the maritime industry and has gone ahead to form a National Task Force comprising twelve (12) State Agencies. Indeed, Ghana has a National Ships' Water Ballast Management Strategy already in place.

3.7 The main features of the Convention include the following:

- i. **General Obligations:** Parties are obligated to give full and complete effect to the provisions of the Convention with the power to take more stringent control and management measures to prevent, reduce or eliminate the transfer of harmful aquatic organisms and pathogens in ships' ballast water and sediments, consistent with international law.

- ii. **Reception Facilities:** The Convention requires parties to ensure provision of adequate reception facilities at seaports and terminals for the safe disposal of ballast water and sediments without impairing the environment, human health, property and resources of other States.
- iii. **Promotion of Scientific and Technical Research Monitoring:** Parties would promote and facilitate scientific and technical research on ballast water management while monitoring their effects on waters under their jurisdiction.
- iv. **Survey and Certification:** Parties are to survey and certify ships flying their flags, structures, equipment and systems to ensure full compliance with ballast water management plans.
- v. **Inspection of Ships:** Parties agree to subject their ships to inspections when at ports or offshore terminals of other Parties for full compliance with the Convention.
- vi. **Technical Assistance and Cooperation:** The Convention encourages Parties to cooperate in the control and management of ships' ballast water and sediments and to promote and facilitate scientific and technological research on ballast water management.
- vii. **Violations:** Clear guidelines on procedures to be instituted against violations are provided in the Convention.
- viii. **Dispute Settlement:** The Convention provides mechanisms for the dispute settlement between parties by negotiation, enquiry, mediation, conciliation, arbitration, resort to regional agencies, finalised settlement or arrangements of other peaceful means preferred by the contesting parties.

4.0 OBJECTIVE OF THE CONVENTION

- 4.1 The objective of the Convention is to prevent, minimise, and ultimately eliminate the risks to the environment, human health, property and resource arising from the transfer of harmful aquatic organisms and pathogens through the control and management of ships' ballast water and sediments

5.0 JUSTIFICATION

5.1 The discharge of ships' ballast water and sediments has dire consequence in the alteration of the marine ecosystem by the introduction of foreign "invasive" micro-organisms which establish themselves in the local environment. Indeed, in many instances, they negatively impact on the health of the local communities and the economy. With the expansion of the national economy and the resultant increment in international trade, the fledging oil industry in the Jubilee Field, the refurbished Tema Dry Dock, the expansion of Takoradi Harbour among others, the volume and ship/maritime vessel traffic is expected to increase and will consequently bring in unintentional introduction of invasive alien species into our marine ecosystem from the discharge of ships' ballast water and sediments.

5.2 Ratification of the convention will pave way for the enactment of a national legislation with the appropriate sanctions to ensure effective control and management of ships' ballast water and sediments to forestall their harmful effects.

5.3 Furthermore, with the leadership role played by Ghana in the GloBallast Partnership (GBP) Project and taking into consideration, the achievements chalked so far under the Project, it is imperative for Ghana to ratify the Convention.

6.0 STAKEHOLDERS CONSULTATION

6.1 Stakeholders in the Maritime Industry such as the Tema Oil Refinery (TOR), Ghana National Petroleum Company (GNPC), the Ghana Navy, the Ghana Ports and Harbours Authority (GPHA), Ship Owners and Agents Association (SOAAG), Environmental Protection Agency (EPA) and the Attorney General's Department (A-G) have been working with GMA on the subject of Control and Management of Ships' Ballast Water and Sediments. Through the activities of the national task force, other stakeholders have also been consulted at specially organized fora and their concurrences have been received for the ratification of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 by Ghana.

7.0 FINANCIAL IMPLICATIONS

- 7.1 The ratification of the Convention will not add any financial burden to Ghana. However, operators of Ports and Offshore Terminals may be required to provide reception facilities for ships' ballast water and sediments but it must be noted that the operators will provide the service at a fee.

8.0 OBSERVATIONS

- 8.1 The Committee found all the provisions in the Convention acceptable. Indeed, the ratification of the Convention is consistent with the provision of Article 36(9) of the 1992 Constitution which states. ***“The State shall take appropriate measures needed to protect and safeguard the national environment for posterity; and shall seek co-operation with other states and bodies for purposes of protecting the wider international environment for mankind”.***
- 8.2 Ghana lies downstream of the Gulf of Guinea therefore the probability of ships' ballast water discharged offshore by traversing ships ending up on our shoreline/coast would be high. Cognisant of our high susceptibility to contracting harmful aquatic invasive species from the discharge of ships' ballast water, it is appropriate that Ghana ratifies the Convention.
- 8.3 The Committee noted that GMA has put in place, measures that enables it to monitor the activities of ships within Ghana's territorial waters and beyond. The facility will greatly facilitate unauthorised deballast especially on our shoreline.
- 8.4 Ratification of the Convention will enable Ghana to legislate and focus on the fundamental issues relating to ballast water management. This will enable Ghana to address the potential environmental, health and economic threats posed by the harmful aquatic organisms and pathogens carried in ships' ballast water.
- 8.5 Additionally, Ghana stands to benefit from accessing technical assistance from the International Maritime Organization and other Parties to the Convention to enact necessary

legislation to implement the Convention in Ghana and also to train personnel who will be involved in the implementation of the Convention.

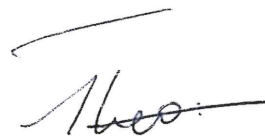
9.0 RECOMMENDATION AND CONCLUSION

9.1 Ghana's marine ecosystem is equally vulnerable to the effects of ships' ballast water and sediments discharge. The Committee recommends to the House to unanimously approve its report and ratify the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004.

Respectfully submitted.



MATTHEW ABREFA TAWIAH
CLERK,
COMMITTEE ON ROADS AND
TRANSPORT



HON. THEOPHILUS TETTEH CHAIE
CHAIRMAN
COMMITTEE ON ROADS AND
TRANSPORT

21ST JULY, 2015