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## HUMAN RIGHTS AT SEA: IS GENEVA DECLARATION ON HUMAN RIGHTS AT SEA THE ANSWER?



## HUMAN RIGHTS AT SEA

**H**uman rights are the fundamental rights and freedoms that every individual possesses inherently, simply by virtue of being human. They are universal, inalienable, and indivisible, applying to all individuals, regardless of their nationality, race, religion, gender, or any other characteristic. Human rights provide a framework

for ensuring human dignity, equality, and justice, and they serve as a cornerstone of democratic societies.

The concept of human rights has evolved over centuries, drawing upon philosophical, moral, and legal principles. The modern human rights framework was established after the atrocities witnessed during World War II, culminating in the adoption of the Universal

Declaration of Human Rights (UDHR) by the United Nations General Assembly in 1948.

Human rights encompass a wide range of civil, political, economic, social, and cultural rights. Civil and political rights include freedoms such as the right to life, liberty, and security of person, freedom of expression, and the right to participate in the governance of one's country. Economic, social, and cultural rights encompass the right to education, healthcare, adequate housing, and a standard of living that ensures well-being.

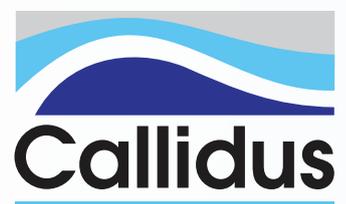
The principles underlying human rights are based



**THOUGHT  
for the MONTH**

it is never too late to be  
what you might have  
been

**GEORGE ELIOT**



on the inherent dignity and worth of every individual. They affirm that all human beings are born free and equal in rights and are entitled to enjoy their rights without discrimination. Human rights also entail the responsibility of individuals, governments, and societies to respect, protect, and fulfill these rights.

The protection of human rights is safeguarded through international and regional human rights instruments, such as treaties, conventions, and declarations. These instruments provide

a legal framework for states to adhere to and promote human rights within their territories. Additionally, national laws and institutions play a crucial role in ensuring the effective implementation and enforcement of human rights.

While progress has been made in advancing human rights globally, challenges persist. Discrimination, inequality, poverty, conflict, and authoritarian regimes continue to threaten the enjoyment of human rights by individuals and communities. The

identification of human rights abuse and its timely eradication is probable when it occurs within the territorial jurisdictions of states. But when these abuses happen in the waters, it is not possible to take timely actions to protect the human rights of the victims, and most of the time it goes undiscovered and unreported. UNCLOS also fails to address this area in ensuring the human rights of people at sea including seafarers, fishers, refugees etc. ■

# GENEVA DECLARATION ON HUMAN RIGHTS AT SEA

**T**he Geneva Declaration on Human Rights at Sea is a landmark document that focuses on promoting and upholding human rights in maritime environments. It was first presented on March 20, 2019, during the Human Rights Council's 40th session in Geneva, Switzerland. The declaration addresses various aspects of human rights at sea and seeks to establish a comprehensive framework to safeguard the rights of individuals involved in maritime activities.

The declaration recognizes that human rights apply equally at sea as they do on land. It emphasizes the importance of respecting and protecting the rights of all individuals in maritime environments, including seafarers, fishermen, migrants, refugees, and other vulnerable groups.

The declaration acknowledges that existing international human rights law, maritime law, and refugee law are applicable to the maritime domain. It highlights the need for effective implementation and enforcement of these legal frameworks to ensure the protection of human rights at sea. Some of the key points covered in the declaration are as follows:

## **Safety and Security:**

The declaration emphasizes the obligation to provide a safe and secure maritime environment for all individuals. It calls for



measures to prevent accidents, reduce risks, and enhance emergency response capabilities to protect lives and ensure the physical integrity of those at sea.

## **Labor Rights:**

Recognizing the importance of seafarers and fishermen in global trade and economic activities, the declaration stresses the need to protect their labor rights. It promotes fair working conditions, just wages, and access to social security, healthcare, and education for seafarers and fishermen.

## **Migrants and Refugees:**

The declaration addresses the specific vulnerabilities of migrants and refugees at sea. It emphasizes the need to respect their human rights, including the principle of non-refoulement, which prohibits the

return of individuals to a country where they may face persecution or harm.

## **Human Trafficking and Forced Labor:**

The declaration condemns human trafficking and forced labor in maritime environments. It calls for effective measures to prevent, investigate, and prosecute these crimes, as well as to protect the rights and well-being of victims.

## **Environmental Protection:**

Recognizing the interconnection between human rights and environmental protection, the declaration underscores the importance of preserving and sustaining the marine environment. It highlights the need to mitigate climate change, prevent pollution, and promote sustainable practices to ensure the rights and well-being

of present and future generations.

**International Cooperation:**

The declaration emphasizes the significance of international cooperation and coordination among states, international organizations, civil society,

and the private sector. It encourages the sharing of best practices, technical assistance, capacity-building, and the exchange of information to effectively address human rights challenges at sea.

The Geneva Declaration on Human Rights at Sea is a crucial step forward

in recognizing and addressing human rights issues in maritime environments. By promoting awareness, encouraging dialogue, and urging action, the declaration seeks to enhance the protection of human rights and improve the well-being of all individuals at sea ■

# DECLARATION OF LOCAL SEA CONTAINER CHARGES



The Dubai Maritime Authority (DMA) on 1st May 2023 introduced Directive No. 1 on Transparency of Local Sea Container Charges, which aims to enhance transparency and standardization within the local maritime industry. The Service Providers in the Emirate of Dubai are now obligated to declare their sea container charges through the Dubai Trade Single Window portal.

Service Providers covered by the Directive includes, but are not limited to:

- (a) Ocean carriers;
- (b) Customs clearance brokers;
- (c) Non-Vessel Operating Common

- Carriers (NVOCCs);
- (d) Freight forwarders; and
- (e) Shipping agent.

The primary objective of Directive No. 1 on Transparency of Local Sea Container Charges in Dubai is to safeguard and enhance the credibility of Dubai as a free, transparent, and competitive market. By implementing this directive, the Dubai Maritime Authority aims to prevent anti-competitive commercial practices, including the imposition of hidden charges and price fixing. The ultimate goal is to foster a transparent business environment that promotes the adoption of best commercial practices and ensures fair competition within

the maritime sector of the Emirate of Dubai. Service Providers are solely obligated to submit charges for services provided within the Emirate of Dubai under the Transparency Directive. Charges collected for services rendered outside the United Arab Emirates (UAE) are not required to be filed.

To alleviate any concerns regarding data privacy, the DMA has assured Service Providers that all information shared via the Dubai Trade Single Window portal will remain confidential and be handled securely. The authority recognizes the sensitivity of the data and has implemented robust measures to safeguard the information provided by Service Providers. This commitment to data security ensures that Service

Providers can confidently comply with the directive without compromising their proprietary information.

The charges to be declared are specified in Schedule 1 of the directive. Service Providers must review the list and declare each charge accordingly. In the event that a particular charge is not listed, Service Providers are requested to declare it using the provided 'miscellaneous' option within the portal.

While the directive requires the

declaration of sea container charges, Service Providers are allowed to continue their business as usual. This means that existing rates can be charged to customers without any alteration. The DMA has specifically prohibited Service Providers from increasing or decreasing their current container charges until further notice. This temporary freeze on service charges is designed to maintain stability within the maritime industry while the

directive is implemented and evaluated.

The implementation of Directive No. 1 on Transparency of Local Sea Container Charges in Dubai marks a significant step toward fostering transparency and standardization in the local maritime sector. By requiring Service Providers to declare their charges and maintaining existing rates, Dubai aims to establish fair practices and enhance customer confidence. Failure to comply with the Directive shall attract penalties ■

 **HOT NEWS**

# SUBSTATIONS FOR FIRST US OFFSHORE WIND FARMS READY FOR INSTALLATION



The first substations of the U.S.'s commercial offshore wind farms have been completed and are being moved from Texas and Denmark to the locations for their installations. These projects signal several key milestones in the U.S. offshore wind sector including the completion of the first American-built substation. They are also a significant step for the offshore projects in New York and Massachusetts both of which are scheduled to be the first to be completed in the United States and generate power this year. The first American-built offshore wind substation departed a Texas fabrication facility on May 24. The substation is transiting across the Gulf of Mexico and then up the East Coast for installation at the South Fork Wind project site off New York in a few weeks. Designed and built by Kiewit Offshore Services, the 1,500-ton, 60-foot-tall substation left Kiewit's Ingleside facility near Corpus Christi, Texas.

According to the companies, South Fork Wind is on track to be the first completed utility-scale offshore wind farm in federal waters, with the project expected to be operational by the end of

2023. The project consists of 12 turbines to provide 132 MW. May 25, in Denmark, they also marked the departure of the substation for the Vineyard Wind 1 project to be located approximately 35 miles offshore in Massachusetts. Sail-away for the 3,200-ton substation is reported to be on time according to the original schedule and is a major milestone for the project team from Bladt Industries, Semco Maritime, and ISC Consulting Engineers. The project is being developed in a 50-50 partnership between Copenhagen Infrastructure Partners and Avangrid Renewables. Vineyard Wind 1 is carried out as an EPC contract, with ISC as a subcontractor, covering the design, procurement, and construction of the 3,200 tons offshore substation and a 2,000 tons jacket foundation with four piles, which form the permanent anchorage to the seabed. Bladt handled the steel manufacturing of the substation. Vineyard Wind 1 will consist of an array of 62 wind turbines, which will generate 800 MW of electricity annually. It is also scheduled to deliver the first power to the grid in 2023

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