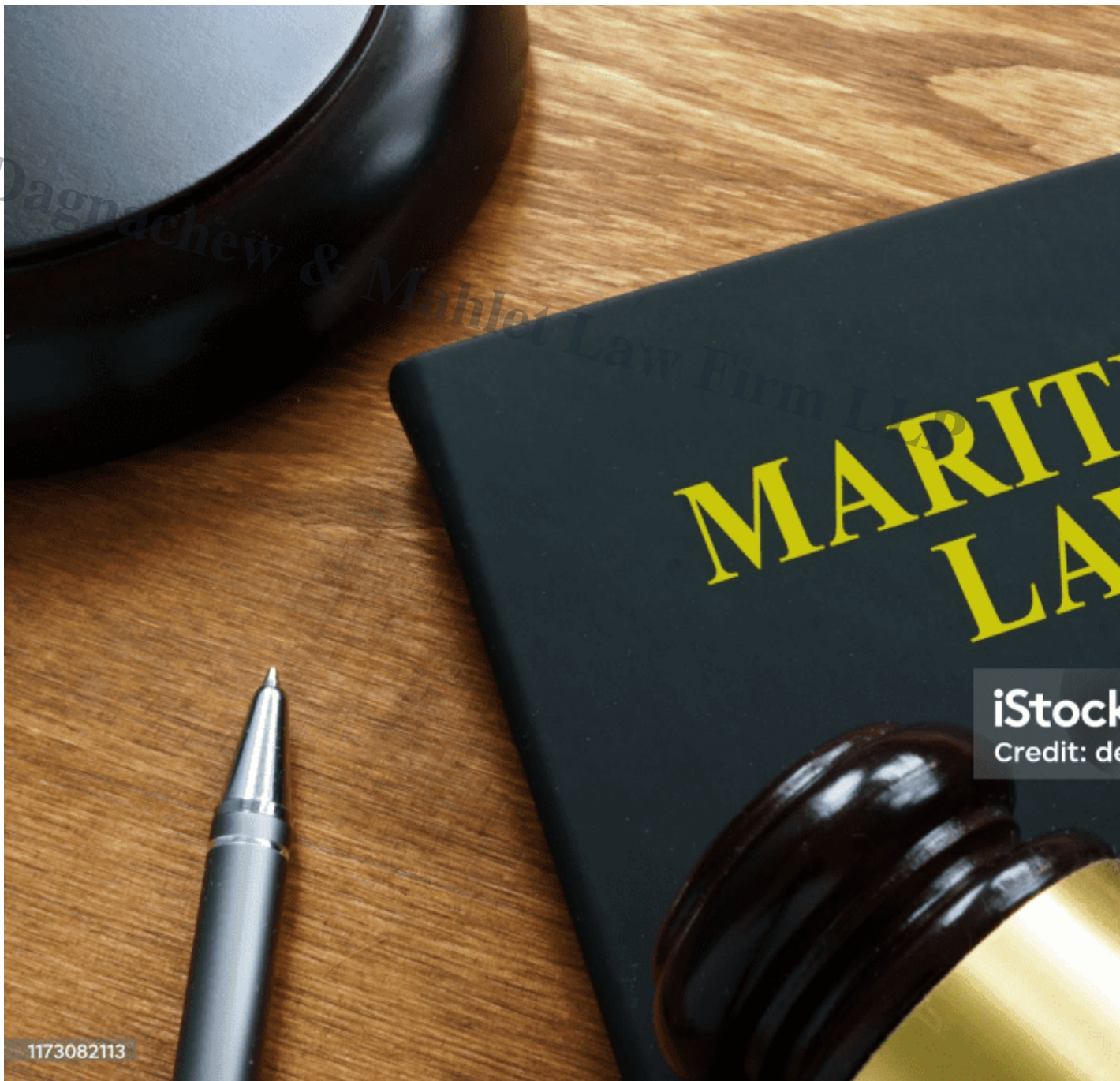


Revisiting the Maritime Code of Ethiopia

Description

By Mahlet Mesganaw, Partner at DMLF



The Maritime Code of Ethiopia was promulgated on the 5th of May 1960 by Proclamation No 164/1960. The Preamble of the Maritime Code provides the following: “whereas the development of the ports of our Empire and the expansion of our merchant navy requires a comprehensive maritime code be

enactedâ€™ therefore this Maritime Code is proclaimed.

The Maritime Code is divided into 371 Articles in total apportioned into 9 Titles namely: Ships (I); Shipowners, managers and the master (II); Regulation of maritime employment (III). Contracts relating to the use of the ship (IV); Maritime collisions, assistance, and salvage (V); Participation in general average (VI); Insurance (VII); Penal provisions and (VIII); Miscellaneous.

Under Title I, Ships, there are 7 chapters that deal with Nationality of Ships, Ownership of Ships, Maritime Liens and Mortgage of a Ship, Registration of Ships and of Rights of Rem relating to the Ship and Arrest of a Ship.

Title II is about Shipowners, Managers and the Master. There are two chapters that deal with Liability of Shipowners and Managers, and the Appointment and Duties of the Master.

Title III provides Regulation of Maritime Employment. The seaman includes persons employed or engaged in any capacity on board any ship (except masters, pilots and apprentices duly indentured and registered).

Title IV deals with Contracts Relating to the Use of the Ship. One party may undertake to procure to the other party the possession of a ship for a definite period subject to payment of a rent. So this title deals with the rent, contract of affreightment and carriage of passengers.

Title V is focused on Maritime Collisions, Assistance and Salvage at sea. Any collision between ships, the compensation due for damage caused to the ships, or to any property or persons on board thereof, shall be settled in accordance with this Maritime code provisions. Every act of assistance or salvage which has been successful shall give a right to equitable remuneration which shall not exceed the value of the property salvaged.

The next title, Title VI deals with Participation in General Average. There is a general average act when and only when any extraordinary sacrifice or expenditure is intentionally and reasonably made or incurred for the common safety for the purpose of preserving from peril the property involved in a common maritime adventure.

Title VII is about Insurance. Any policy of insurance having its principal object to guarantee a maritime risk, including collateral risk, shall be subject to the provisions of this title. This Title is divided into four chapters that deal with contracts of insurance, rights and obligations of the assured and the Underwriter, settlement of damage and period of limitation.

Title VIII focuses on penal provisions. Any person who contravenes the provisions of this code or regulation made there under shall be subject to penalty in the form of fines ranging from Eth \$2000-500.

The final Title IX deals with miscellaneous provisions concerning definitions and regulation making power.

Thus, the Maritime Code of Ethiopia with 371 articles, 9 titles still governs the maritime legal relationships of the persons, properties, rights and obligations involved in maritime trade.

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No. 38/2022 and introduces a new

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