

INTERMINISTERIAL DECREE

YEAR 2020 N0016/MIT/MDN/MISP/DC/C/I/SA/020SGG20

CONCERNING MEANS OF PROTECTION OF SHIPS IN THE TERRITORIAL WATERS OF BENIN

THE MINISTER OF INFRASTRUCTURE AND TRANSPORT,
MINISTER DELEGATED BY THE PRESIDENT OF THE REPUBLIC, IN CHARGE OF NATIONAL DEFENSE,
THE MINISTER OF INTERIOR AND PUBLIC SECURITY,
THE MINISTER OF ECONOMY AND FINANCE,

In view of Law 90-32 of 11 December 1990, which was the Constitution of the Republic of Benin, as amended by Law 2019-40 of 07 November 2019,

In view of Law No. 2010-11 of 07 March 2011 relating to the maritime code in the Republic of Benin,

In view of Law No. 2019-07 of 14 January 2019 setting out the regime for arms, ammunition and other related equipment in the Republic of Benin,

In view of the decision to declare the final results of the presidential election on 20 March 2016 by the Constitutional Court on 20 March 2016.

In view of Decree No. 2019-396 of 05 September 2019 on the composition of the Government,

In view of Decree No. 2019-430 of 02 October 2019 defining a model for the structure of the Ministries,

In view of decree No. 2014-785 of 31 December 2014 establishing, organising and assigning and operating the National Authority for State Action at Sea,

In view of Decree No. 2016-415 of 20 July 2016 on the attribution, organisation and operation of the Ministry of National Defence,

In view of Decree No. 2016-416 of 20 July 2016, relating to the attribution, organisation and operation of the Ministry of the Interior and Public Security,

In view of Decree No. 2016-418 of 20 July 2016 on the allocations, organisation and operation of the Ministry of Infrastructure and Transport,

In view of the 2017-041 decree of 25 January 2017 on the allocations, organisation and operation of the Ministry of Economy and Finance,

In view of the decree 2020-270 of 06 May 2020 requiring armed protection of commercial vessels in port calling in Benin's ports,

Considering the need for service,

DECREE

Article 1: Obligation of ships

All ships bound for a port in Benin are required to have an Armed Protection Team (APT). Failing that, the vessel must receive a protection service by the Benin Public Forces at the entrance to Benin's territorial waters. The associated fees are paid at the port of call.

Article 2: Authorization to enter with an Armed Protection Team (APT)

Any ship bound for a port in Benin with an armed protection team on board, sends through its ship agent, a request for permission to enter Benin's territorial waters with its own armed on-board protection team.

Article 3: How to apply for authorization

The application for entry into Benin's territorial waters is a form that must be completed online and sent to the Director of the port of call at least 72 hours before the vessel arrives.

Article 4: Prohibition of weapon storage in Benin

Authorization to enter Benin's territorial waters with an armed protection team on-board, is not equivalent to authorization for weapons storage in Benin. The ship must leave Benin with all the weapons of its armed protection team on board.

Article 5: Quayside checks and placing of weapons under seal

Any ship which is authorized to enter Benin's territorial waters is subject to an (arms) verification. The APT's weapons are then placed under seal.

This operation is carried out at the quayside by a team from the Beninese Armed Forces under the authority of the Maritime Prefecture.

Article 6: Unsealing at the quayside

When the ship is due to sail, the Armed Forces team unseal all the onboard armed protection team's weapons.

Article 7: Escorting ships with no armed protection teams on board

Ships without an on-board armed protection team who intend to enter the port directly and not stay on the roads, are escorted from the reception zone to the pilot station and into their berths.

Article 8: Ship Reception Zone

The ship reception zone is a quadrangle bounded by the following four points:

- Point A : 06°16'N002° 28'E
- Point B : 06°11'N002° 28'E
- Point C: 06-11'N002 23'E

- Point D / 06-16'N002 23'E

The movement of ships towards the aforementioned zone are coordinated by the Semaphore of the National Navy.

Article 9: Protecting ships at anchorage on the roads

Ships with no on-board armed protection teams and which have to stay on the roads, go directly to the berths which are assigned to them by the semaphore. Their team of Navy Fusiliers will board as soon as they are in berth.

Articles 10: Armed Protection Process

The armed protection provided by the Armed Forces is as follows:

- As soon as the vessels drops anchor, if it has not stayed on the roads and has not received a direct escort, National Navy Fusiliers board to ensure its protection until it berths;
- Upon its departure, the vessel is escorted by the National Navy to ensure its protection until the vessel has reached cruising speed whether or not it stayed on the roads on arrival.

Article 11: Cost of service

The cost of the services provided by the Armed Forces are for payment by the shipowner. The cost will be charged by the port of call according to the following scale:

Ship size (length)	Quayside inspection	APT supply		Escort supply
	Sealing Lifting seals	Tarif per ship docked at port	Stay on the roads on the owner's decision (additional per day)	Tarif from the wharf or harbour
Less than 100m	200,000 CFA FRANCS 305.00 Euros	350 000 F CFA 534.00 Euros	150 000 F CFA 228.67 Euros	360 000 F CFA 549.00 Euros
More than 100m	200 000 F CFA 305.00 Euros	450,000F CFA 686.02 Euros	170 000 F CFA 259.16 Euros	360 000 F CFA 549.00 Euros

Article 12: Monitoring and evaluation of the device

A monitoring and evaluation committee is set up to assess the effectiveness of the system and make improvements, if necessary. This committee is chaired by the Maritime Prefect and is composed as follows:

- Maritime prefect;
- Chief of Staff of the National Navy;
- Legal Technical Advisor to the Minister of Infrastructure and Transport (CTJ/MIT);
- Director of Ports (DP);

- Managing Director of the Autonomous Port of Cotonou (DG/PAC);
- Director of the Merchant Navy (DMM);
- Representative of the Association of Maritime Consignees and Agents (ACAM);

Article 13: Sanctions

The offences in this inter-ministerial period to prosecution and punishment under the Maritime Code and the Penal Code.

Article 14: Coming into force

This order, which repeals any previous provisions to the contrary, takes effect from the date of its signature and will be published in the Official Journal.

Drawn up in Cotonou on July 13, 2020

The Minister of Infrastructure and Transport

Hervé HEHOMEY

The Minister Delegate to the President of the Republic in charge of National Defence

Fortunet Alain NOUATN

The Minister of Economy and Finance

Romuald WADAGNI

The Minister of the Interior and Public Security

Sacca LAFIA