

INTERNATIONAL MARITIME ORGANIZATION AND THE SECURITY OF NIGERIA'S MARITIME DOMAIN

By

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ABSTRACT

The paper examines International Maritime Organization and the security of Nigeria's maritime domain. Routine Activity Theory was adopted as theoretical framework. Both qualitative (interview) and quantitative secondary sources were used for data collection in the study. Primary sources include the use of interviews, while secondary sources were also explored from voluminous online articles and official documents. The study discovered that some of the theft and armed robbery against vessels in Nigeria's maritime domain and GOG in general are due to a high level of bribery and corruption such as port and security personnel teaming up with criminals. Thus, it becomes inappropriate and legally wrong to describe theft and armed robbery at sea within internal and territorial waters and port facilities as piracy. The study also found that IMO has effective and efficient mechanisms in place for the elaboration, development and adoption of international treaties, rules and regulations and their implementation through the tacit acceptance procedure adopted for amendments to most fundamental international conventions. The IMO Maritime Safety Committee (MSC) has assisted member states to develop a Code of Practice to aid investigation of maritime piracy. The Code of practice recommends that states should adopt legislation to establish their jurisdiction over piracy and armed robbery against ship, including laws for prosecution of maritime crimes offenders. The study recommended that successfully fighting the scourge of maritime crimes would involve the formulation and enforcement of national anti-piracy laws which would clearly define acts under criminal headings and prescribe in clear terms, the full penalties for same. In addition, the mechanism for enforcement should be included. The IMO in recognizing the importance of domestic laws in the prosecution of pirates passed Resolution A.1025 (26) which encourages states to ratify enabling legislation that would codify their jurisdiction over piracy and establish procedures to facilitate the prosecution of pirates at sea. The Resolution further recommends guidelines for piracy investigation strategy. Some of their suggestions include that the state that own the attacked ships should initiate investigations for piracy incident while the state whose territorial waters the incident occurs should bear responsibility to investigate armed robbery at sea.

Keywords: International Maritime Organization (IMO), Maritime Security, Maritime Domain, Maritime Safety and Piracy.

Introduction

A number of terrorist attacks and piracy have plagued the world ocean in recent history; notable among them include: attacks on the USS Cole in 2000 and the M/V Limburg in 2002, executed through the use of explosive-laden speedboats, attack at U.S controlled oil facilities at Basra by Iraqi insurgents

resulting in deaths of three American service men in 2004, and in addition piracy around Southeast Asia waters by Jemaah Islamiah & Abu Sayyaf terrorist groups (Raymond & Morriën, 2010). The catastrophic events of 11th September 2001, when a sequence of synchronized terrorist attacks was made on the World Trade Center and Pentagon in the United States of America by the extremist Islamic group called Al-Qaeda became a watershed in global approach to maritime security policies formulation and administration. Specifically, more integrative and stringent security policies were introduced to prevent and suppress terror and other criminal acts around maritime infrastructure (seaports, terminals, jetties etc.), territorial waters and high seas. A number of security regimes spearheaded by International Maritime Organization (IMO) and United States of America (USA), have been introduced at the local and international level to secure the oceans, ships, maritime trading routes and maritime trade. Notable examples of these include: International Ship and Port facility Security (ISPS) code, the Maritime Transportation Security Act of 2002 (MTSA), the Advance Manifest System (AMS/24-hour rule), the Container Security Initiative (CSI), the Technology Asset Protection Association (TAPA), Suppression of Unlawful Act against safety of Navigation (SUA), the U.S. Customs-Trade Partnership Against Terrorism (C-TPAT), and the Smart and Secure Trade-lane (SST) program. The introduction and administration of these instruments have defined security regimes at sea, in ports and associated transportation networks. It also provided a legal framework for further maritime security cooperation at regional and global level.

In Nigeria, piracy and maritime militant activities are particularly prevalent in the waters and around the coast of the Niger Delta. It ranges from poaching and robbery especially in the waters off Lagos and within its ports, to attacks on ship and offshore facilities and the hijacking of vessels for ransom notably in the area near the Niger Delta including the Bayelsa waterways, Utawa – Opobo, Opobo- Andoni and Oron-Calabar waterways in Rivers and Akwa Ibom States. According to Perouse De Montclos (2012), the main victims of pirates in the Nigerian context are sea business operators particularly speed boat drivers, fishing trawlers and petty traders. The frequent attacks on the fishing activities led to the reduction of the numbers of trawlers from 250 to 150 in 2003 according to the chairperson of Nigerian Trawler Owners Association (NITOA). This poses significant challenge and enormous cost on local fishing economies. In the same vein, Oyetunji (2012) reported the Nigerian Minister of Finance and Coordinating Minister for the Economy (Dr. Ngozi Okonjo-Iweala), to have lamented that piracy in the Gulf of Guinea (GoG) have threatened about 600 million Dollars' worth of fishing exports, as well as leading to a loss of over 2 trillion Naira yearly in capital flight to foreign countries.

Maritime Security is the grouping of preventive and responsive actions to guard the maritime sphere against threats and intended illegitimate acts. Maritime security is essential to maintaining the flow of revenues from oil and gas, which have the potential to contribute significantly to development in the region. At the same time maritime resources such as fish, aquaculture and intact ecosystems directly contribute to the livelihoods of many Africans. The maritime domain's worth for states can be designated in terms of its natural assets, its importance for transport and trade, power forecast and defence, and the maritime atmosphere's intrinsic value. Of the 107 piracies and armed robbery attacks on ships and crew members worldwide in 2018 Nigeria alone accounted for 31 of the incidence (International Maritime Bureau (IMB), 2019). This is aside from proliferation of arms, illicit drugs and Narcotics in the country which records show comes in not only through our land borders but the maritime domain as well. Nigeria with its current security challenges posed by the Boko Haram Islamic insurgents with proven links with the Al Qaeda in North Africa, and militancy in the Niger Delta region, there is no doubt therefore that a safer and secure maritime domain would guarantee the much-needed national security and economic development of the country. This paper examines the International Maritime Organization and the security of Nigeria's maritime domain.

Nigeria is a signatory to International Maritime Organization's (IMO) conventions and codes relating to ports and other maritime facilities. The Federal Government through its relevant agencies has taken some steps to domesticate and implement the provisions therein. In spite of the measures

implemented so far, maritime security related problems still beset the national ports which have impacted on their performance. Over the years, Nigeria has equally undertaken several interventions through relevant stakeholders and the Nigerian Navy through sea surveillance and blockage, control of shipping, gun fire support, sealift of personnel and logistics, search and rescue mission and policing of ships conveying raw materials. Yet, all these have not given any impetus to the Nigerian Navy in the ongoing fight on maritime piracy even with the continuous rise in Nigeria's defence budget to equip the navy. There is still a concentration of attacks on ships in the port of Lagos and along the nearby Nigerian coast. Therefore, the emerging security threats, if left unchecked, can lead to instability in the sub-region and adversely impact its economic, social and political development. It is based on this that the study will find out the factors responsible for crimes in Nigeria's maritime domain and the role played by the International Maritime Organization in the security of Nigeria's maritime domain.

Empirical Literature Review

Oshewolo (2010) wrote on *Galloping Poverty in Nigeria: An Appraisal of Government's Interventionist Policies*. State fragility theory was adopted. Qualitative method and content analysis were used and the research found that aside from the threat of Piracy and armed robbery at sea, the oldest and most endemic maritime crimes in the world, which has also negatively projected Nigeria as a country and the Gulf of Guinea as a region in the world Maritime domain, so many other criminal activities plague the country's maritime space. Some of them are listed as indirect and grouped under transnational Organized crime and include: Money laundering, illegal deals in arms and drugs, trafficking, Illegal Oil bunkering Crude oil theft, human trafficking, smuggling, maritime pollution, IUU fishing, illegal dumping of toxic waste, maritime terrorism, hostage taking and vandalism of offshore infrastructure. The study concluded that, due to political instability, absolute underdevelopment, and dire economic situations, as well as vulnerabilities to land-based internal sources of threats. The study recommended that corruption is contagious, when a suspect is found guilty but not prosecuted, there is bound to be another crime of such nature. Therefore, any security agent found by the panel to be corrupt, should be sanctioned properly as prescribed by the law. The report of the panel into security system could be extended to other sectors of the economy. However, the International Maritime Organization and the security of Nigeria's maritime domain has not witness much empirical investigation.

Jonah (2010) studied *Maritime Dimensions of Nigeria's National Security*. Securitization theory was used. The study employed qualitative method of data collection and data analysis. Adopting gravity model, it was stated that, in accordance with United Nations Conventions on Law Of the Sea (UNCLOS), Nigeria ascribes to a Territorial Sea of 12 nm from the baseline, a Contiguous Zone of 24nm from the shore, an Exclusive Economic Zone up to 200nm from the shore and a Continental Shelf up to 200-350nm (conditional) from the shore. With a coastline of 420nm, the zones together cover 84,000sq nm of maritime area over which Nigeria exercises sovereign rights to all living and non-living resources within this maritime environment. It was recommended that if the government of Nigeria makes adequate use of the sea, sustainable development will be recorded in the country. However, the study did not describe International Maritime Organization and the security of Nigeria's maritime domain.

Murphy (2011) wrote on the changing nature of Water of Africa: Piracy in the African. Galtul conflict was utilized. Secondary method of data collection was employed in generating information used. It was indentified that piracy, being a subject of new or renewed interest has left researchers struggling to separate reports of piracy in the Gulf of Guinea from that of Nigerian waters in particular. This is probably because of the region's combined efforts at combating piracy. The GoG located off the coast of West Africa and extending from the western coast of Cote d'Ivoire, past Nigeria, to the Gabon estuary is one of the world's most dangerous maritime regions with regards to piracy. Understanding the geographical trends of paretic attack will better enhance policy and security strategies to curb pirate activities. The report made a particular mention of a sharp escalation in piracy-related activity off the coast of Nigeria. The study further observed that majority of these attacks occurred around Lagos, Nigeria's main port and commercial center, and in the oil rich Niger-Delta region. In the Niger-Delta,

the problem of piracy has been compounded by a growing insurgency, where militants are fighting for an increased share of the regions wealth and have attacked shipping interests in pursuit of this cause. The study suggested that it is essential to establish mutual trust and respect between national organizations involved in counter-piracy activities. This is best built through regular information sharing, to develop effective counter-piracy strategies. Meanwhile, the study did not provide proper explanation of International Maritime Organization and the security of Nigeria's maritime domain.

Theoretical Framework

The study adopted Routine Activity Theory which was propounded in 1979 by Cohen and Felson in their work entitled "Social Change and Crime Rate Trends" In the "Routine Activity Approach", Cohen and Felson proposed that crime is the aftermath of combined result of three indispensable elements: First there must be a motivated offender who is competent of committing an offence. Second it is not sufficient for the potential offender to be motivated; he must also be capable to execute his criminal intention.

According to Cullen and Agnew (2006), the routine activity approach is based on two rather simple ideas. First, for crime to occur, motivated offenders must meet with suitable targets in the absence of qualified guardians. Secondly, they noted that the likelihood of this situation occurring is influenced by their routine activities including the work, family, leisure, and consumption activities. For example, if we spend more time in public places such as bars and on the street, we increase the likelihood that we will come into contact with motivated offenders in the absence of competent guardians.

Igbo (2008), Brown & Okorie (2015a) noted that for a crime to occur, a motivated offender must also identify and engage a suitable target. Suitable targets can take a number of forms depending on the nature of the crime (i.e. the particular intent of the offender) and the situational context (i.e. the available opportunities). A suitable target might be an object, such as a piece of valuable property to steal or a home to burglarise.

The final element of routine activities theory consists of proficient guardianship, which bears the potential to dissuade or avert crime even in the presence of a motivated offender with a selected suitable target (Brown & Okorie, 2015b). Capable guardianship is an expansive concept that researchers interpret and study in a variety of ways. Formal types of guardianship such as police officers and other types of law enforcement agents, symbolise a well-recognised form of protection from crime and victimisation.

Routine activities theory suggests that the existence of these agents might avert a crime from happening. Many potential offenders, despite being motivated to commit a crime, would be hesitant to engage in criminal behaviour with a police officer's presence. Vulnerable targets are in the form of international and domestic tourists, oil tankers, fishing crafts, trawlers, speedboat operators, passengers, and local businessmen and women that ply the waterways. Most of these targets are not always well guarded.

Methodology

Qualitative research design was used and purposive sampling technique was also employed to select respondents for face to face interviews from the Nigeria Maritime Administration and Safety Agency (NIMASA), Headquarter, Lagos, Marine and Operations Department, Nigeria Ports Authority (NPA), Headquarter, Lagos, Nigerian Navy (Operation Command) Headquarter, Lagos and Nigerian Shippers' Council (NSC), Abuja.

Both qualitative and quantitative secondary sources were used for data collection in the study. Primary sources include the use of interviews, while secondary sources were also explored from voluminous online articles. There were also a few collections of past and recent reports and issues of International Crisis Group, Piracy daily, Maritime Security Review and International Fleet Review

which has proved very effective. Information from interview and secondary sources were analyzed using content analysis.

Analysis and Interpretation of Results

An Assistant Director from the Maritime Security Unit of Nigeria Maritime Administration and Safety Agency (NIMASA), Headquarter, Lagos, in an interview session conducted on 9/01/23 took a brief excursion into piracy in the coast of Lagos. He explained that: “The first phase of piracy off the coast of Lagos was largely small scaled and subsistence in nature. Their motive was always financial gains as a direct consequence of the rampant unemployment, deep inequality, and environmental degradation, assisted by maritime capacity drawn from Nigeria’s significant fishing industry. The resort to piracy became a means of survival for them. These crimes of opportunity perpetrated by small shore-based groups became increasingly organized over time with the size of these groups ranging from 20-30 individuals prior to the decline of piracy in the region in the 1989s. The hike in piracy in the last two decades involved a high-level sophistication, organization and violence. According to the UN assessment mission in the Gulf of Guinea both national and international interlocutors have expressed the view that organized criminal organization is responsible for many of the pirate attacks”.

The above findings agree with the submission of Adongoi, Aniekan and Abraham (2019) that, piracy is one component of the larger transnational organized crime networks that are active in oil bunkering, trafficking in cocaine children, counterfeit medicines, tobacco and hard drugs across the Niger-Delta region. Young unemployed men are frequently lured into these criminal networks by promised riches, fast money and power such that piracy gangs are increasingly compose of younger members. Aside from the threat of Piracy and armed robbery at sea, the oldest and most endemic maritime crimes in the world, which has also negatively projected Nigeria as a country and the Gulf of Guinea as a region in the world Maritime domain, so many other criminal activities plaque the country’s maritime space. Some of them are listed as indirect and grouped under transnational Organized crime and include: Money laundering, illegal deals in arms and drugs, trafficking, Illegal Oil bunkering Crude oil theft, human trafficking, smuggling, maritime pollution, IUU fishing, illegal dumping of toxic waste, maritime terrorism, hostage taking and vandalism of offshore infrastructure.

Since its formation, IMO’s main task has been to develop and maintain a comprehensive regulatory framework for international shipping. Its mandate was originally limited to safety-related issues, but subsequently its remit has expanded to embrace environmental considerations, legal matters, technical co-operation, issues that affect the overall efficiency of shipping such as how to deal with stowaways or how a cargo manifest should be transmitted to the authorities ashore; piracy and armed robbery against ships and, most recently, maritime security. The direct output of IMO’s regulatory work is a comprehensive body of international conventions, supported by literally hundreds of guidelines and recommendations that, between them, govern just about every facet of the shipping industry.

Inah, Innocent and Joseph (2018) explained that although IMO does not have a massive field presence, the Organization as a whole does recognize that not all of its Members have an equal ability to implement the measures they agree to at IMO. Some lack resources, some lack expertise, some both. To this end, IMO has established an extensive technical cooperation programme, in which it tries to identify particular needs among the resource-shy Member countries and match them to offers of help and assistance from those that are better off. Typically, this might involve arranging training, workshops and seminars on particular subjects at national, sub-regional or regional level. IMO has also founded three high-level educational establishments in Sweden, Malta and Italy, specializing in maritime subjects, which are designed principally to offer advanced level education to students from less developed countries.

Table 1: Number of Ships Subject to IMO Conventions Lost

	2017	2018	2019	2020	2021	2022
Ships over 500 GT	97	75	96	88	91	80
Ships between 100 and 500 GT	47	38	53	32	44	55
Total LRF	144	113	149	120	135	135
Loss rate (all ship types*)	1.6	1.6	1.3	1.6	1.3	1.4

*Source: Lloyd's Register Fairplay, * by 1000 ships at risk, note: Number of ships subject to IMO conventions lost for any safety-related² reason other than those declared constructive total losses for insurance purpose*

Based on the provisions in the international conventions, flag states are to be seen as the first line of defence against sub-standard vessels. They are followed by the second line of defence, the port states that perform port state control inspections (PSC). When ships reach the end of their working lives, recycling is undoubtedly the most environmentally friendly way to dispose them. Many of the components and much of the steel is re-used in the countries where the ships are dismantled, in new ships and in other products. However, there are concerns about environmental and working conditions in ship recycling yards and in view of this, IMO took action to develop a realistic and effective solution to some of these concerns. According to one respondent, a deputy director in Nigeria Maritime Administration and Safety Agency (NIMASA), Headquarter, Lagos:

Maritime crimes have negatively impacted on Nigeria's development. As such, no economic activity can thrive in an unsafe/unsecure environment. This is because adequate security encourages investment and guarantees protection of assets. Thus, sea robbery has seriously discouraged investors, especially at tourist destinations (09/01/2023).

This is in contrast with the view expressed by the Director General of NIMASA. According to him, there is a lot of improvement in Nigeria's maritime space. When asked on how the significant improvement in the security of Nigeria's maritime domain translate to Nigeria development. He expressed that "there are so many indices you can see in terms of benefit. Shipping is international in nature. The international community sits down every month and assess each country, the factor that determine the development in that country in terms of shipping, maritime environment and safety. Now, the body that do assess such is the International Maritime Bureau (IMB) every quarter, they will sit down and assess a country. They will give a kind of report card. The result of the second quarter of last year shows that, there has been a decreased in piracy and that has not been experienced since the last 27 years which was 1994 (80% drop). So, it doesn't only show that we are doing better, but excessively well. People get shocked and ask of the secret. It's very easy, you see when you take a stock of these criminals, you can't get up to 1200 criminals engaging in these piracies in our own water and trade, and you look at the estimated population of 200 million Nigerians. You come to realize that how can 1,200 people now make Nigeria sleepless. That is number one. Number two issue hence is the number of arrest we are making. You will arrest persons and where you start to interrogate of what happen, who is responsible and how do you get into this, they will be telling you that so so person finance the hire of the boats, so so person gave him arms, he doesn't have money to buy arm, so so person pick them, cloth them and give them the resources that can be used to survive. So, what you need to do is to fish out those high criminals. When you do that, you are now reducing the number of employing those criminals into the gangsters. In so doing also, you are now reducing the number o those crimes" (Interviewed 9/01/23).

Meanwhile, this finding is not inconsistency with the finding of Bassey (2012) who found that all forms and shades of attacks at sea have manifested themselves in Nigeria - hijacking, kidnapping, sea armed robbery, vandalism of vessels and oil installations etc., and these have had colossal socio-economic consequences to the nation. The fishing industry in Nigeria alone for instance, has recorded over 15 deaths and loss of vessels, equipment, fish/fishery products valued over N3 billion to these attacks between 2006 and 2009. And between February 2009 and April 2010, the fishing industry has recorded about 80 attacks on some of its vessels with a number of casualties. The industry which operated over 250 registered trawlers in year 2003/2004 is now left with fewer than 150 trawlers and

with sharp drop in employment and income. Precautionary measures taken by owners and operators of vessels to protect their vessels, crew and cargo, such as taking longer routes to avoid pirates-infested waters have led to high cost of freight, increased insurance premium and delayed cargo deliveries- all of these costs are passed on to the end-user in a society where poverty is already at a debilitating level.

Table 2: Actual and Attempted attacks in West Africa (2010-Jun2016)

Countries	2010	2011	2012	2013	2014	2015	Jun-2016
Angola	-	1	-	-	1	-	1
Benin	-	20	2	-	-	-	-
Cameroon	5	-	1	-	1	1	2
Dem.Rep.Congo	3	4	2	-	1	3	2
Tome&Principe	-	-	-	-	1	-	-
Gabon	-	-	-	2	1	-	-
Guinea	6	5	3	1	-	3	-
New Guinea	-	-	-	-	-	1	-
Ivory Coast	4	1	5	4	3	1	1
Nigeria	19	10	27	31	18	14	24
Liberia	1	-	-	-	1	2	-
The Congo	1	3	4	3	7	5	1
Mauritania	-	-	-	1	-	-	-
Morocco	-	-	-	1	1	-	-
Togo	-	6	15	7	2	-	1
Sierra Leone	-	1	1	2	1	-	-
Region sub- Total	39	51	60	52	38	30	32
World Total	445	439	297	264	245	246	98
Percentage of Region to world	8.8%	11.6%	20.2%	19.7%	15.5%	12.2%	32.7%

Source: Researcher's Compilation from IMB, 2016

The apparent growing importance of West African piracy is distorted by an overall decrease in universal piracy. On the other side Piracy in the Gulf of Aden has break down since a peak of 237 incidents in 2011, to just 15 attacks in 2014 and only 3 attacks in 2015 also 3 attacks in the first half of 2016, that represent the lowest percent of attacks globally which ensured that the piracy moved actually from east to west of Africa (IMB, 2016).

Basaran (2016) went further to argues that, since 1959, the International Maritime Organization ("IMO"), as the sole United Nation's specialized agency exclusively devoted to maritime affairs, has been providing a forum for cooperation among Governments in the field of governmental regulations and practices relating to all kinds of shipping engaged in international trade, facilitating the adoption of comprehensive multilateral treaties for a wide range of technical measures and, in particular, the adoption of the highest practicable standards, designed to enhance safety, security and efficiency in shipping engaged in international trade.

The above result corresponds with the findings of Dong (2021) that, the most important IMO instruments are the IMO conventions which are negotiated, adopted and ratified by the IMO Member States. All the adopted IMO conventions are considered legally binding by all Member States as mandatory requirements for international shipping. Supplementing and elaborating on the conventions, the IMO has also adopted several technical codes, typically dealing with a specific technical area. Having some separate codes under the parent convention was necessary when IMO faced two issues. First, over

the late 20th century the volume of conventions had increased dramatically. Second, there was increased complexity with too crowded treaty for those interested to digest. Therefore, the IMO has produced a separate “code” under the convention and then made reference in the parent convention. Thus, a code from a parent convention is considered an integral part of the convention and is given the same legal status. However, there are several codes that are referred to in the convention footnotes that are not considered as mandatory instruments under any conventions, for example, Code of Alerts and Indicators, Code of Safe Practice for Cargo Stowage and Securing (CSS), Code of Safety for Special Purpose Ships (SPS). They are all recommendatory in nature. Therefore, it is impossible to determine whether an IMO code is mandatory or non-mandatory (i.e. recommendatory) only by looking at the title of the instrument. In other words, even though the title of an instrument such as CSS and SPC is “code”, it is not actually mandatory for treaty purposes. This fact has caused confusion even among some experts in the maritime industry. An official from Marine and Operations Department Nigeria Ports Authority (NPA), Lagos reveals that:

IMO has effective and efficient mechanisms in place for the elaboration, development and adoption of international treaties, rules and regulations and their implementation through the tacit acceptance procedure adopted for amendments to most fundamental international conventions. During 2007, IMO has continued focusing its activities on the adoption and implementation of international rules and standards for the safety of navigation, prevention of the pollution of the marine environment and maritime security (Interviewed 06/01/2023).

IMO attaches the highest priority to the need of ensuring that its numerous rules and standards contained in these treaties are properly implemented. In order to help ensure this implementation, IMO focuses on the continuous strengthening of regulations to ensure that flag and port States, ship owners, managers, shipbuilders, equipment manufacturers, training institutes and other stakeholders develop their capacities and exert their responsibility to the fullest. Technical co-operation has been intensified by the operation of the Integrated Technical Cooperation Programme, aimed at ensuring that funds from different donor sources are properly channelled towards the execution of projects under the supervision of IMO as executing agency, and at strengthening the maritime infrastructure of developing countries.

A member of Indigenous Shipping Association of Nigeria (ISAN) in an interview conducted on 10/01/2023 further discussed that: Through its programme of regional initiatives to enhance maritime security, IMO’s aim is to work with developed and developing countries, shipping and public and private sector ports with a view to promoting best practice and building bridges between the diverse actors. At the national level, these include enhancing the efficiency of the whole maritime sector through improving cooperation between ports and ships and developing a closer partnership between the two sectors; raising global standards and setting norms for the safety, security and efficiency of ports and coastal state authorities; and improving standardization of port procedures through identifying and developing best practice guidance and training materials.

The participant continues that:

For the longer-term development of the whole maritime sector, IMO programmes focus on challenging “sea-blindness” and encouraging investment in the whole of the maritime sector. This includes encouraging national authorities to break down silos and switch from a departmental focus to national focus and to engage with the private sector. Not only is there a need to encourage the port sector input to national maritime business plans and national and regional maritime and maritime security strategies, but also there is a need to improve safety, security and environmental culture in ports and to encourage the concept of the port as a service provider to ships, addressing any ‘us and them’ attitude (10/01/2023).

An interview with the DG of NIMASA provided a vivid and succinct explanation of Deep Blue Project as a recent measure employed by government to address the issue of maritime crimes in Nigeria’s maritime domain: The Deep Blue Project means the Integrated National Security and Waterways Protection Infrastructure in Nigeria. With a clear mandate to Manage, Control and Protect Nigerian Waters under the Coordination of NIMASA for the harnessing of Nigeria’s maritime assets and

advancement of her coastal prosperity. NIMASA accomplishes this mission by harnessing the cooperation of all the security agencies within the country who serve as contributors of manpower from national players such as the Nigerian Navy, Nigerian Police, Nigerian Airforce, Nigerian Army, the DSS and others. The project is embodied in careful assemblage of assets and equipment spanning human, land, maritime or sea and air capabilities all tie into each other for effective and efficient deployment for piracy prevention, pollution preclusion, deterrence of oil theft and enforcement of IMO regulations domesticated by Nigeria as a signatory to the UN ocean watchdog (Interviewed 09/01/2023).

Going further, he explained that: “On the second question on whether we can be able to deter them by arresting them or fighting them. That is why we do a lot of things at NIMASA. In a couple of years, specifically between 2014, 2015 till date, we trained over 2,500 Nigerians in the course of the seafarers, sea captains, marine engineering, marine architecture for them to come out and be useful to the society. In so doing you find that we are not only addressing Nigeria market but we are also addressing International Market, specifically, we introduced this policy to address the issue of unemployment worldwide. Nigeria only source of new venture is oil (mono economy), but when you go to Philippines today, the human elements, the population they have, they train them as seafarers and send them all over the world, same thing with India and Indonesia. They have this kind of policy so what we tried to do is to introduce what we call National Seafarers Development Program (NSDP) and in so doing, we train young Nigerians in abroad to go and acquire degrees so that they can use the degree to be engage at international Ship”.

He went further to explain that: First of all, NIMASA is a regulator, we are not expected to be part of the operator at the same time. When you have a sector suffering certain things, to ensure good governance, you are expected to intervene with good policies, infrastructural development and security and that is where the Deep Blue Project comes in we have a reasonable number of strips that comes from the Gulf of Guinea to Nigeria which 70% of them are Nigeria out board cargoes just as you have cars and your car do break down, same apply with ship. Ship coming from Britain to Nigeria for instance might break down and when it comes to Nigeria, there is no ship repairing industry. However, government introduce policy to see how they can revive the industry by buying ‘Modula Protein Oil’ unfortunately’, as at the time that policy was introduced, we wanted to use it elsewhere around south-south. Unfortunately, plan has been made to take that Modula protein dol. Plan in the sense of drainage so we decided to have PPP arrangement. That is Public Private Partnership. We are lucky NPA has a continental arrangement for the DOL instead of the management to government or private individual which might lead to mismanagement, we decided to partner with Nigerian Port Authority. This therefore serves as NPA contribution to Nigeria Marine Security. We are yet to start catalyzing it because of the processes involve for its approval the Modula protein dol is an infrastructure itself (09/01/23).

In addition to the foregoing, an officer of Maritime Guard, Nigerian Navy (Operational command) Headquarter, Lagos explained further that: for security of navigation, the Nigerian Navy has the statutory responsibility to provide Coastguard services to secure the maritime domain. At international level, the Federal government of Nigeria has called for intergovernmental partnership in regional maritime security. However, despite these commitments, anecdotal evidence suggests the prevalence of pilferage, cargo theft, illegal importation of fire-arms, and armed robbery etc. in our port terminals. It should also be stated that ISPS code for example, was implemented in Nigerian ports through NIMASA, the designated authority, in order to eradicate all forms of unlawful and criminalities such as armed robbery, cargo pilferage/theft, stowaways and so on in the nation’s seaports. In spite of these commitments, anecdotal evidence confirms the prevalence of pilferage, cargo theft, illegal importation of fire-arms, and armed robbery etc. in our port terminals (Interviewed 05/01/2023).

In agreement to the above, Osinowo (2015) revealed that Nigeria is the only country in the sub-region with a navy that can boast of frigates, fast-attack crafts, landing ship tanks, air arm, river town class boats, in-shore patrol crafts, and tug boats in its inventory. Added to these are dockyard and shipyards facilities meant for second and third line maintenance of boats and ships. Nigeria articulates its Navy’s roles as the Trident Strategic concept.

The Nigerian navy has estimated that there have been ten to 15 attacks every month in recent years, and that the monthly tally can rise as high as 50. In contrast, the International Maritime Organization (IMO) has recorded about 50 successful attacks annually for the entire region in recent years. The International Maritime Bureau (IMB), however, concedes that the real number of pirate attacks is at least twice as high as the official figure. Allowing for 100 successful attacks per year would loosely fit both the IMO's and the Navy's estimates, particularly if the overall rate has declined slightly with the militant demobilization. As noted above, about three-quarters of these attacks are simple robberies, netting very little for the pirates.

Sometimes is not only for you to have the capability of addressing insecurity. First of all, you have to assess your threats, when you see your neighbor acquiring arms, you have to be very careful by also preparing yourself. We bought N pass interceptor boats. When we have any crisis on sea, for every response, we send these pass interceptor boats, we have two giant ships that we call DP Abuja and DP Lagos meaning Dynamic Protecting which implies that you don't have to go the shore you can go to the high sea and it has the capability of staying there and be seeing whatever is happening and it generate information and send it to where it's needed the interceptor boats have the capability or receiving information from the DP Abuja and the DP Lagos where there is an attack or threat, they will send it to the interceptors and the interceptor will rush and respond to that threat. Not only in terms of insecurity, but in terms of accident at sea, research and rescue. Once it generates the information, we have what they call the C4I, it is the brain of the entire deep blue project; what is gathered on land, air and sea will be sent to the C4I communication center, it will be received and disseminated. The deployment of these facilities is responsible to a large extent in the decrease of the piracy at sea (Interview with NIMASA DG on 09/01/23).

He concluded that God that created the world made 2/3 of the world to be water with different resources in it; Nigeria has oil but doesn't have iron. To acquire iron, she depends on Japan for instance. So to transport such goods to Nigeria, the safest route is sea, so if there is no security at Nigeria sea, it will discourage the Japanese men to risk its ship and personnel in it.

The above interview response implies that irrespective of the adoption of IMO conventions and above identified measures employed by government to address the issue of maritime crimes in Nigeria's maritime domain, the government has not been handling the issue of maritime crimes in Nigeria's maritime domain effectively.

Discussion of Findings

i. The study discovered that some of the theft and armed robbery against vessels in Nigeria's maritime domain and GOG in general are due to a high level of bribery and corruption such as port and security personnel teaming up with criminals. Thus, it becomes inappropriate and legally wrong to describe theft and armed robbery at sea within internal and territorial waters and port facilities as piracy. The above finding is in tandem with Tepp (2012), who concluded that there are many factors contributing to piracy in the Gulf of Guinea. These factors include "legal and jurisdictional weakness, favorable geography, conflict and disorder, underfunded law enforcement, inadequate security, permissive political environments, cultural acceptability, and promise of reward". Unemployment and the lack of economic opportunities encourage many to turn to piracy as a means of livelihood.

ii. The study also found that IMO has effective and efficient mechanisms in place for the elaboration, development and adoption of international treaties, rules and regulations and their implementation through the tacit acceptance procedure adopted for amendments to most fundamental international conventions. The IMO Maritime Safety Committee (MSC) has assisted member states to develop a Code of Practice to aid investigation of maritime piracy. The Code of practice recommends that states should adopt legislation to establish their jurisdiction over piracy and armed robbery against ship, including laws for prosecution of maritime crimes offenders.

The finding is in agreement with the submission by Aliyu, Modibbo and Mohammed who posited that that International Maritime Organization (IMO) has played, and continues to play, an important part in shaping the maritime environment. This is because Maritime security is an integral part of IMO's responsibilities.

Conclusion

Poor governance is a common problem across the resource-laden sub-region. Although states of the sub-region differ in many ways, they share several characteristics. All are post-colonial states with weak governments, underdeveloped economies and inadequate qualified human capital. Citizens suffer from poverty, hunger, illiteracy, unemployment and low life expectancy. Very few of the states achieve significant growth, and none can boast an equitable income distribution. A related vulnerability stems from most member states' weak internal security forces- forces that are undertrained, poorly equipped and incapable of effectively policing their internal waters and maritime boundaries. These negative influences lead to increases in maritime boundary disputes, piracy, illegal bunkering, disruption of oil terminals and flow stations operations, destruction of oil pipelines, poaching, terrorism, gun-running, and environmental degradation. Associated vulnerabilities include limited maritime domain awareness, weak infrastructure, and poor legislative and judicial arrangements. All these threats and vulnerabilities contribute to huge economic losses, the inability of member states to achieve millennium development goals, and shipping and trade losses.

Recommendations

Effective security systems require effective procedures, appropriate equipment and, above all, adequately trained and motivated people. At the lowest level this includes the need to implement frameworks and develop tools for raising security awareness amongst all employees. However, in order to ensure better and sustainable security systems, governments and the port sector should develop port security as a career, not just a job, with a focus on developing graduated training packages and programmes to enable personnel to progress from patrolling and guarding to security supervisory and management roles. There is also significant benefit to be had from developing port facility security officer networks to exchange best practice and learn from each other, possibly in cooperation with such organizations as the International Association of Airport and Seaport Police and regional port management associations.

Successfully fighting the scourge of maritime crimes would involve the formulation and enforcement of national anti-piracy laws which would clearly define acts under criminal headings and prescribe in clear terms, the full penalties for same. In addition, the mechanism for enforcement should be included. The IMO in recognizing the importance of domestic laws in the prosecution of pirates passed Resolution A.1025 (26) which encourages states to ratify enabling legislation that would codify their jurisdiction over piracy and establish procedures to facilitate the prosecution of pirates at sea. The Resolution further recommends guidelines for piracy investigation strategy. Some of their suggestions include that the state that own the attacked ships should initiate investigations for piracy incident while the state whose territorial waters the incident occurs should bear responsibility to investigate armed robbery at sea.

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