

AN APPRAISAL OF THE SUPPRESSION OF PIRACY AND OTHER MARITIME OFFENCES ACT, 2019

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Abstract

The damaging effect of piracy and other maritime offences in the world has led to the promulgation of international treaties such as the United Nations Convention on the Law of the Sea and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, in a bid to curtail piracy. The Nigerian maritime sector has over the years been burdened with the menace of piracy and other maritime offences. According to the International Chamber of Commerce-International Maritime Bureau (Piracy Reporting Centre), Nigeria suffered the highest number of piracy attacks in 2020. In line with the obligation of state parties to international maritime treaties and in a bid to enhance Nigeria's maritime security framework, Nigeria enacted the Suppression of Piracy and other Maritime Offences Act 2019. Despite the laudable provisions of the Act, piracy attacks have remained a persistent issue in the Nigerian maritime sector. This paper presents an overview of the Suppression of Piracy and other Maritime Offences Act 2019 and examines key provisions of the Act. The doctrinal research methodology was adopted. The conclusion of this paper is that an increase in capacity for law enforcement, better governance, and increased efforts to resolve land-based issues like corruption will have a positive impact in the fight against piracy and other maritime offences.

Keywords: Appraisal, Piracy, Maritime Act

1.0. Introduction

Maritime piracy and armed robbery against ships are among the contemporary challenges of the maritime industry which impact globally on maritime trade and security. Nigeria waterways are regarded as one of the most dangerous in the world. According to the International Maritime Bureau, "all waters in and off Nigeria remain risky and prone to attacks and as a result all

vessels are advised to be vigilant and take extra anti-piracy precautions, as many attacks have gone unreported.”¹

The Nigerian state having realized the implications of maritime piracy and its effects on the human cost, economic, social, environmental, political and diplomatic development of the country and having understood the weaknesses of the international regulations on piracy and their inadequacies, decided to introduce domestic laws to cater for piracy and armed robbery within its waters and in international waters within its domain or territory.² Hence a law was initiated by the Presidency titled Suppression of Piracy and other Maritime Offences Bill 2019 and sent to the National Assembly for Passage. After the National Assembly passed the Bill, the President gave assent to the bill on the 24th day of June, 2019.³

The SPOMOA provides the following as part of its efforts to suppress maritime piracy and armed robbery in its shores and the latest African Region. The SPOMOA adopted the United Nations Convention on the Law of the Sea 1982 (UNCLOS III) and the Convention of the Suppression of Unlawful Acts Against the Safety of Maritime Navigation 1988 (SUA) and its protocols. It stated in its opening statement that Nigeria is a party to UNCLOS and SUA conventions and that SPOMOA still recognizes and affirms their essence and Nigeria’s commitment to promoting them; SPOMOA fulfills the international requirements for stand-alone regulations on piracy; it provides a distinct definition of piracy and other maritime offences which are in line with UNCLOS III; SPOMOA provides for punishment upon conviction for maritime crimes which includes taking to court for the jail of several years or fine or both; return of assets to the owners of violated maritime properties or forfeiture of proceeds of maritime crime to the Nigerian government; establishment of piracy and maritime offences fund with special sources offending which will be a channel in the implementation of the SPOMOA; The Federal High Court is vested with exclusive jurisdiction for piracy at sea and also empowers the court to seize vessels or aircrafts used for maritime crimes in Nigeria or international waterways.

1.1. Features of the Suppression of Piracy and Other Maritime Offences Act 2019 (SPOMOA).

SPOMOA is a welcome development to the Nigerian maritime environment and to the economic security of West Africa. This is because it comes at a time when piracy and related offences are rife along the Gulf of Guinea and the coasts of Nigeria. In fact, an International Maritime Bureau Report for the third quarter of 2019 observed that 85% of piracy attacks

¹ O.W. Arugu & C.E. Halliday, ‘Strengthening the Legal and Institutional Framework for Combating Piracy and Armed Robbery Against ships in Nigeria’ in C.O.Chijioke (ed), *Issues and Responses on Maritime Law Volume One* (Enugu:Rhycex Publishers 2018)63-64

² S.A. Ibrahim, ‘Strengths and Weaknesses of the Legal Strategies to Combat Sea Piracy in Nigeria’ (Unpublished Dissertation, World Maritime University 2019) 41 <https://commons.wmu.se/all-dissertations/1134>. accessed 20 January, 2021.

³ Suppression of Piracy and Other Maritime Offences Act, 2019 (SPOMOA)

worldwide occurred there and ten times out of eleven where vessels were fired upon occurred on the coasts of Nigeria⁴ We shall examine some of the features of this legislation.

The Suppression of Piracy and other Maritime Offences Act 2019 seeks to prevent and suppress piracy, armed robbery and other unlawful act against a ship, aircraft, and other maritime craft, howsoever propelled, including fixed or floating platform. The provisions of SPOMOA are applicable to any person on board a ship or aircraft and fixed or floating platform navigating on or above the territorial or internal waters of Nigeria or on above international waters. It also includes circumstances where the offender or alleged offender is found outside Nigeria but is in the territory of a State who is a party to other International Maritime Conventions. We shall examine some specific features of the Act.

1.2. Acts of Piracy and Prosecution of Maritime Offences Under the SPOMOA

Section 3 of SPOMOA provides the definition of piracy and practically adopted the definition provided under the United Nations Convention on the Law of the Sea (UNCLOS) 1982. It provides that piracy consists of any; (a) Illegal act of violence, act of detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed: (i) In International Waters against another ship or aircraft, or against a person or property on board such ship or aircraft; (ii) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;

(b) Act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft; and

(c) Act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).⁵ Flowing from the definition of piracy, it is evident that any acts of violence committed against a ship within the territorial or internal waters of Nigeria will not be considered piracy. It is pertinent to distinguish between piracy and armed robbery at sea. Armed robbery against ships is often misinterpreted and misconstrued as piracy, these two criminal concepts are categorized differently. While the crime of piracy takes place on the high seas (international waters) and must fulfill some essential elements, the crime of armed robbery at sea, on the other hand, takes place within the territorial and internal waters of a Coastal State i.e., Nigeria.

The offence of piracy is provided under Section 3 of SPOMOA, while the offence of armed robbery at sea is covered under section 4. Section 4 provides that a maritime offence includes armed robbery at sea and any other act, other than piracy which is committed by any person or group of persons where that person or group of persons or their sponsors unlawfully within the Nigerian Maritime Zone or jurisdiction commit the following acts or offences such as hijacking of a ship, destruction of a ship, theft of cargoes on a ship, demanding ransom, receiving proceeds from the offences of piracy, permitting pollution of water from the ship, threat to life

⁴ <https://guardian.ng/features/piracy-armed-robbery-in-gulf-of-guinea-and-other-maritime-offences-act-2019/> accessed 2nd July, 2021.

⁵ UNCLOS 1982, art 101, SPOMOA, s. 3

whether or not to solicit for ransom, providing false claim of a piracy and other maritime offences under the Act.

SPOMOA mandates NIMASA to prosecute offences created under the Act subject to the consent of the Attorney General. SPOMOA provides that the Attorney General; any law officer so designated by the Attorney General; or the Nigerian Maritime Administration and Safety Agency (NIMASA) with the Attorney General's consent are empowered to prosecute offences under Act.⁶

1.3. Punishment of Offences Under SPOMOA

SPOMOA provides for the punishment of life imprisonment and a fine of not more than N50,000,000(fifty million naira) in addition to the restitution to the owner or forfeiture to the Federal Government of Nigeria whatever the person has obtained or gained for a person who commits piracy whether he was armed with firearms or not. It further prescribes a fine of N500,000,000 (Five hundred million naira) for a company or entity that commit the offence of piracy and each of its directors or principal officers or any person responsible for its management and control, shall be liable to a fine of not less than N100,000,000(one hundred million naira) and imprisonment for not less than 15 years each in addition to restitution to the owner or forfeiture to the Federal Government of whatever property gained.⁷

Furthermore, whereas an attempt to commit an act of piracy attracts a fine of at least N100,000,000 or imprisonment for at least 12 years, an attempt to commit any maritime offence other than piracy attracts a fine of at least N75,000,000 and imprisonment for 10 years⁸. It should be noted that the institution or continuance of criminal prosecution against any person for an offence under SPOMOA does not shield the defendant from liability in civil actions instituted against them as it is a trite principle of Nigeria's legal jurisprudence that both civil and criminal actions can be maintained simultaneously or concurrently on the same act⁹.

It must be pointed out that the provision of SPOMOA that imposes forfeiture of goods obtained through piracy is very commendable. One of the main drivers of piracy is the profit therein and as such every effective legislation must be able to effectively allow the profits to be traced and forfeited.

1.4. Reporting of Incidents of Piracy and Evidence Preservation

SPOMOA provides a novel understanding of the responsibility to report crimes proscribed under SPOMOA and even goes further to prescribe punishment for failure to report such maritime offences. It foists the duty to report maritime offences on all persons including the ship master, ship owner, relevant authorities and any person having knowledge of the incident.¹⁰ The draftsman seems to have intended that the process of reporting maritime offences be open so as

⁶ SPOMOA, s. 5(1)

⁷ SPOMOA, s. 12

⁸ SPOMOA, s. 13

⁹ SPOMOA, s. 13(4); See *Veritas Insurance Co. Ltd. v Citi Trust Investments Limited* (1993) 3 NWLR (pt.281), 349 at 365

¹⁰ SPOMOA, s. 16(1)

to encourage the public to be fully involved in the process for proper investigation. Interestingly, SPOMOA seems to have deviated from the customary posture of statute towards the duty to report offences. The general thrust of most criminal legislation has been to be silent on the duty to report crimes. At common law, the duty to report crimes was limited to felonies and even this has been abrogated¹¹. The now simply requires such duty in very specific circumstances. The SPOMOA is a deviation from this norm of law, it prescribes a steep fine of a minimum of N5,000,000 on conviction. In our humble view, this appears draconian, and may not practically fulfill the end to which this provision was enacted. This is because, there does not exist a working system for protection of informants and thus persons who inform the authorities may be attacked by said pirate gang members. In the same vein, SPOMOA prescribes a steep penalty for the alteration or destruction of evidence.

SPOMOA provides that any person that alters or destroys evidence is liable on conviction to imprisonment for a term of at least 12 years and restitution for the items altered or destroyed.¹² This provision and the whole tenor of SPOMOA by extension, is meant to deter people from taking part in activities likely to sabotage an ongoing investigation of piracy or criminal action in court.

1.5. Piracy and Maritime Offences Fund.

SPOMOA provides for the establishment of ‘the fund’ for the administration of NIMASA. We must agree that the process of investigating and apprehending pirates and similar offenders is a financially intensive endeavor. Even with all the financial endowments at the disposal of major maritime agencies around the world, piracy remains a major challenge within their jurisdiction. The establishment of the fund will serve as a ready reservoir to equip relevant authorities and grant access to the competitive equipment and personnel in the fight against piracy.

SPOMOA provides that the sources of financial resources for the fund, including financial approvals by the government, gifts from beneficiaries, 35% proceeds from the sales of property seized or forfeited under the Act, contributions from the maritime agency and funds under the Cabotage Vessel Financing Fund are also included in the sources of revenue for the fund.¹³

2.0. Legal Challenges in the Implementation and Enforcement of the Suppression of Piracy and Other Maritime Offences Act 2019

We have observed the following challenges to the enforcement of the Act.

2.1. Inadequate Enforcement Capacity

As a result of NIMASA's inexperience and lack of training, enforcing the Anti-Piracy Law is a difficult task. The Agency needs experts in the field of piracy and anti-piracy laws, both

¹¹ R. v. King (1965) 1 ALL ER 1053

¹² SPOMOA, s. 14

¹³ Section 19(3) SOPOMO Act.

domestically and globally. As much as they try to train their staff around the world, there is still a need for better training that will equip them with modern knowledge of piracy and strategies of legal interpretations to ensure that laws enacted in 2019 are adequately implemented and utilized. Also, the maritime industry in Nigeria is very wide in scope and importance. The coastal and inland waterways in Nigeria are numerous and would require a lot of resources to adequately police. Unfortunately, NIMASA cannot boast of the depth of resources or qualified personnel to take on this challenge.

2.2. Corruption

NIMASA and other maritime security agencies are not immune to corruption either. Most of Nigeria's maritime safety laws, such as the Merchant Shipping Act, NIMASA Act, and the SPOMOA are enforced by NIMASA. Corruption, on the other hand, has a negative impact on NIMASA's ability to carry out its duties in a fair and impartial manner. Every sector of the Nigerian economy is affected by corruption, but none more so than the public sector. NIMASA is not the only regulatory agency affected by this wide-ranging corruption. There have been reports of bribery directed against the Nigerian Navy, Customs, Immigration, and other agencies by pirates and other criminals on Nigerian waterways. This is a very primary factor preventing effective enforcement of the provisions of the Act as authorities are ready to look the other way for financial gratification.

2.3. Limited Inter-Agency Cooperation

One glaring shortfall of the SPOMOA is its failure to pinpoint a particular agency responsible for its enforcement. This problem has long since plagued the maritime industry in Nigeria. The Nigerian Navy, the National Inland Waterways Authority, amongst others, have always competed jealously for the control and management of the maritime industry.

SPOMOA puts enforcement of its provisions in the hands of the 'relevant' authority. This may be the NIMASA, Nigerian Navy, Police, etc. This is responsible for the dereliction of duty and poor enforcement of regulations in many industries in Nigeria. SPOMOA however provides that NIMASA shall have powers to prosecute offences created under the Act subject to the approval of the Attorney General of the Federation.

It should be noted that recently, NIMASA launched its Deep Blue Project, a collaborative security architecture for the protection of the waterways. Launched on 10 June 2021, the project is expected to deploy modern security and surveillance equipment to secure Nigerian territorial waters up to the Gulf of Guinea (GoG). The project includes the specially trained Maritime Security Unit (MSU), with personnel from the Nigerian Navy, Air Force, Army, Police Force, and the Department of State Services.¹⁴ Three helicopters, four airborne drones, and two special mission vessels will provide 24/7 coverage for the region from a Lagos-based command and control center.

2.4. Poor Inter-State Cooperation

¹⁴ <https://www.nepia.com/industry-news/nigeria-announces-new-maritime-security-initiative-the-deep-blue-project/> accessed 12 August 2021.

Of all the West African countries that were part of the Yaounde Process, only Nigeria has gone ahead to enact an anti-piracy law in any guise. There has been a lack of cooperation over time within the gulf, with many countries preferring to tackle their own maritime challenges themselves. This is in sharp contrast to America and Europe where regional cooperation has been effective in combatting the menace of piracy and armed robbery at sea.¹⁵ The Yaounde Summit of 2013 proposed a new security architecture for the maritime sector within the GoG. Recent high-profile piracy attacks have shown that regional and international efforts are still insufficient to combat piracy. In fact, an IMO Report recently put Nigeria and the GoG at the pinnacle of piracy and incidents of armed robbery at sea in the world. The other countries in the region must enact comprehensive legislation on the regulation and suppression of piracy within their territories. Also, it has been noted that navies in the region are scattered and far between, frustrating any hope of effective policing of the waterways. The solution to this challenge must come in the form of better cooperation and coordinated naval and air operations to combat and root out piracy within the region.

Also, countries within the region must cooperate to ensure that pirates running away from justice are not harbored as fugitives within their jurisdiction. Extradition treaties and other measures should be put in place to prevent the appearance of havens for fleeing criminals.

3.0. Suppression of Piracy in other Jurisdictions

We shall consider examples of both successful and unsuccessful efforts by other countries faced with similar problems to suppress piracy in their territory. We shall consider examples from Somalia and Malaysia.

3.1. Suppression of Piracy in Somalia

Somalia and its coasts have been the hotbed for piracy for some decades now. The situation has been so volatile it has led to the passing of six UN resolutions. The importance of Somalia and the Horn of Africa to global trade cannot be underestimated. The region accounts for about 12% of global shipping of petroleum products and other chemicals. One piratic attack often affects the interests of many countries, including the vessel flag State, various states of nationality of hostage-taken seamen, regional coastal States, proprietary States and owners of cargoes, transshipments, and destination States. Such attacks further undermine trust in international sea lines, weaken or threaten State legitimacy, put legitimate revenue and resources, which are essential to Somalia's development, increase maritime insurance rates and cargo charges, increase risks of damage to the environment and endanger the lives of seamen who are susceptible to injury, murder or hostage taking.

Somalia enacted its anti-piracy law, Law on Combatting Piracy in 2012. Interestingly, the law prescribes a term of imprisonment for the offence of piracy between five to twenty years imprisonment except where murder is part of the offence committed. It has been stated by commentators that the law deviates from the known definition of piracy under UNCLOS and

¹⁵ Hugo Decis, Gulf of Guinea; Stepping up to the Maritime Challenge? IISS 2020 accessed 15 August 2021 <https://www.iiss.org/blogs/military-balance/2020/04/gulf-of-guinea-maritime-security-challenges/>

other international legislation. The law has also been criticized for being scanty and not covering broad enough issues at the heart of piracy within the Somali jurisdiction.

With the high levels of corruption, a reversal in the failing states would not be possible without the ever-expanding piracy along the Somalian coast and the establishment of a strong operational basis in urban cities. The creation of a stable body in Somalia is being undermined by corruption. Moreover, corruption allows pirates to operate without impunity for their multi million business. The lack of a new government with its resources to pay security forces provided strong stimuli for corruption and extortion.

In Somalia, the end to piracy has demanded wide international cooperation and self-investment from the various naval capacities—which is a remarkable level of collaboration among countries today. In order to secure the region, the international community has agreed to adopt a common and global approach to piracy. As a result, there have been several common actions; States cooperate to combat the threat by improving naval capabilities.

The Djibouti Code of Conduct has been brought into effect to tackle the menace of piracy in the Horn of Africa. It is, however, a non-binding agreement and thus cannot invoke obligations on parties. A major tool supplementing the existing piracy legal framework is Djibouti Code of Conduct. It aims to increase the effectiveness of fighting piracy. Therefore, the Code of Conduct calls on the more competent parties, like Saudi Arabia and Egyptian ones, to contribute to the security of the countries of the Region.

3.2. Suppression of Piracy in Malaysia

The importance of the Straits of Malacca as an international waterway has been boosted by advances in shipping technology, international seaborne trade, and the economic growth of developing Asian countries. Malaysia is home to one of the world's busiest waterways (Malacca Straits). The issue of husband-and-wife violence will be negatively affected in terms of promoting the two major Malaysian ports Port Klang and Port of Tanjung Pelepas on the Malacca Straits, as international container shipping hub¹⁶. The attacks have led to economic consequences for Malaysia where most foreign ships are not willing to stop at both ports as their journey will continue to be delayed, thus increasing the risk of being attacked by pirates. Malaysia therefore loses its chance to collect custom duties. The undermining of their trading capacity is another direct economic impact that exists with hotspots. Sea attacks within the jurisdiction make trading costlier and, consequently, less beneficial. This has also had negative effects on international relations as more countries are reluctant to do business with Malaysia citing collusion of government officials and corruption.

From the background above, it is clear that Malaysia shares similar economic and political challenges with Nigeria in relation to maritime piracy and official corruption. We shall next consider the legislative and political response to this challenge. Malaysia does not have a special legislation tackling piracy and other maritime offences and has not domesticated any

¹⁶ J. N. Mak, *Unilateralism and Regionalism: Working Together and Alone in the Malacca Straits*, (2006) Institute of Southeast Asian Studies Singapore p.104

definition of piracy.¹⁷ The arrested suspects will then have to be brought to trial for other crimes that might best be considered in the case of armed robbery, conspiracy or even terrorism if certain elements are satisfied. The law in accordance with the Judicature Courts Act 1964 and the Penal Code were not intended in Malaysia to prosecute high sea piracy.

A critical recent action taken by the Malaysian government was the creation, in November 2005, of the Malaysian Coast Guard (MMEA). A primary reason for establishing this agency was the need to unify all maritime control of the Malaysian coastline in one agency to avoid the constant rivalry associated with the existence of many regulatory bodies with overlapping functions.¹⁸

A number of existing marine enforcement agencies, including the Royal Malaysian Marine Police, the Department for Fisheries, the immigration department, the Customs Department and the Marine Department, are now being reunited in the MMEA. In accordance with the MMEA Act, MMEA is the main search and rescue agency at sea and was tasked with performing enforcement duties under all federal legislation to ensure safety and security in the waters of Malaysia. It is expected that this unification will improve the ability of Malaysia to deal with maritime crimes, including piracies and maritime terrorism.

Another facet of the Malaysian experience in combating sea piracy has been bilateral cooperation. Malaysia has entered into bilateral agreements with Singapore and Indonesia to safeguard the waters of the Malacca straits and share information and intelligence.¹⁹ The governments of Indonesia and Malaysia have set up a Joint Border Committee to establish a mechanism for maritime cooperation between both countries. This agreement covers the joint exercises and operations of the naval force and police in the Malacca Straits by both countries.

4. Lessons to be Learned from Other Jurisdictions

Piracy is a serious problem for the international community, as it occurs in all maritime zones and affects the interests of all states, whether coastal or landlocked, to varying degrees.²⁰ Piracy in the Indian Ocean off Somalia, in the GoG, the Straits of Singapore and Malacca, the Arabian Peninsula, Caribbean, Celebes and Java and North Yellow and South China Seas as well as the Bay of Bengal are all examples of maritime piracy resurging today at a rate unheard of in history. This has prompted other countries to enact and implement maritime and piracy suppression legislation in their jurisdiction and encouraged regional cooperation to fight the menace. We shall examine holistically how much success has been achieved and what lessons can be learned. Piracy is covered by a large body of international law, which began with state practice and evolved over time into a large body of customary international law in this area.

¹⁷ Nurulizwan Zubir, Maritime Violence: Implications to Malaysia available at 10.21776/ub.arenahukum.2012.00501.6 accessed 14 August 2021.

¹⁸ MMEA's Background (2013), MMEA <http://www.mmea.gov.my/eng/index.php/en/aboutus/background/> Accessed 15 August 2021.

¹⁹ Joshua Ho, 'The Security of Sea Lanes in Southeast Asia ' (2006) 46(4) Asian Survey 558, 565.

²⁰ UNSCOR, 67th year, 6727th Mtg, UN Doc S/RES/2039 (2012) at Preamble

The United Nations have noted that piracy is not always preventable and the whole gamut of legislation from individual countries and from the regions and sub-regions have not been enough to prevent piracy and other maritime offences. The report also notes that most national laws on piracy are obsolete and the judicial system in most of these countries especially the African countries do not have the requisite skills to prosecute and adjudicate over maritime offences.

Of most significance is the understanding that piracy can most effectively be combated by joint international action at the sub-region, the region and on a global scale. Therefore, many international treaties have been entered by states and international cooperation has become the standard to effectively combat piracy and other maritime offences.

For the purposes of this work, we shall briefly examine the lessons learned from the following perspectives: (a) Weak Law enforcement (b) Maritime insecurity (c) Economic factors.

(a) Weak Law Enforcement

Piracy is usually paramount in countries where there is no effective apparatus for the prevention of and prosecution of crime. This is attributable to failed states or countries experiencing Political instability. Take Somalia for example, there is little to no enforcement of maritime regulations and international conventions on the protection of life and property on the sea. From the methods by which the coasts and seas are patrolled and monitored, to police, intelligence and prosecution capabilities on land, and the effectiveness of the judicial sector in prosecuting pirates. This is in part because of the weak law enforcement mechanism within the territory.

While we cannot say same holds true for Nigeria, we can agree that public corruption has built a chain of events necessary to allow for the operation of pirates. There are many instances of reports stating that the patrolling of seas and coasts is heavily underfunded leading to vast seas and rivers unpoliced.²¹ Nigeria must learn this lesson, and ensure that going forward, the enforcement provisions under the SPOMOA must be given absolute to prevent dereliction and abandonment of our waterways to pirates.

(b) Maritime Insecurity

Lack of effective law enforcement has a lot to do with the degree to which a region's maritime environment is insecure and violent. Criminal activity such as illegal fishing and trafficking is more likely to occur in areas where there is a high level of illegal activity. Coast guarding and law enforcement at sea are not the only issues at stake, but also how far violence and insecurity at sea are considered the norm. We come back again to the Somali example, where the area in question has been a haven for vagrants and armed groups. This in fact has become normal such that residents of these communities are used to the sight. In fact, these areas are no longer subject to government presence or any form of management or control.

In Nigeria, the rivers of the Niger Delta, which has the highest piracy rates only behind Somalia, is controlled by armed groups and militants. Also, the geography of the area with

²¹ B. S Essien, (2015) Sea Piracy and Security Challenges of Maritime Business Operation in Bayelsa State, Nigeria: an Empirical Study. Int J Humanit Soc Sci 5–2:213-221

hidden creeks and waterways allows piracy activities to thrive and naturally, thwarts government and international efforts to combat piracy in the region.

For the SPOMOA to be a success, government and law enforcement agencies must learn these lessons and ensure that adequate attention is paid to the pitfalls recorded by other states with similar geographic, political, and structural circumstances.

5. Conclusion/Recommendations

Although a full policy analysis was not possible for the scope of this article, some important policy implications were identified as well as recommendations. Since the government of Nigeria, which is arguably confronted by several more serious security issues and internal crises, will probably not view the eradication of piracy as a high priority, the conclusions from this analysis could be used, at the number in the short term, to address some of the most serious harms at the highest priority rates. It would be fruitless to focus on long-term counterpiracy goals at this stage as this would be possible only when the political will to eliminate corruption is sufficient.

Nigeria must improve its capacity for law enforcement, better governance, and make greater efforts to resolve land-based issues like corruption. It can be difficult to improve the economic situation in Nigeria within a short space of time due to certain political, financial and economic constraints faced by the country.

Based on the conclusion, the following recommendations were made:

- i. NIMASA should evaluate legal cooperation frameworks that will help it implement SPOMOA that already exist at international and regional levels. This includes the exploration of various cooperation agreements and treaties not yet feasible and receiving appropriate approval and legal support for their implementation. NIMASA should use the appropriate authorities to domesticate them as regards the Yaoundé Code and Lomé Charter.
- ii. Sufficient financing for implementing SPOMOA should be made available. The ability of law enforcement agencies to discharge their duties effectively are constrained by the absence of funding.
- iii. The specialized aspect of the law is maritime law. The effective adjudication by a qualified and well-educated judge(s) in the maritime law and the law of the Sea, of the SPOMOA or other maritime legislation would require a specialized court. It is recommended that a Maritime Court be established, which should be appointed with jurisdiction in admiralty over matters relating to maritime legislation, maritime and ocean law, the interpretation and implementation of the maritime law and maritime law legal instrument, and any type of maritime crime.
- iv. All relevant agencies must work together as a unit to effectively tackle the piracy menace both on the inland waterways and the high seas. Proper coordination with other international bodies is also paramount for information sharing and joint implementation of policies.