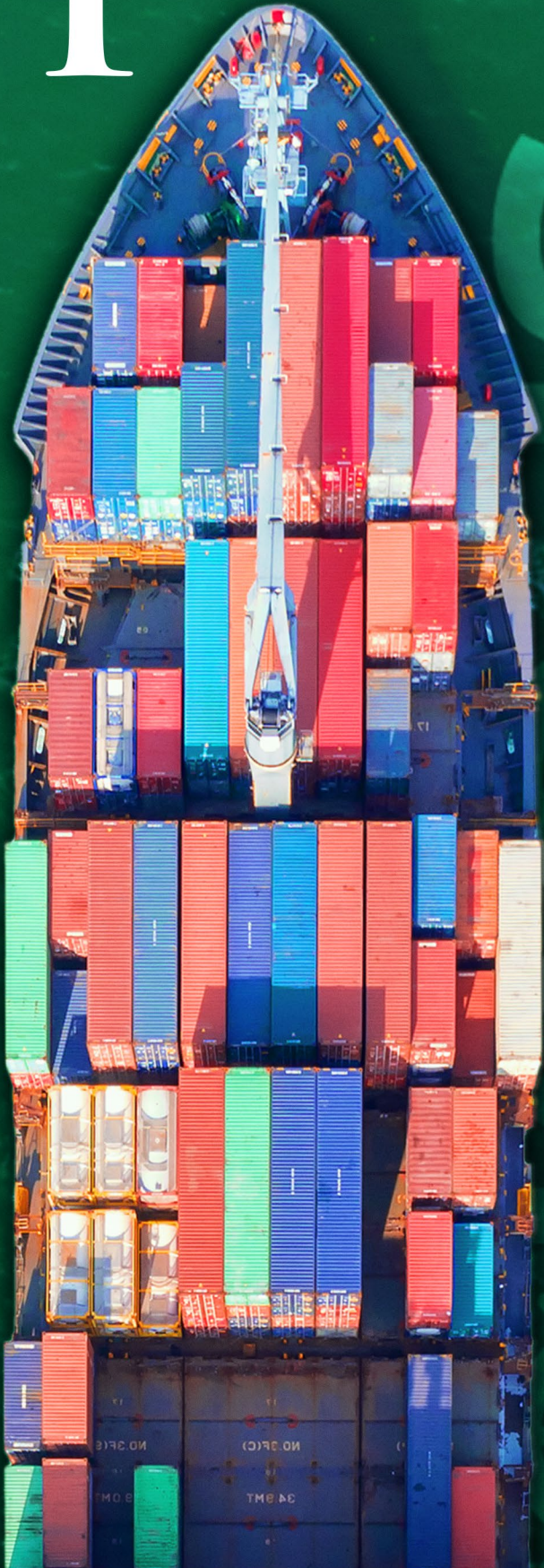


THE PRESIDENT'S NEWSLETTER

Vol 2. No 3



SECURITY OF THE MARITIME DOMAIN, SUPPRESSION OF PIRACY, ARMED ROBBERY AND RELATED OFFENCES AT SEA (SPOMO) ACT 2019:
Revisiting the far off funding & security of communities

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From the Editor's Desk

The ocean's contribution to the economy of various nations is immense. Interestingly, the ocean constitutes the primary transportation system for international trade. Before the promulgation of the Suppression of Piracy and Other Maritime Offences (SPOMO) Act 2019, the prosecution and investigation of maritime offences were cumbersome because there was no law to address the unique ingredients of the offence on the high sea and also the time frame for a thorough investigation of the particulars of offence. The Act was signed into law on 24 June 2019 making Nigeria the first nation in West and Central Africa to have a standard anti-piracy law with the aim of preventing and suppressing piracy, armed robbery, and other unlawful acts against a ship, aircraft, and any other maritime facilities. This heralded the conclusion of arguably the most exciting security legislative odyssey in post-colonial Nigeria.

In this edition, it was confirmed that SPOMO Act has taken pirates by storm within a relatively short period. This edition also revealed that while the creation of multiple funding is a vista in the fight against piracy in the Gulf of Guinea, the lack of access and lopsided fund management poses a threat to the sustainability of the peace in the Gulf. There would be a need for SPOMO enforcement to be tied only to the Maritime and Piracy Fund and the same to be managed by the Nigerian Navy.

This work identified the clash of interest in Cabotage fund disbursement and auditing and queried the dollarization of funds even though targeted at improving foreign reserves. The news of the work of a specialized law clinic – FOI Counsel was also shared as it partners with the International Labour Organization (ILO) and Accountability Lab, Nigeria on migrant workers and open contracting respectively.

This edition also has an extensive interview with the pioneer president of the Ship Owners Association of Nigeria (SOAN) Engr. Greg Ogbeifun. According to our guest, the Cabotage Vessel Fund is meant to revamp the indigenous ship business in the country, but the managing agency – NIMASA unlike its counterpart in the oil and gas sector- NCMDB poorly manages the fund by making it difficult to access. He identified hard work as his greatest secret and the passage of his parents as his saddest moment.

President Aigbokhan
Editor-in-Chief

Introduction

The Ocean's contribution to the economy of various nations is immense, with its contribution measured to be worth at least \$2.5 trillion per year.¹ Interestingly, the ocean constitutes the primary transportation system for international trade as more than 90 percent of the world's trade is done by sea.² A World Bank study estimates the risk associated with piracy and accessed the increased trade costs at 1%³ as well as insurance premiums. As we are aware, maritime transport has significant and strategic economic importance in global trade as it provides access to international markets. Even the landlocked countries could use the neighboring seas to import or export their goods across the world markets.

Before the promulgation of the Suppression of Piracy and Other Maritime Offences (SPOMO) Act 2019, the prosecution and investigation of maritime offences were cumbersome because there was no law to address the unique ingredients of the offence on the high sea and also the time frame for a thorough investigation of the particulars of offence. The Act was signed into law on 24 June 2019 making Nigeria the first nation in West and Central Africa to have a standard anti-piracy law with the aim of preventing and suppressing piracy, armed robbery, and other unlawful acts against a ship, aircraft, and any other maritime facilities. This heralded the conclusion of arguably the most exciting security legislative odyssey in post-colonial Nigeria but pressure for security ownership may well have a much longer history and intervention. The historical background of the Act reveals the influence of NIMASA in the passage of the law. SPOMO has taken pirates by storm within a relatively short period and has enlisted the commitment of a significant number of African countries.⁴

In 2018 actual and attempted piracy attacks by pirates in Nigeria's high seas soared and security and law experts brought a law called SPOMO. The law has brought rest to the sea with attendant impact on the blue economy. The watershed legislation has put piracy and terrorism at a record low level. Today, pirates are often trained fighters aboard speed boats equipped with satellite phones and global position systems and armed with automatic weapons, antitank missiles, and genocides. Unlike the pirates of old, whose sole objective was quick commercial gain many of today's pirates are maritime terrorists with an ideological bent and a broad political agenda. They are generally described as sea robbers or highwaymen of the sea. In the past, new evidence suggests that piracy is becoming a key tactic of terrorist groups. A nautical review of international legal instruments in addressing piracy and maritime terrorism poses a substantial risk for the global market, understanding that much of the world's energy and cargo are being shipped through pirate-infested regions like the Gulf of Guinea.





Today's modern pirates endanger lives, trade & also the surroundings as they mainly aim at vessels and crew traveling across international seas.

Today's modern pirates endanger lives, trade, and also the surroundings as they mainly aim at vessels and crew traveling across international seas. The rise of these pirates in the Aden and Gulf of Guinea (GOG) poses a great danger to commercial trade and aid. These pirates mostly use small high-speed open boats and immediately it comes towards the targeted vessels, the pirates start shooting using automatic weapons and rocket-propelled grenades to put fear on the crew members of the targeted vessels. In order to get to the deck of the ship, the fully armed pirates use hook ladders to climb and move to the target vessel. Mostly the pirates speed off very fast without being caught sailing away with the kidnapped crew members either on their ship or on the kidnapped vessel. The pirates ask for ransoms and organize for the money to be transferred to another different ship. Once the money is confirmed, they abandon the vessel and release the kidnapped crew. The seafarers most time are not trained for safety, defence, and report writing.

The most important cargo to pirates is the cargos which contain fuel, diesel, and natural gas. The pirates mostly assault the ships and transfer the resources to their vessels. A body known as the (OEF) (2013) indicated that between 2005 and 2012, over 61 seafarers lost their lives to pirate's brutal killings. They held five thousand four hundred and twenty hostages and two hundred and seventy-nine ships were stolen. More than 50% of the piracy activities took place within the coast Nigeria of between 2005 and 2012. However, this research focuses on the SPOMO Act of 2019 and its impact on the GOG and attendant loopholes.




What is Maritime Piracy & Armed Robbery on the

HIGH SEA?

Piracy is the first universal crime that occurred outside the space of any one country's jurisdiction and this accounts for the definitional difficulties of the concept as well as legal issues as it is important to provide the scope of activities that may come under the term. United Nations Convention on Law of the Sea (LOSC) of 1982 defines piracy as an act restricted to private actions that were committed against private ships.⁵ Article 101 of the Convention provides that maritime piracy is any illegal act of violence or detention or any act of depredation committed for private ends by the crew or passengers of a private ship or a private aircraft and directed: on the high seas, against a ship or aircraft, or persons or property on board such ship or aircraft; against a ship, aircraft, persons or property in a place outside the jurisdiction of any State. It further consists of any act of voluntary participation in the operation of a ship or an

aircraft with knowledge of facts that makes it a pirate ship or aircraft and any acts of inciting or intentionally. There is the requirement for private gain by the individuals which is different from the political motivations that characterize certain piracy incidents in the Gulf of Guinea.⁶ The convention also states that any act of voluntary participation in the operation of a ship or an aircraft with knowledge of facts makes it a pirate ship or aircraft. To be considered piracy, the crime must be committed on the high seas, must be carried out for private ends and there must be two vessels involved in the crime. Section 2 of the Act applies to persons onboard ships, aircraft, fixed or floating platforms in, on, or above the territorial and inland waters of Nigeria or on or above international waters. The Act further extends its applicability to individuals who breach its provisions while outside the territories as mentioned earlier but are in the domain of a State party to the

SUA Convention. The definition is essentially the same in pith as that provided for in Article 101 of UNCLOS. Similar to UNCLOS, there exist three main elements of the offence of piracy which are that the offence was committed for private ends on the high seas and involving two ships. The element of "private end" means that violent acts carried out against ships on the high seas done for political purposes do not come within the provisions of the Act. To put this into perspective, this means that the famous attack on the Achille Lauro would not fall within the requirements of the Act as the objective of the attack was political. The second crucial component of the provision is that piracy must occur "on the high seas". The rationale for this is that piracy, as an international crime, can only be committed on the open sea,⁷ and piracy in interna-




tional waters has as much to do with international law as other robberies within the territory of a State. It is head-scratching that the definition does not recognize that piracy may occur within the territorial waters of the state as there is a larger concentration of commercial vessels in territorial waters, closer to the respective State port. Indonesia and Malaysia have noted the inadequacy of this second requirement and have instead opted for the use of the term “armed robbery against ship” or “sea robbery”, instead of “piracy”⁸ to refer to attacks against ships occurring in the Malacca Straits. The last element on the need for the involvement of two vessels is not encompassing. Acts such as mutiny and sabotage, done by on-board crew members, will not fall within the definition of Piracy because there is no second ship involvement

Even though pirates ought to be prosecuted and sentenced by states with territorial jurisdiction, or with their consent, the states of the Gulf of Guinea exhibit important jurisdiction, logistical, and ethical difficulties in this regard. In addition, the laws of these countries do not make piracy a universal offence in light of the provisions of the United Nations Convention on the Law of the Sea (UNCLOS), Section 3 & 4 of the SPOMO Act creates an offence on the sea as “any act of violence on a ship on the high seas or armed robbery against a vessel in territorial waters of a coastal state can be prosecuted in Nigeria”.

Piracy can be defined as an act, which is carried outside the jurisdiction of a state. Thus, beyond miles, is piracy. If it's within 12 miles, it is categorized as an armed robbery against a ship. The difference is the jurisdiction. Piracy is a multinational crime and states must intervene within 12 miles. In *United States v Said*, for example, the government tried to prosecute individuals who had unsuccessfully attacked a US Navy docks ship speculating maritime piracy. However, the court under the rule of Judge Raymond, held that ‘piracy’ by UNCLOS requires piracy on high seas. That individual could be prosecuted for the offence of committing violence against a person on a vessel. An international Tribunal for the prosecution of pirates in the GOG might as well serve as a solution to these problems. The tribunal would provide scope for creating the jurisdiction for prosecuting the pirates who attack and hijack vessels on the high seas.

In the case of *Achillelauro*, four members of a Palestinian liberation group aboard an Italian vessel hijacked it and demanded the release of Palestinian prisoners. Given that they had already boarded this was said to be hijacked



The element of “private end” means that violent acts carried out against ships on the high seas done for political purposes do not come within the provisions of the Act

and not piracy. The gaps in the piracy rules provided by UNCLOS, as revealed by various piracy events, including the hijack of Achille Lauro in 1985, necessitated a new legal framework to prevent unlawful acts from being unregulated due to the limitations of the traditional definition of piracy. No doubt robbery or unlawful expenditure on the sea is piracy.

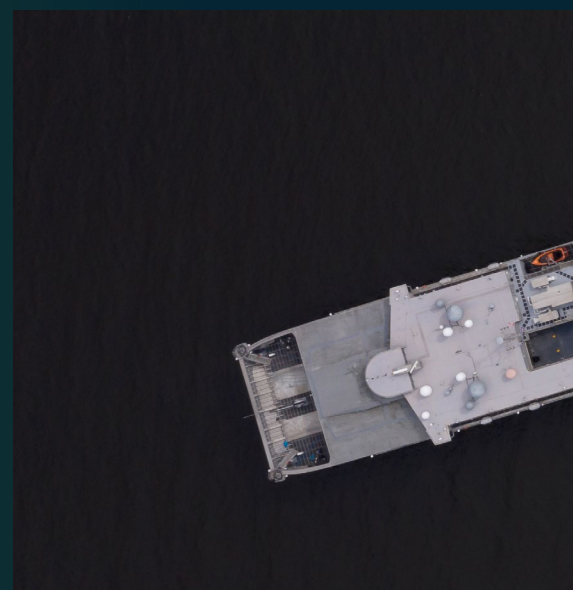
This was also the position in the English case of *The Magellan Pirates*¹⁴ where the court stated, while noting the different definitions of piracy that existed, that all nations agreed that such acts of murder and robbery when committed on the high seas were piratical. Thus, the position before prior to any legal framework was the understanding that the commission of certain delimited acts involving violence on the high seas, not being a lawful act of war but with piratical intention, amounted to piracy.⁹

The concept of maritime piracy is slippery. According to Oppenheim, piracy in its original and strict meaning comprised of at least three elements¹⁰ viz; an authorized act of violence, occurring on the open sea and committed from one vessel against another.

The glaring problem with this definition is the fact that it is narrow and does not cover certain instances. For example, the two-vessel requirement meant that cases of the takeover of

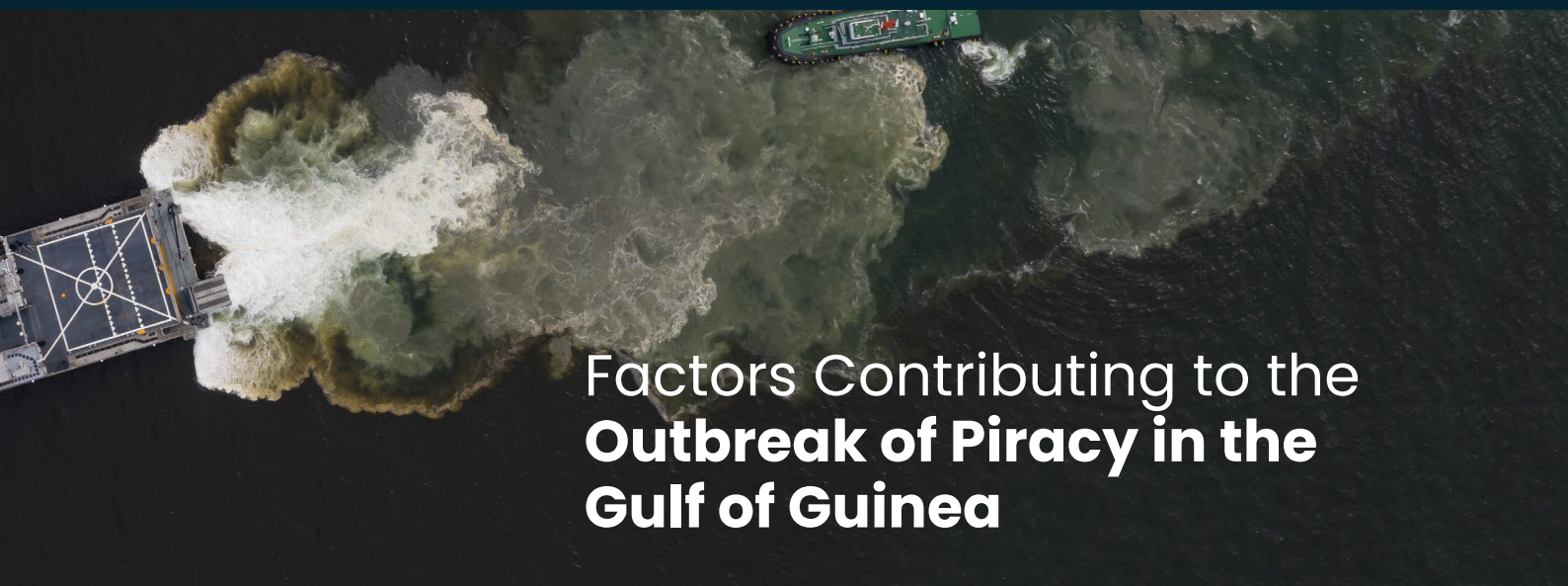
ships were not covered as they involved only one ship. Furthermore, the motive for such criminal acts was whether the acts were piratical and this usually did not include politically motivated attacks on vessels.

An action is considered maritime piracy when carried out against another ship. This is considered to be the two-vessel requirement of the pirate vessel and the victim's vessel. UNCLOS mostly requires the acts to be carried out on the water as opposed to a second party. To understand where the high sea starts and ends, it is important to ascertain another sea zone, however, given that piracy must be carried out on high seas, this implies that for any attack on the territorial sea of a state, the provision of UNCLOS would not be applied. States have the right to fight maritime robbery. It may be argued that this approach ensures consistency, although it may be problematic where the coastal state has neither the resource nor the political will to stop the attacks not only within EEZ but also in its high seas as well as its internal waters (e.g. Somalia) however even reluctant to do this as a fear of interfering into another state claiming the Exclusive Economic Zone (EEZ). Rather than basing its thrust on a singular definition of piracy, the SUA Convention provides for a long list of offences that affect the safe navigation of ships on the sea. The SUA Con-



vention did not require private gain and also did not need the presence of more than one ship for an act to be criminalized. Under the SUA Convention, attacks on ships that are politically motivated and attacks from within the ship are adequately criminalized.¹¹

Furthermore, the SUA Convention addressed geographical jurisdiction by extending this beyond just the high seas. By Article 4 of the SUA Convention, State parties have the right to prosecute acts of piracy carried out on a ship navigating or scheduled to navigate to or from the territorial waters of a State.¹² However, the SUA convention did not provide for the punishment of offenders under the treaty. The SUA Convention places an obligation on State parties to make specific laws that would guide sentences for the crimes created. Furthermore, the SUA convention fails to impose any real obligation on State parties to prosecute or punish offenders.



Factors Contributing to the Outbreak of Piracy in the Gulf of Guinea

The impact of piracy on the Gulf of Guinea ranges from environmental to economic concerns. The issue of pollution arising from pirate attacks on tankers constitutes a danger not only to the maritime ecosystem, but it increases the economic implication for affected coastal countries, which are subject to vessels carrying hazardous substances. A spill that involves oil may cause damage to the maritime biodiversity and may endanger economic chances and livelihood gotten from the exploitation of seas, (fisheries, tourism, cruise shipping). As of late 2011, the Gulf of Guinea was contaminated as a result of the spillage of over 40,000 barrels of oil, which originated from the Bongo Oil field situated in offshore Nigeria. This is in addition to the economic cost of sea theft which is in layers like costs of payoff, cost affecting foreign investment in those affected regions, and the cost on commodity prices.

With established importance and a significant number of economic resources passing the seas every day, the ocean presents viability for both legitimate and illegitimate businesses. Unsurprisingly, West Africa lost \$2.3 billion to Maritime Crimes in the Gulf of Guinea between 2017 and 2019.¹³

The trouble of Piracy within the Gulf of Guinea is a threat to maritime security and the general growth of nations within the region. Accordingly, the region witnessed six hijackings of maritime ships in 2018. Of the 18 vessels fired on worldwide, the Gulf of Guinea saw 13 of the attacks, and the region witnessed 130 of the 141 hostages taken globally.¹⁴ Nigerian waters have not fared better either, as in the last three months of 2018, Nigerian territorial waters recorded 41 kidnapping incidents and 31 piracy incidents.¹⁵ Despite the oil wealth of the countries, most of these countries are suffering

due to the corrupt system. Basic services such as decent job opportunities, health facilities, and education are lacking in these states and petroleum products are scarce.

In Nigeria, corruption has left the country's refineries in bad shape while in other countries, the wealth only benefits the central government, oil companies, and also local elites. Only the privileged enjoy the profits, this led to crimes in these states leading to piracy theft. However, the decline of the livelihood, made the youths to be easily recruited into onshore and offshore criminal acts tempted by the attraction of quick cash. Most fishermen end up selling their boats to pirates or become pirates themselves. The rewarding nature of these crimes makes them attractive to the youths. The Nigerian youths earn big from ransoms or payments they receive from their bounty.

Regulation of Piracy prior to the enactment of SPOMO

Nigeria has ratified both UNCLOS¹⁶ and the SUA Convention¹⁷. Section 12 of the 1999 Constitution requires that such international Conventions be enacted into law before they can be enforceable in Nigeria. What this means is that the bulk of international jurisprudence on piracy is unenforceable in Nigeria. Consequently, while Section 215(h) of the Merchant Shipping Act 2007 provided for the application of the SUA, the provision falls short of the requirements of domestication under Nigerian law. Furthermore, the SUA Convention does not stipulate punishments for the offences created.¹⁸ Thus, even if the Merchant Shipping Act is assumed to have domesticated the Convention, it would fail the requirements for a valid offence provided for in Section 36(12) of the 1999 Constitution

Generally, pirates ought to be prosecuted and sentenced by states with territorial jurisdiction. However, there are important jurisdictions, logistical and ethical difficulties related to pirate prosecution in the states with territorial jurisdiction. It has been concluded that over 90 percent of pirates captured at sea have been released

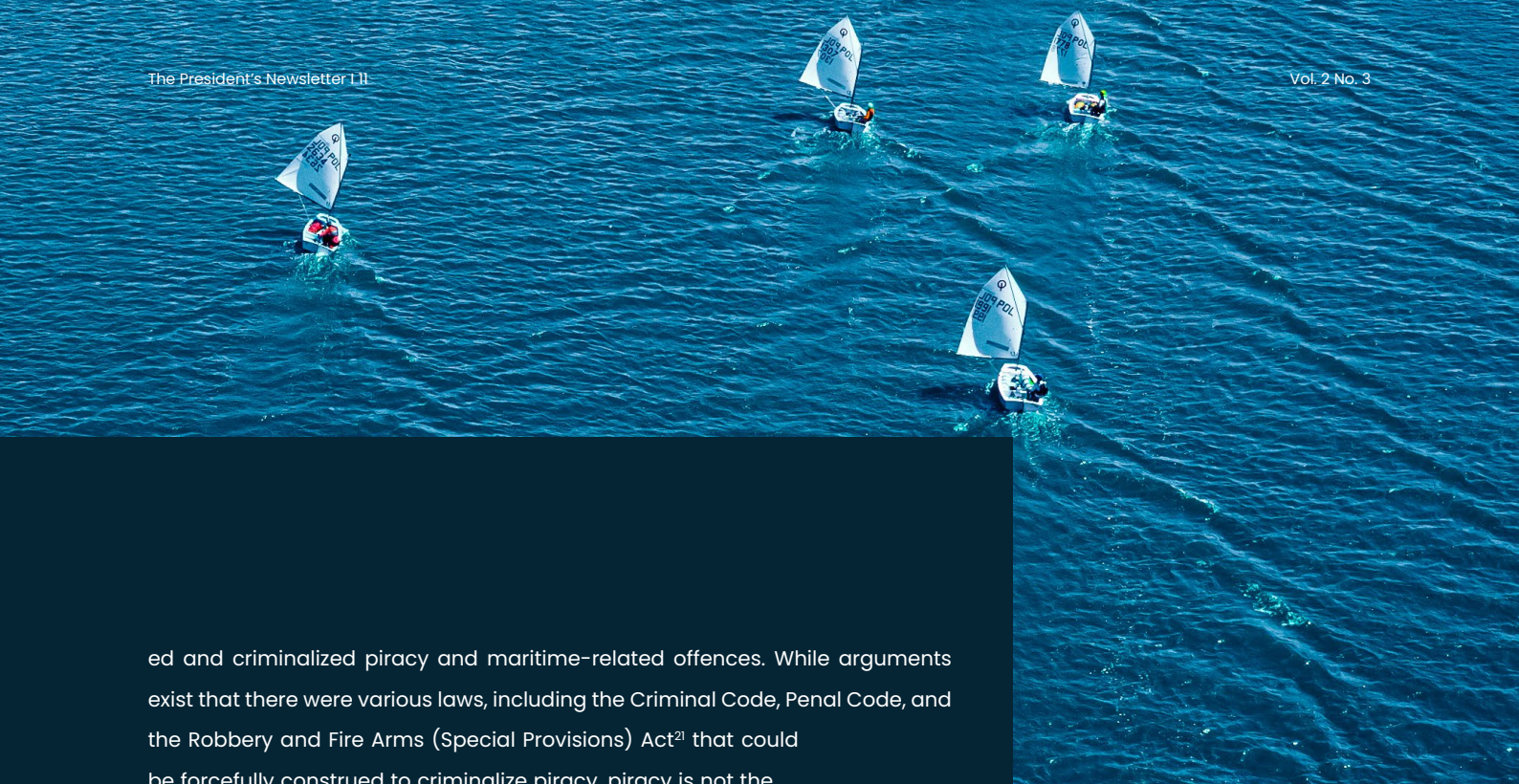
because the regions were not prepared to prosecute them. So much needs to be done to improve the capacity in their region, to enable states in this region to prosecute and imprison pirates on a consistent basis, and also to enhance processes of collecting and preserving evidence and sharing information. Moreover, the laws of these countries do not make piracy a universal offence in light of the provisions of UNCLOS. Thus, persons that perpetrate piratical acts in their internal waters of the Exclusive Economic Zone that is defined as within 200 nautical miles from the shore.

The UNCLOS¹⁹ provides for universal jurisdiction but was cumbersome to enforce until it was domesticated in SPOMO. The law has provided that the Federal High Court can assume jurisdiction where piracy occurs within the Exclusive Economic Zone (EEZ) which is defined as an area immediately adjacent to the territorial sea of Nigeria and extending 200nm from the baseline that establish the inner edge of the Territorial Sea of Nigeria.²⁰

In terms of local legislation, there was a paucity of laws that directly regulat-



There are important jurisdictions, logistical and ethical difficulties related to pirate prosecution in the states with territorial jurisdiction



ed and criminalized piracy and maritime-related offences. While arguments exist that there were various laws, including the Criminal Code, Penal Code, and the Robbery and Fire Arms (Special Provisions) Act²¹ that could be forcefully construed to criminalize piracy, piracy is not the focus of these laws. It would, therefore, be quite the ordeal to define acts of piracy to fall within them. In a similar vein, Section 15(1) (a) (ii) of the Money Laundering (Prohibition) Act 2011 provides for piracy and its possible criminalization.

Before the passage of the Suppression of Piracy and Other Maritime Offences (SPOMO) Act 2019, the prosecution and investigation of maritime offences were cumbersome because there was no law to address the unique ingredients of the offence on the high sea and also the time frame for the thorough investigation of the particulars of offence. The Act was signed into law on 24 June 2019 and some West African countries have shown interest in adapting the SPOMO Act²² and it will be common in the region; pirates in the countries will feel the disquiet that greets the enforcement of same. They will all be put to sleep.

The SPOMO Act remedies the pitfalls of the traditional concept of piracy by adopting the position of the SUA Convention in creating a fairly elaborate list of maritime-related offences.²³ The provision is particularly pleasing. It ensures that violent acts committed against or on vessels while within the Nigerian Maritime Zone or Nigerian jurisdiction are sufficiently captured under the law. Furthermore, there is no requirement for private gain or the need for two vessels in the list of offences created.²⁴ This is important as Nigeria witnesses criminal acts that are more politically motivated than privately pursued



How SPOMO chased away Terrorists from the Gulf of Guinea

The Gulf of Guinea (GOG) is in the north-eastern part of the Atlantic Ocean. It extends from Cape Lopez in Gabon, to Cape Three Points in Ghana and its coastlines include the Bight of Benin and Bonny. There exists a high rate of piracy there. Nigeria is the biggest member of the GOG. Piracy in the Gulf of Guinea has become a major issue for countries both within and outside the province. In Gulf of Guinea could be geographically defined to consist of the oil-producing states along the coast of central West and Southern Africa. The region comprises Nigeria and its neighboring countries. Chad is being added among the players because its oil is connected to that of Cameroon. The region is over six thousand kilometers; it extends from West to North and down to the south and this clearly shows its geo-maritime significance. It is famous for its affluence and is blessed with a great reservoir containing minerals also marine resources, which consist of diamonds and oil. More than half the population of Africa's petroleum manufacturers is directed to that province. However, the region's oil reserves hold a significant amount of oil the world economy needs in years to come. Each day that passes, the GOG transports about 4.7



million barrels of petrol to the United States of America, one million barrels of oil to Europe, eight hundred and fifty thousand barrels of oil to Asia. The huge investment in this region meant that the seaborne oil trade had increased with a growing number of maritime piracy and attacks in these oil vessels with high direct impact on transport risks and costs.

The Nigerian Navy handed over 10 pirates who attacked a Chinese vessel, the MV "HAILUFANG 11" to the Nigerian Maritime Administration & Safety Agency (NIMASA) for prosecution. The pirates boarded the vessel off the coast of Cote d'Ivoire on 15th May 2020 and directed it toward Nigerian waters. The pirates were arrested by the Nigerian navy which dispatched a ship to intercept the vessel after it got wind of the attack. The first trial of pirates under the SPOMA Act. The premier conviction under the Act was in August 2020 when the Federal High Court sitting in Port Harcourt convicted three persons arrested by the Nigerian Navy for allegedly hijacking an Equatorial Guinea flagged vessel named MV ELOBEY VI off the Equatorial Guinea coast on March 21. The accused were convicted to a fine of NGN 20m each.

The Act brings an end to the question of whether armed robbery committed on the high seas (piracy) falls within the rubrics of local legislation and gives exclusive jurisdiction to hear and determine the matters of armed robbery and other unlawful acts at sea to the Federal High Court. The Act also prohibits the hijacking of a ship, aircraft, or fixed, or floating platform, the destruction or vandalism of ship or floating platforms, installations, or navigation facilities, or interference with the operation of a ship or navigation facility. States territorial jurisdiction in the Gulf of Guinea has generally been ineffective in prosecuting alleged pirates. This is assigned to a variety of reasons which include the lack of political will, lack of the appropriate infrastructure, and the non-existence of penal laws, especially in criminalizing piratical acts. Thus, the response of the criminal justice system of these states remains a major handicap. States that arrest the pirates are sometimes unable to prosecute them because the attack occurred, or the arrest was made, in the contiguous zone of EEZ which the SPOMA Act, technically, is considered as territorial waters of the home state. Moreover, where they are prosecuted and imprisoned in the states that make the arrests, the pirates become a burden to the taxpayers.



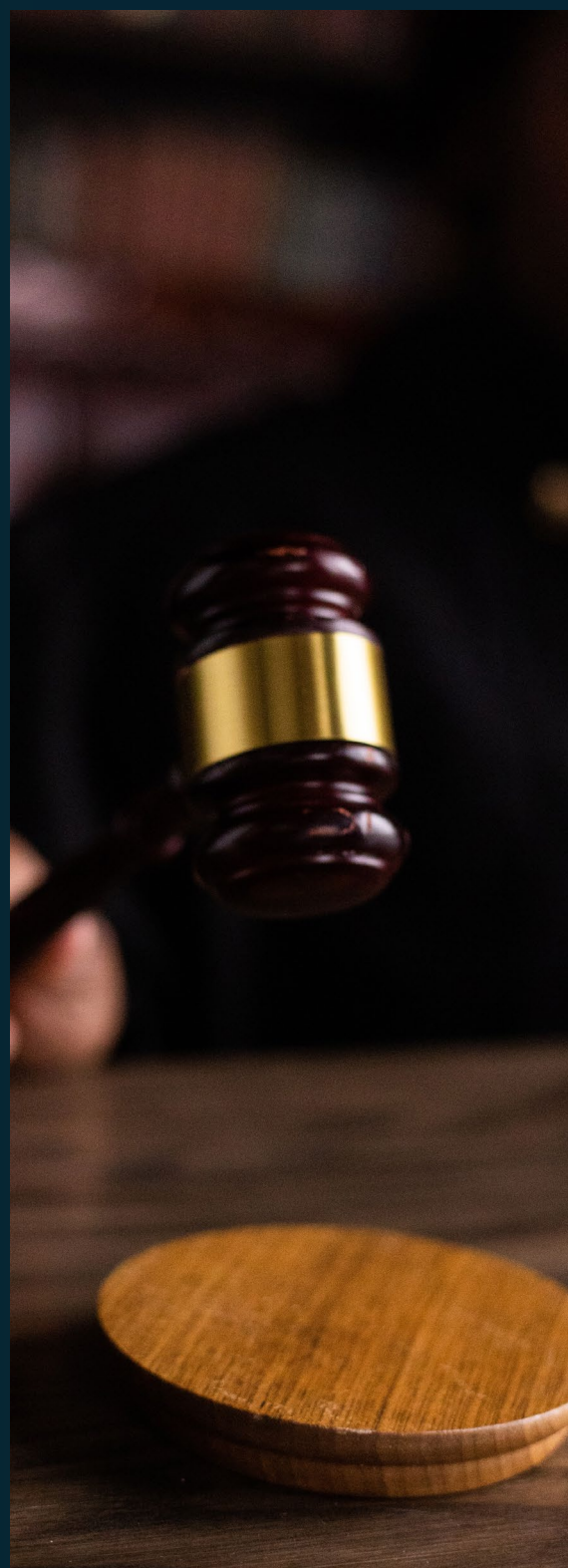
Enforcement of SPOMO in the Gulf of Guinea: Issues Arising

Attempt to commit an illegal act is not included in the definition of piracy as such there is confusion regarding the implementation of the provision of UNCLOS by the municipal court. However, in the case of *United States v Hassan*²⁵, the government also tried to prosecute the defendants who had unsuccessfully attacked a US Navy dock, under the rule of Judge Mark Davis, the court denied the defendants the motion to dismiss and determined that the alleged conduct could if proven constitute piracy. Despite the similarity between both cases, the two judges reached the opposite conclusion as to whether an alleged action of the defendants opening fire on another vessel constitutes piracy, the distinction between the two opinions centers on the interpretation of the phrase that piracy is defined by the notion of nations. Despite this, it may be said that the court would generally lean toward the idea that piracy includes both violence and an attempt to commit violence.

In *United v Said*²⁶, the court noted that the accused could be tried for other offences such as vandalism against ships (punishable by a prison term of 20 years in the United States), vandalism on a sailor (also punishable by a prison term of 20 years in the United States), and planning to attack

a person on a vessel. The divergent decisions the United States court has above show that customary international law is sometimes ambiguous, and reliance on universal jurisdiction may be dangerous. This is because the courts of the coastal state and home state of the vessel may interpret the customary international law rule differently leading to challenges to the legality of their decision.

The rate, at which pirates are executed in the Gulf of Guinea, is very low. This is especially the case with Nigeria, which has a well-established criminal justice system that dates back to the 19th century. The lower rate of prosecution of pirates may be attributed to a variety of reasons, including the failure to completely incorporate relevant international instruments such as UNCLOS and SUA into domestic security, whether it is the police, the Nigeria Maritime Administration and Safety Agency, or personal security forces employed by shipping companies. The Federal High Court has jurisdiction over the offences created.²⁷ In the prosecution of offences created under the Act, the Act empowers members of the relevant authority to seize ships or aircraft that are reasonably believed to be pirate-controlled ships or aircraft or anything that appears to be connected with the commission of an offence under the Act. Surprisingly



the Act fails to specify the “relevant” authority. There is confusion regarding the court with subject matter jurisdiction. Section 21 of the Admiralty Jurisdiction Act 1991 confers maritime crime in the Federal High Court. This was reinstated by Section 5 (2) and (3) of the SPOMO Act. It is now certain that the SPOMO Act defines the term ‘piracy’ as no one can be convicted for a crime not stated in a written law. The Federal High Court may not rely on the UNCLOS definition because the definition is restricted to the crimes committed by the offenders. Thus, attacks perpetrated by rebels of the Niger Delta within Nigeria’s territorial waters do not constitute piracy as regards UNCLOS.

Historically, the United Nations Security Council issued a resolution that states the region of the Gulf of Guinea to take prompt action, at national and regional levels with support from the international community to develop and implement national maritime security strategies, including the establishment of a legal framework for the prevention, and repression of piracy and armed robbery at sea and as well as prosecution of persons engaging in those crimes.²⁸ This is because there has been a lack of fear of punishment for committing this crime and 90 percent of the alleged pirates captured at sea have been released because the states of the Gulf of Guinea were not prepared to detain and prosecute them.

The Security Council thus promotes a two-pronged approach that involves building regional sea safety and enhancing the security governance of states in the region. This led to a Yaoundé summit in June 2013 whereby states in the region, joined a member states of the GOG commission, the Economic Community of West African States, and the Economic Community of Central African States to issue a memorandum on sea safety and security in Central and West Africa. The inter-regional coordination Center was set up to enforce regional format for maritime security. They also enforced a Code of Conduct known as the Yaoundé Code of Conduct to govern the fight against piracy and armed robbery against ships. The Yaoundé Code failed to achieve a higher rate of prosecution of pirates that were captured by navies from the non-coastal states. It provides that the signatory states undertake to punish the offenders in their local courts by their local laws. It also emphasizes that the organization and functioning of the system of prosecution and sentencing is the exclusive responsibility of each signatory state.²⁹ Thus even though Article 6(1)(a) notes that all signatory states should accept to cooperate in arresting, investigating, and prosecuting alleged

pirates, the Code has simply reiterated the status quo. The status quo is problematic given that many coastal states have not advanced their domestic laws, making it difficult for their justice department to prosecute alleged pirates.

SPOMO provides the legal teeth for the war against piracy but there is a need for a thorough investigation before prosecution. Nevertheless, the protracted detention tenure and procedure leave much to be desired.³⁰ The duration of detention pending the court’s intervention is unreasonable and unconstitutional. The law provides that upon an ex parte order, a detention order can be granted for a period not exceeding 90 days subject to a renewal for a similar period until



A major problem that the Act faces is that the law was pioneered by an administrative government agency that struggles to hold a grip on both operations and prosecution of the offences under the law

the conclusion of the investigation. That means investigation can take an average of 180 days nonstop and no right infringement under the law save the Constitution.³¹ The law also powers the security agencies to arrest anyone found in the premises, place, or conveyance that is investigated stands a chance of being arrested with or without any link.³²

SPOMO provides for the punishment for the crime of piracy, armed robbery at sea, or other unlawful acts under the Act, with life imprisonment and a fine of not more than NGN 50,000,000 (Fifty Million Naira), in addition to restitution to the owner or forfeiture to the Federal Government of Nigeria.³³ The Act also ensures that corporate bodies may be found liable by providing criminal conviction and fines.³⁴ Questionably, the act provides for 12 years imprisonment for the offence of attempted piracy and a fine of NGN 100,000,000 (One Hundred Million Naira) which is double the fine for the successful commission of the offence. It is curious why the fine for attempted piracy is twice that for committing the

crime itself. Nevertheless, nothing precludes the taking of civil action by an aggrieved person against any person who is convicted under the law.³⁵ Again, the Act allows the agency to enter into agreements with other national or international bodies to facilitate the discharge of its duties.³⁶ This is important as the crimes created have a wide territorial reach and require cooperation with other States around the Gulf of Guinea. NIMASA is encouraged to cooperate with Member States in the Gulf of Guinea and other international and regional organizations, including the Gulf of Guinea Commission (GGC) and the Maritime Organization for West and Central Africa (MOWCA), to suppress piracy and related crimes.

NIMASA was established on 1st August 2007 when the National Maritime Authority merged with the Joint Maritime Labor Industrial Council. Both were formerly parastatals of the Federal Ministry of Transport. By dominant paradigm, SPOMO was sponsored by NIMASA and the agency captured the law in its apron string rather than leave

it to a security agency like the Nigerian Navy which retains the responsibility concerning the safety of the country's maritime waters.³⁷ A major problem that the Act faces is that the law was pioneered by an administrative government agency³⁸ that struggles to hold a grip on both operations and prosecution of the offences under the law. The sources of funding for the implementation of SPOMO Act are to be managed under the Piracy and Maritime Offences Fund also known as the Maritime Fund.³⁹ The sources are budgetary allocation for the implementation of the Act by the Federal government, contribution from the Cabotage Vessel Financing Fund, and 35% of the proceeds of sales of any property seized or forfeited under the Act. Even though the Nigerian Navy is statutorily mandated to secure the waters, get skills for the purpose, and procure state-of-the-art equipment to keep high sea vigilance yet NIMASA is powered by the Act to manage the funds. It is NIMASA that keeps account of the monies generated to fund the implementation of the law.⁴⁰ While the creation of multiple funding is a vista



in the fight against piracy in the Gulf of Guinea, the lack of access and lopsided fund management pose a threat to the sustainability of the peace in the Gulf. There would be a need for SPOMO enforcement to be tied only to the Maritime and Piracy Fund and same to be managed by the Nigerian Navy.

This gap in the law is its inability to situate the responsibilities of relevant security agencies under the law. For example, the law provides that “law enforcement and security agencies” will be responsible for gathering intelligence, patrolling waters, and investigating offences,⁴¹ however, the law did not mention which security outfit. Remember, it is the Nigerian Navy that secures the water that is supposed to manage the Piracy and Maritime Offences Fund,⁴² not the reverse. NIMASA does not have any roles as regards maritime security operations. The NIMASA appropriation of enforcement of the Act⁴³ robs the Nigerian Navy of its pristine mandate. Nigerian Navy needs to make its input into the Act to reconcile this pitfall, further delay

will wake up pirates at the gulf who are currently in sleep. While piracy is rampant, its prosecution should not be a justifiable reason to unreasonably derogate from the right to personal liberty guaranteed by the Constitution. The prosecutorial authority is the Attorney General of the Federation or any officer as designated by the AGF or NIMASA with the AGF’s consent.

The police have the power to prosecute a person under the Act,⁴⁴ though not specifically mentioned. Just as the Economic Financial Crimes Commission (EFCC)⁴⁵ has the power to monitor financial institutions that received any form of payment from unauthorized sources trading illegally with stolen oil. To maintain the rest in the sea, the security agencies need to be given their fair share of independence in enforcement and prosecution in line with their traditional mandates. To migrate the sleeping pirates to death, the SPOMO Act must be complemented with community empowerment, it is only then there will be permanent peace in the gulf.



To migrate the sleeping pirates to death, the SPOMO Act must be complemented with community empowerment, it is only then there will be permanent peace in the gulf.

NEWS

FOI Counsel partners with Accountability Lab Nigeria on Open Contracting in Edo State.



Accountability Lab hosted a Policy Lobbying Session aimed at strengthening the community of practice working on open contracting in Benin City, Edo State. The purpose of the two-day engagement was to bring together stakeholders involved in open contracting to foster collaboration, exchange knowledge and experiences, and collectively work towards improving transparency and accountability in public procurement processes. There were meaningful discussions, networking, and strategizing on how to advance the implementation of open contracting principles in Edo State.

The participants were trained on Open Contracting Data Standards (OCDS), Data Management Practices, Policy Advocacy, and best

practices in transparency and accountability. The sessions also included interactive discussions and networking opportunities. During the training, some participants complained that the CSO's registration to be part of the procurement process is expensive and stressful considering the requirement of tax clearance amongst others. They also complained that public institutions request that CSOs and media who want to follow up with procurement services must have clearance from the relevant MDAs.

Participants logged into the procurement website of the state and saw some projects listed that have been carried out in Edo State, including those that were ongoing. During the hands-on use of the Edo state procurement portal, it was discovered that the amount on the website is different from the amount budgeted for it, and for the contracts terminated, no reasons were given why they were terminated.

Osazuwa Osazogie, Esq of FOI counsel in her remark thanked Accountability Lab for the engagement and promised to use the law clinic instruments to support the coalition building and added that we are the first specialized FOIA litigation firm in Africa and we are proud to be part of this project aimed at constructively following up with the procurement exercise of the state. The training took place at Golden Tulip Hotel, Benin City on 6-7th July 2023.

NEWS

ILO trains FOI Counsel to defend Migrant Workers

The International Labour Organization Abuja Country Office, within the framework of the FAIRWAY Programme, hosted a two-day training and learning session for select stakeholders, including media, CSOs, and workers' representatives to better the understanding, engagement, and reporting of labour migration and forced labour using ILO's media toolkit, and other knowledge products and resources, such as the Migrant Recruitment Advisor (MRA), and the Trade Union Information Guide for Returning Migrants and Migrant Workers.

It was revealed in the training that migrant workers are persons (national or foreign) who move across an established border to reside in a new location. Not all visitors are migrant workers but all migrant workers are visitors. The key line is the motive of the movement, documentation, and border crossover. The data made available by ILO shows that 760 Million migrant workers are national/ internal migrants and 281 Million are international migrants. But 5% of the world labour forces are international labour migrants with remittance of 15% of earnings and 44% of migrant

workers are exploited particularly in the recruitment process, warning that collection of application fee is illegal as same is supposed to be borne by the hirer and the recruitment agency.

President Aigbokhan, Esq the founder of FOI Counsel in his remark expressed gratitude to ILO for finding its law clinic worthy of the training. He noted that labour migration governance has a huge national and international legal framework that has been left unattended. I will discuss with my team to include labour migration as part of our areas of focus in the coming years. He urged the Nigerian government to ratify the Domestic Workers Convention 2011.

There were meaningful discussions, networking, and strategizing on how to use the ILO tool kit on Migrant Workers, NLC Information Guide, and Migrant Recruitment Resource to deepen the conversation on migrant workers. The meeting was held in August 2023 at Pearlwort Hotel, Ikeja



INTERVIEW

No experience with pirates because we empower local communities – Engr. Ogbeifun

Can you please tell us about yourself?

My name is Engr. Grey Ogbeifun. I am from Edo State, Nigeria, and a marine engineer by profession. I am also a marine consultant and surveyor. By the grace of God, I founded a series of companies. The first is Stars Investment Group. A company that leases and repairs ships. Our clients are private companies, individuals, private companies especially, the IOCs. In the year 2000, I established the first privately owned indigenous ship repairing company in the country. It is situated at Onne, Rivers State. In the 90s, I also established a private security company called Eagle Watch primarily to provide employment for the teeming youth of the country and to provide security not only for privately owned and corporate entities but also for individuals. We have up to 880 guards and 220 bits across Port Harcourt and Benin City. I recently established

an automobile repair company of international standard in Benin City. It was established to provide job opportunities and maintain exotic cars. We have repaired over 650 cars since its establishment. We employed close to 68 technicians most of whom are University graduates. Currently, I am a consultant to the Benin Port. We started the project in 2017 and we are in an advanced stage of the project. I was also a former president of the Ship Owners Association of Nigeria (SOAN).

What is your favourite pastime?

My favorite pastime is work; work gives me joy. I enjoy the work that makes me break new ground in life. And on the social side, I like to dance. Dancing puts me in the right frame of mind and spirit because my work involves quite a level of reading books. And importantly, I spend a couple of times with my wife. I have retired from Stars Investment Group but I am still the CEO of Star Marine and currently, we are embarking on a massive expansion program with a financial institution.

What is your take on the suppression of piracy with the aid of SPOMO?

The idea of the law is good and I don't know if it is the law alone that has reduced the issue of piracy in the region but it was comforting to have a first prosecution, that was carried out by Hon. Justice Faji of the federal High Court. The question is why do we have pirates in Nigeria? Our youths in coastal areas are pirates because of unemployment. Our nationals are more notorious for the issue of piracy than other citizens in other West African countries. The issue is unemployment. I can tell you that most of the people who become pirates are intelligent, educated people, and very resourceful. We are in an environment where there is no opportunity for them to express their resourcefulness. Our Prisons are congested and overflowing and now you have a law to convict more people who are pirates. The government should address the issue of massive unemployment of our citizens and not just go about making laws. This will address not only piracy but general criminality.





As the pioneer president of the Ship Owners Association of Nigeria, what have you done to tame unemployment in your little space? Please be specific.

I have been operating my ships for over four decades in the Nigeria water. My last ship was built in China. My staff has never had any issues with piracy or hostages. It is not an accident that we don't have such an experience because we have a corporate policy that none of our ships can be manned by foreigners. Our policy is that people in communities where our ships operate take large numbers of ship engineers and crew members. While we allocate some to other parts of the country, and there is no discrimination. The indigenous people take ownership of my ship and bar pirates from encroaching. If we the operators in the sector understand the importance of the communities we are working and they are some level of ownership in the business, there will be no pirates in our seas.

There is a lot of funding available for piracy and general maritime safety. Are these funds accessible?

There are two main maritime-related funds. One is the maritime fund, 3% of the capital recovered

from coastal areas and the second is the Cabotage Financing fund 2% of every contract that operators in the maritime sector are taken at the source and it started in 2003. My company is among the companies that started the project though as we speak, I have a clear record of all the contributions to this effect, a total of Four Million Dollars. If we imagine all the companies operating both offshore, and onshore and there are arguments that the money does not belong to the ship owners. Irritatingly the agencies in charge have refused to use the money for what is meant. Whether the donation is for the government or ship owners it should be used for what it is meant for.

What are the funds meant for?

It is a fund that is meant to revamp indigenous ship business in our coastal areas. Let us look at the parallel government agencies. NCMD manages local content funds for the oil and gas indigenous operators. Both Maritime and Oil and Gas stakeholders are to donate at least 1% of their contract sum to NCMD or NIMASA for the accessible fund. NCMD was established 10 years after the creation of the Cabotage Vessel Financing Fund (CVFF) but a few years back NCMD came up and disbursed 200 Million USD through the

Bank of Industry for ship owners and beneficiaries accessed a maximum amount of the Ten million USD to buy a ship or pay back the commercial transaction on the ship equipment.

Is there anything you would do differently as a businessman of over four decades if given a chance to start afresh?

At the time I was privileged to go into this field that was in 1972, when to the glory of God, the then Shell BP gave me a scholarship to travel to the UK to read Marine Engineering. Out of four thousand candidates that sat for the examination only four persons were chosen in Nigeria. When I graduated, I worked in Kuwait in a British firm. The firm later sent me back to Nigeria to work for them. Three years later, I realized that I was underused I then went into business.

Nigeria in 1986, was different from Nigeria of now. Ironically, in Nigeria of 1986 the president of the country was General Muhammadu Buhari, and today the president is the same person but with different standards, expectations, and results. The kind of available opportunities are not available now. If I am to start a business now I cannot expect to perform in the way I was able to achieve results in those days. That means I will have to

look at the current environment and necessarily develop different strategies for me to make progress in the marine sector and the season. If I start now, I will invest more in ICT to promote my goals in the marine sector.

What are your first five greatest secrets of success?

No secrets, only hard work. I don't have any secret I work for 8-12 hours a day because of the volume of my work I am doing. A lot of people these days spend hours on social media, watching rubbish, listening to rubbish, and reading rubbish. But just a few of them spend their time on social media doing research and seeking information. And information is power. And those are the few that have strategically positioned themselves to rule the country.

Let us know about your spiritual life. What is your connection with your Creator?

I am a spirit, I have a soul and I live in a body, all those three components of me have their functions and needs. My flesh is constantly at war against my spirit. My mind is a powerhouse of my decision. For my spiritual life, I connect very strongly with my spirit man because it is my spirit man who is in contact with the Spirit of God. That is why you can be in the church while a man of God is preaching your heart out and your mind is somewhere else. You are hearing him but not imbibing what he says, and your spirit is somewhere else thinking of either food, clothing, or contract. I listen very strongly to myself.

I met Christ four decades ago. It surprises me that most churches hardly mention the Holy Spirit. Meanwhile, before Christ left, he assured us that he would send us a helper who is the Holy Spirit. The Holy Spirit was made manifest in the form of tongues and fire on the believers, we must deliberately seek to activate the Holy Spirit in our life as soon as we get born again. The impact of what you see, feel or touch is more influencing on you than what you think or imagine. My prayer daily is to ask God to constantly renew his Spirit in me. The role of the Holy Spirit is paramount in my life.

What are your most favorable verses in the scripture?

The first one is to love your neighbor as yourself. If Christians love their neighbors as themselves there wouldn't be a lot of problems around the world today. The greatest of all things is love. Love is patient, love is selfless and love gives to others. Everyone deserves to be loved no matter their social status.

What is your most memorable day in the last ten years?

The day I lost my father and mother and I became an orphan. Up till that day, I always say let me go and see daddy and mummy. They will tell me something and not until that moment that they are not there anymore that meant something to me. Their exit is memorable in my knowledge of life- nothing is permanent

What is your experience that birthed your humility?

I remembered a time when you stopped me and my wife in church and gave money in an envelope because you wanted to tap into the grace of God upon me, but at the time the money came I and my wife were in a critical situation where we needed cash at that time. That seed will bring millions of your heart desires in multiple areas because that seed met a need. To your question, there is no experience and it is still part of Knowing God. What did God say about humility? God is very clear about humility, he said you should humble yourself; he will exhort you but what do we have in our society, everybody wants to be a big man or make it and ignore the less privileged. I am guided by what God says about humility. There is no other experience but what the Bible says in every situation I find myself.



Cabotage Vessel Financing Fund (CVFF) Guideline 2006: Analysis and Gaps

The Cabotage Vessel Financing Fund (CVFF) Guideline 2006 lays the procedure for the administration and implementation of the Cabotage Vessels Financing Fund. The federal government claims that over 350 Million USD are currently in the fund and the indigenous shipowners disagree and say that over \$2 Billion has been contributed to the fund⁴⁷ by way of a surcharge of two percent of the contract sum performed by any vessel engaged in cabotage trade, budgetary appropriation, tariffs, fines, fees for licenses and waivers, interest paid on loan from the fund and repayment of the principal sum of loan granted from the fund.⁴⁸ The agency in charge of the disbursement of the fund is NIMASA.

Contribution to CVFF commenced with the coming into force of the Cabotage Act in May 2004. Several failed attempts have been made to disburse the fund. In December 2022, the former President approved the disbursement and in April 2023, the National Assembly also approved the disbursement of the fund to qualified shipowners as part of a commitment to grow the local Maritime Industry. The statutory purpose of the fund is to facilitate vessel charter, acquisition, repair, and ownership of vessels to be used for coastal trade⁴⁹ by indigenous companies thereby increasing indigenous ship acquisition capacity.⁵⁰ Six companies have been recommended for funding but no record

exists of actual beneficiaries of the fund to date. The eligible applicants for the fund are Nigerian citizens and shipping companies. The vessels for the cabotage trade must be built in Nigeria, owned and crewed by Nigerians. Companies partly owned by foreigners are not eligible to benefit from the fund.⁵¹ The fund is accessed on the recommendation of the Nigeria Maritime Administration and Safety Agency (NIMASA) and approved by the Minister of Transport and the maximum approval is Twenty-Five Million USD or its equivalent.⁵² The procedure for a ship owner to apply for a loan under the fund is that application is made through NIMASA and upon receiving the application, NIMASA determines the applicant's suitability or eligibility to access the fund. Every applicant submits financial condition, which includes the cost of the project, liability, and ability to repay the loan or obligation.⁵³

In the case of a shipyard or similar material infrastructure project, the applicant must show a detailed statement of the actual cost of such technology such as insurance, legal, and accounting services.⁵⁴ Where the application may involve a reconstructed or reconditioned vessel, the vessel must be made available at a time and place accepted for the conduct of the condition survey which cost the applicant will bear.⁵⁵ After the initial assessment by the agency, a notification is forwarded to the Primary Lending Institutions (PLIs) by



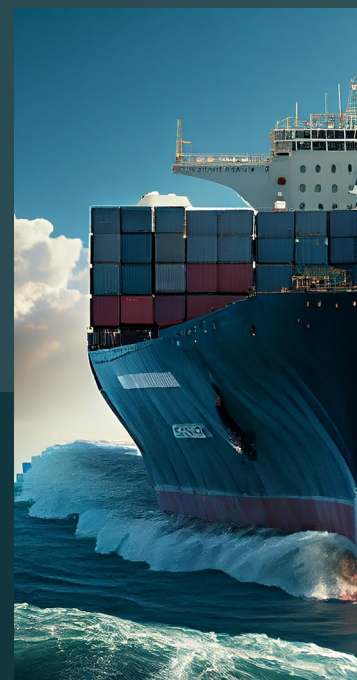
NIMASA.⁵⁶ The PLIs are selected commercial banks and they include Union Bank, Polaris Bank, Zenith Bank, United Bank for Africa, and JaizBank. NIMASA has set out criteria for commercial banks to participate, or as primary lending institutions.⁵⁷ The bank must have an existing relationship with NIMASA and must have proof of substantial financial support in terms of credits extended to indigenous maritime operators and must have shareholders fund over 25 Billion Naira.⁵⁸ The functions of the PLIs are to liaise with NIMASA to determine the acceptable criteria for utilization of the fund

or issuing of guarantees, loan management, participate in the financing and management of the specific project to further secure the repayment of the loan or obligation and any other financial advisory or ancillary services.⁵⁹

It is the responsibility of the PLIs to carry out detailed credit reviews of the applicant and ensure identified risk is covered. The PLIs do their independent risk assessment and if the project is healthy, the applicant is adjudged eligible for financing. NIMASA then recommends the application to the Minister for his final endorsement/approval before disbursement. The authority of the minister to delegate disbursement under the guideline cannot be delegated to anyone other than the Permanent Secretary.⁶⁰ In circumstances where NIMASA is required to contribute to the loan or issue a guarantee, the minister must decide to approve or deny any application for such request within 30 days after the date, the request is received. Where a decision is not made by the minister within the specified period, the

agency can approve the loan application.⁶¹ The applicant or operator must possess the necessary experience, ability, and suitability to properly operate and maintain vessels or projects which serve as security for the loan or guarantee.

NIMASA does the selection and partly approves the applicant alongside the PLIs whose roles are to secure the credit fully. It is NIMASA that determines the suitability of the operator's qualification and suitability with a certificate issued which is reviewed. The PLIs have the discretion to request additional collateral or greater equity contributions to limit potential losses in connection with defaulted loans or loans that are in jeopardy due to the deteriorating financial condition of obligors. Applicant contributes at least 15% of the total project cost while the fund and PLIs finance not more than 85 percent of the total project's



cost.⁶² A further breakdown shows that NIMASA is to pay 50 percent of the fund while the PLIs pay 35 percent and 15 percent by Shipowners.⁶³ As part of measures to make the fund easy to pay back by the shipowners, NIMASA has approached the Nigerian National Company Limited (NNPCL) to take up 9 percent of the 15 percent of the loan to be repaid by prospective beneficiaries.⁶⁴ Interest rates and fees are usually below the existing commercial or market rate. There has been one challenge to another in the disbursement of the fund. The latest is the interest rate fixed by the PLIs. There is disagreement between the agency and PLIs over the proposed 8.5 percent interest.⁶⁵ NIMASA determines the fees applicable to the beneficiaries and ensures all PLIs adhere strictly.⁶⁶ Administrative fees do not exceed 0.5% of the loan requested. The investigative fee does not exceed 1% of the loan requested. The cumulative expense to access the fund is 1.5% of the loan requested.⁶⁷ The fee is to be paid before the loan is accessed and where for any reason, the application is rejected or disapproved, 50% of the 1% of the loan investigation fees paid will be forfeited

to NIMASA. On the whole, if an application is rejected, 1% of the loan sought is lost in the buffet of requests.⁶⁸ It ought not to be so, the administrative fees ought to be fixed from where the expenses for investigation and other services will be deducted.

Large cargo vessels and oil bunkers are all operated by foreign shipping lines with coastal trading operators falling behind amid challenges. This is because shipping businesses are capital-intensive and it would take the involvement of the government for operators to build and operate a successful shipyard. Between 10 to 12 Million USD is needed to build a 15,000 tones ship that can sail on a shallow sea with a draft of 6.5 meters.⁶⁹ Nigerian operators do not have access to finance, even for the acquisition and maintenance of service boats. Even the



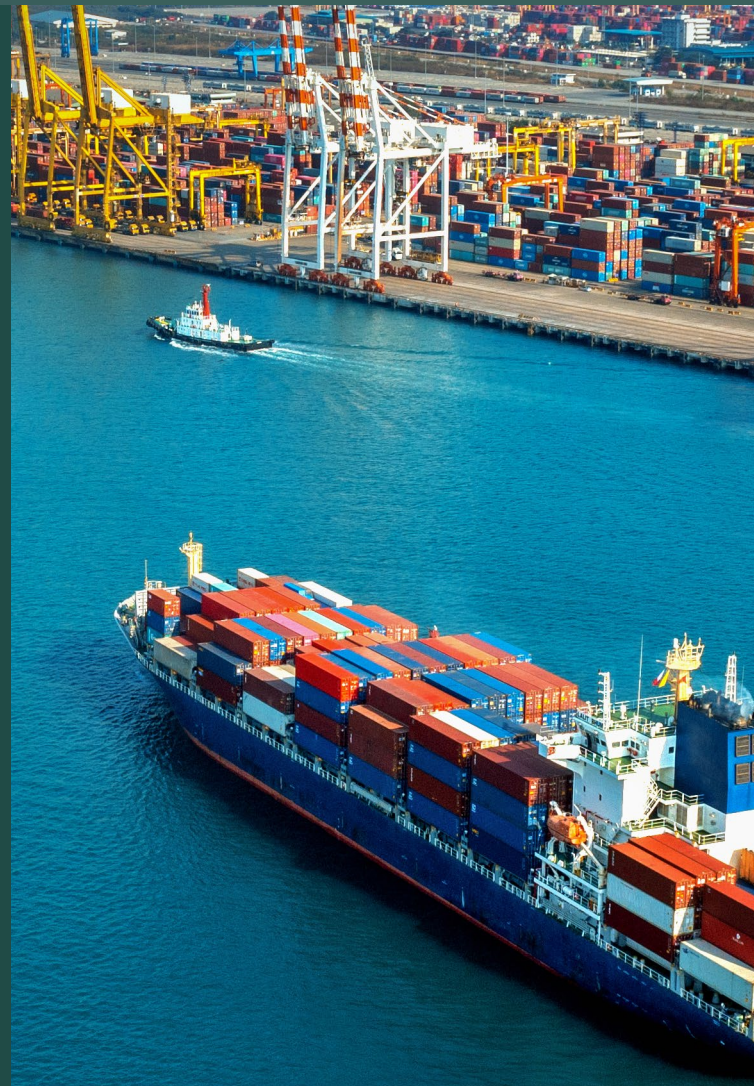
legal tender is Nigeria, CVFF must be consummated in Naira

3. The fund must portray itself as intervening and not revenue-generating through application fees. Surprisingly, outside administrative fees, and investigation fees, there are processing or filing fees.⁷³ Huge processing fees for the inaccessible fund is responsible for the slow pace of the maritime sector.

4. NIMASA approved 18 Institutions to offer maritime training. Surprisingly no Nigerian institution as of today offers a Certificate of Competence to Seafarers and this necessitates additional training in foreign schools to enable them to obtain the General Operator Certificate (GoC) and be employed aboard ocean-going vessels. If foreigners are made to stop operating in Nigeria, there might be no staff to take up the jobs onboard. NIMASA and TET Fund must approve funds to get the materials and manpower needed to train all cadres of people on Nigeria's water.

monthly maintenance exercise of dry docking is also on the high side. Funding is made worse for our businessmen owing to a dearth of forex. It is still a criminal offence for any person to disburse dollars for payment for services or goods.⁷⁰ Central Bank of Nigeria (CBN) has on several occasions directed banks in Nigeria not to collect foreign currency for payment of domestic transactions and use their customer's domiciliary account for making payments for visible and invisible transactions like fees, fines, licenses, etc originating or consummated in Nigeria.⁷¹ This supersedes the freedom to do business in Nigeria with a choice of currency.⁷²

1. There is a need to audit the fund to determine the exact amount in the fund
2. The dollarization of funds perhaps targeted at improving foreign reserves is illegal. Denominating the pool of funds in any foreign currency instead of Naira is a crime. Since our



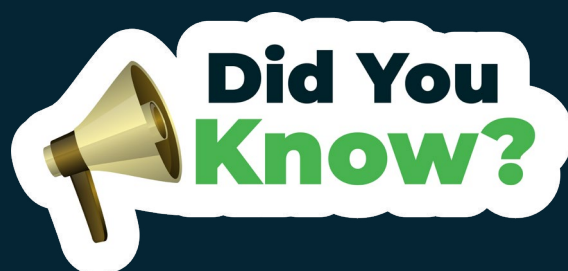
01 Despite the white, fluffy appearance of the Polar Bear's fur, it actually has black skin.

02 The bat is the only mammal that can fly. The leg bones of a bat are so thin that no bat can walk.

03 A honeybee has two stomachs—one for honey, one for food.

04 Elephants weigh less than the tongue of a blue whale. The heart of a blue whale is the size of a car.

05 A mosquito's proboscis has 47 sharp edges on its tip to help it cut through skin and even protective layers of clothing.



06 A cockroach can survive for about a week without its head before dying of starvation.

07 Snails can sleep for three years straight. However, this is not very common and is caused by unfavorable conditions.

08 A cow gives nearly 200,000 glasses of milk in her lifetime.

09 For every human in the world there are 2.5 million ants.

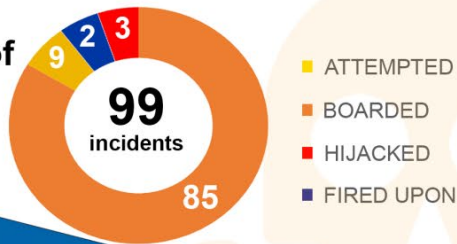
10 The average outdoor-only cat has a lifespan of about three years. Indoor-only cats can live for sixteen years and longer.

IMB PIRACY REPORT

JANUARY - SEPTEMBER 2023

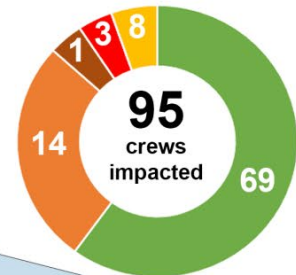


Number of incidents reported:



Impact on crew:

- THREATENED
- KIDNAPPED
- HOSTAGE
- ASSAULTED
- INJURED



Total number of reported incidents comparison:

Gulf of Guinea



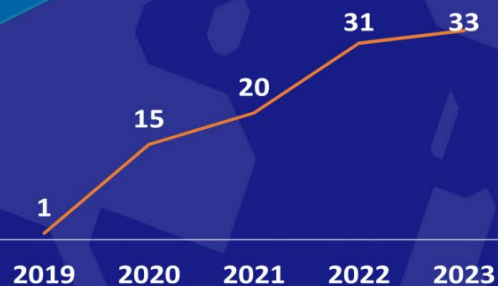
The IMB PRC raises concern on the continued increase in the number of incidents and violence on crew. 54 crew taken hostage, 14 crew kidnapped, two crew injured.

89%

Of Vessels Boarded in Globally Reported Incidents

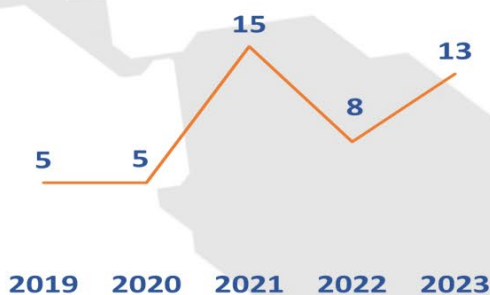
Singapore Straits

Reported incidents



- 31 vessels successfully boarded.
- 25% of incidents occurred in July.
- 14 vessels over 80,000 dwt boarded.
- Crew at risk: five hostages, two threatened.
- Weapons reported in 15 incidents.

Callao Anchorage



- Weapons reported in eight incidents.
- Crew at risk: nine hostages, one each assaulted / threatened.

@IMB_Piracy
#IMBpiracy



About Us

FOI Counsel is a law group established primarily to provide legal assistance to NGOs and the media seeking for information, under the Freedom of Information Act 2011. We are also, the first Freedom of Information Act (FOIA) Litigation-specialized firm in Africa. As the demand for our services increased we billowed into four thematic areas of work and these are:



FOI Advocacy & Litigation

We focus on ensuring transparency and accountability in government processes. This includes challenging government agencies that have refused to disclose information and litigating on behalf of individuals and organizations seeking to obtain government-held information.



Human Rights Litigation

We protect the fundamental rights of individuals and groups who have been subjected to violations involving a wide range of issues such as discrimination, police brutality, and freedom of speech, among others, and seek to bring justice to those who have suffered harm through legal means.



Land reforms & rural development

We promote equitable access to land resources and support the sustainable growth of rural communities. This involves advising on land ownership and tenure, supporting land-based livelihoods, and advocating for policies and programs that support rural development and the rights of rural communities.



Research & Policy Advocacy

We empower change and justice through in-depth analysis of laws, precedents, and regulations, and effective advocacy strategies to shape policies and promote equitable outcomes in society.



Taurus Oil and Gas is a place where greatness meets energy and innovation powers our path.

We are an industry leader, a colossus in the energy sector, and a dedicated partner in global sustainability. We began with a desire to overhaul the oil and energy business in Nigeria and have grown into a major player known for our commitment to quality, environmental responsibility, and innovation.

Since 2010, Taurus Oil and Gas has been a part of an industry that helps to power the world, and we take this responsibility seriously. Our offshore and onshore operations are top of the line from exploration and production to distribution and customer service, we are committed to excellence in all aspects of our operations.

Our Facilities

Taurus Oil & Gas Limited successfully completed its Tank Farm and Private Jetty Facilities in 2014, achieving its strategic aim of being a prominent participant in Nigeria's Oil & Gas Downstream Sector. In appreciation of the government's endeavor to decongest Apapa and surrounds in Lagos, the new facilities are strategically positioned near Koko Town, Delta State.

Our Services

Distribution of petroleum products, Distribution of base oils and lubricants, Strategic partnership with retail outlets, Offshore support services, Industrial and wholesale supplies,

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For more information visit www.taurusoil.com or send an email to: enquiries@taurusoil.com

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14. Ibid
15. Ibid
16. United Nations Convention on the Law of the Sea (UNCLOS), 10 December 1982, 1833 U.N.T.S. 397, available at: <https://www.refworld.org/docid/3dd8fd1b4.html> (accessed 23 November 2020).
17. The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation or SUA Act. It is a multilateral treaty by which states agree to prohibit and punish behavior which may threaten the safety of maritime navigation
18. Section 24 of SUA Convention of 1988
19. Article 100 of UNCLOS
20. Section 22 of SPOMO
21. Cap RII LFN 2004
22. Vincent, J., "G8 Open Data Charter will Increase Transparency and Fuel Innovation." The Independent, June. 19, 2013, available at www.independent.co.uk/life-style/gadgetsandtechs/g8-open-data-charter-will-increase-transparency-and-fuel-innovation.hhtml (accessed on May. 16, 2014)
23. Section 4 of the Act provides that maritime offences include armed robbery at sea and any other acts listed in paragraphs (a) – (r), committed by any person or group of persons, where such person or group of persons or their sponsors are unlawfully within the Nigerian Maritime Zone or Nigerian jurisdiction.
24. Section 4 SPOMO Act
25. 742 F.3d 104 (2014)
26. 446, 452 (4th Cir.-2012)
27. The jurisdiction of the Federal High Court provided for in section 251(1) (g) and Section 251 (3) of the Constitution of 1999
28. S/RES/2039 (2012)
29. Article 4(5) of the Yaoundé Code
30. Section 9 of SPOMO Act
31. See Section 9 (1) of SPOMO
32. Section 9 (3) of SPOMO
33. Section 12 (1) of SPOMO
34. Section 12(3) (Ibid)

35. Section 13 (4) of the Act
36. Section 18 of SPOMO
37. Section 34 of Armed Forces Act 1993
38. It is the Nigeria Maritime Administration and Safety Agency (NIMASA) or the Minister in charge in charge of transportation
39. Section 19 (2) of SPOMO
40. Section 19 (4) of SPOMO
41. Section 17(3) of SPOMO
42. Section 19 (1) & (2) of SPOMO Act
43. 17(2) of SPOMO
44. Section 4 (h) of SPOMO & 106 (c) of Administration of Criminal Justice Act of 2015
45. See EFCC Act and Section 4 (g) of SPOMO Act
46. Section 19 (1) & (2) of SPOMO Act
47. AdakuOnyenucheya "Shipowners tackle FG, say over \$2Bn contributed to CVFF account" The Guardian, 21 December 2022. <https://guardian.ng/features/executive-motoring/ship-owners-tackle-fg-say-over-2bn-contributed-to-cvff-account/>
48. Par. 5 of the Cabotage Vessel Financing Fund (CVFF) Guideline 2006
49. Coastal trade involves the carriage of goods and persons within the territorial and inland waters of any nation by ships and other means of transportation from one place to the other in the same country. It is restricted to ships built, flagged, manned by Nigerians and operated in Nigeria coastal waters. The Cabotage Act of 2003 restricted foreign participation in Nigeria's domestic coastal trade. Regrettably, 90% of the vessels trading on Nigerian waters are owned, managed and operated by foreign shipping lines with Nigerian operators managing fishing and inland water transport boats that carry goods and persons from short distances. See Section 3 of the Cabotage Act of 2003
50. Par 3 of the Guideline.
51. Par. 3.2 of the Guideline.
52. Par 3 (Ibid)
53. Par. 9.4
54. Par. 9.1-9.2 (Ibid)
55. Par. 8.3 (Ibid)
56. Par. 7.5.1 (Ibid)
57. Par 4 (Ibid)
58. Par. 4(a)- (c) Ibid
59. Par 6 (Ibid)
60. Par. 7.52- 7.5.3 (Ibid)
61. Par. 7.8 (ibid)
62. Par. 7.10 (Ibid)
63. Yusuf Babalola NIMASA Reject Banks Interest Rate, Explore Other Options for \$350 Million CVFF disbursement". Leadership Newspaper, April 2023 <https://leadership.ng/nimasa-rejects-banks-interest-rate-explore-other-options-for-350m-cvff-disbursement/>
64. Yusuf Babalola "Efforts Towards Disbursement of Cabotage Funds" Leadership Newspaper, June 2023 <https://leadership.ng/ef-ports-towards-disbursement-of-cabotage-funds/>
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66. Par. 7.9 (Ibid)
67. Par 10.1 (Ibid)
68. Par 10.1 (b) & (c).
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70. Section 20 (5) of the Central Bank Act
71. Central Bank of Nigeria "Currency Substitution and Dollarization of Nigerian Economy" 17, April 2015 Ref No: BSD/DIR/Gen/LAB/08/013;
72. Memorandum 16 of the Central Bank of Nigeria Foreign Exchange Manual (CBN Forex Manual)
73. Par. 10.2. (Ibid)



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