

# Issues with Piracy Regulation in the Nigeria's Waterways

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## Abstract

*Piracy is a harbinger of maritime architecture collapse and dissipation of legitimate waterway revenue that should accrue to any democratic government. A piece of legislation was passed by the Nigerian parliament in 2019 to deter pirate activities on our waterways. This paper intends to critique the disconnect between the anti-piracy law 2019 and corpus of related crime prevention laws in Nigeria. It further interrogates the fluid identity, clarity of roles and responsibilities of the enforcement agencies to combat pirate activities on our maritime waters. It also appraises jurisdiction crises created by the Suppression of Piracy and Other Maritime Offences Act. It finally, examines the lacuna in the law to deal with proceeds from piracy, kidnapping and armed robbery at sea and other ancillary illegal benefits accrued to the pirates. Viable and radical reforms are proposed in this paper.*

**Key words:** Issues, Piracy, Regulation, Nigerian Waterways

## 1. Introduction

Piracy is an internationally organized crimes usually committed along maritime corridors. Nations of the world are designing concerted security architecture to fight this organized menace of global posture. There is a synthetic chain of maritime movement of goods and services along national and international waters given the nature of maritime commerce. Therefore, piracy is also a web of internationally organized crimes and connections among the nefarious and notorious felons patronizing and unleashing lethal attacks on commercial life along the maritime corridors. Piracy warehouses all the species of crimes recognized in various criminal laws which include money laundering, armed robbery, deadly kidnapping, weapon trading, human trafficking, movement of hard drugs and other sundry maritime crimes addressed under piracy.

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Global number of incidents of piracy in territorial waters (also called national waters) are lower than the ones in international waters (also called high seas). Additionally, there has been a unbridled increase of pirate attacks carried out in international waters, in contrast to a decrease in attacks on territorial waters, more specifically port areas. A tendency for pirates to target vessels in international waters is seen on a global scale. However, despite this, the majority of attacks in 2020 in the Gulf of Guinea have been carried out in the territorial waters of Ghana, Togo, Benin, Nigeria and Cameroon – numbers that only underline the gravity of the problem. This makes the problems concerning both national and international waters relevant in this regard, as pirates do not necessarily stay in their own territorial waters nor away from international waters. Hence, a big concern for concerted legislations among the maritime jurisdictions in Africa to regulate piracy activities in the region.

There was an intelligence report that in 2020, there were **35 actual and attempted piracy attacks** in Nigeria, the same amount as in 2019. The waters off the Nigerian coast experienced the highest number of piracy attacks globally in 2020.<sup>1</sup> With approximately 95% of global kidnappings reported from within Gulf of Guinea waters, there is a usual warning that pirate gangs in the area are well organized and targeting all vessel types over a wide range

The furthest attack from shore also involved the most crew kidnapped from a single vessel in 2020. On 17 July 2020, eight pirates armed with machine guns boarded a product tanker underway around 196 nautical miles southwest of Bayelsa, Nigeria. They held all 19 crew members hostage, stole ship's documents and valuable items, and escaped with 13 kidnapped crew. The tanker was left drifting with limited and unqualified navigational and engine crew onboard. A nearby merchant vessel later helped the tanker to sail to a safe port. Regional Authorities were notified and the 13 kidnapped crewmembers were released safely one month later.

A more recent example was on 8 September 2020, when armed pirates attacked a refrigerated cargo ship underway around 33nm south-southwest of Lagos, Nigeria. Two crewmembers were kidnapped, but the rest of the crew managed to retreat into the citadel – one of the industry's recommended best practices endorsed by International

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<sup>1</sup> See an intelligence report from the Statista titled, Number of actual and attempted piracy attacks in Nigeria from 2008 to 2020 accessed from <https://www.statista.com/statistics/250868/number-of-actual-and-attempted-piracy-attacks-in-nigeria/> on 31 August 2021

Maritime Bureau . A Nigerian naval team was dispatched, who boarded, conducted a search, and then escorted the ship to a safe anchorage for investigations. The IMB piracy report includes a special thanks to the Nigerian Authorities, particularly the Nigerian Navy and Nigerian Maritime Administration and Safety Agency NIMASA who “continue to provide timely information, actions and valuable cooperation between Agencies”<sup>2</sup>.

Therefore, this paper intends to critique the disconnect between the anti-piracy law 2019 and corpus of related crime prevention laws in Nigeria. It further interrogates the fluid identity, clarity of roles and responsibilities of the enforcement agency to combat pirate activities on our maritime waters. It also appraises lack of provisions for strengthening maritime agencies in the areas of capacity to control private maritime security operatives, clarity of core mandates and responsibilities in supervision of private maritime security operatives. It finally, examines the lacuna in the law to deal with proceeds from piracy, kidnapping and armed robbery at sea and other ancillary illegal benefits accrued to the pirates.

## **2. Conceptual Analyses and Interpretations of Terms**

There is a need for a foundational light of the various terms used as architectural structure of this paper. Their conceptualization and interpretation within the maritime scope are dug out to explain the context of the subject matter: (a) *issue* could mean a matter that is in dispute between two or more parties. It is the point at which an unsettled matter is ready for a decision. In this context it connotes problem emanating from the subject matter under interrogation which is piracy regulation in Nigeria maritime waters.

The word *piracy* could connote stealing of intellectual works of someone or could be a common register involving criminal activities committed on the waterways. In the context of the subject matter, piracy is conceptualized and contextualized as it affects maritime commerce and coastal trades. It is a specie of crime committed along maritime radar. It is the practice of attacking and robbing ships at sea. Piracy is an act of robbery or criminal violence by ship or boat-borne attackers upon another ship or a coastal area, typically with the goal of stealing cargo and other valuable goods. Those who conduct acts of piracy are

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<sup>2</sup> ICC International Maritime Bureau Piracy and Armed Robbery Against Ship Report for the Period 1 January-31 December 2020 at pg. 48 available at [https://www.icccs.org/reports/2020\\_Annual\\_Piracy\\_Report.pdf](https://www.icccs.org/reports/2020_Annual_Piracy_Report.pdf) and accessed on 14 October 2021

called **pirates**, while the dedicated ships that pirates use are called **pirate ships**.

Accordingly, the United Nations Convention on the Law of the Sea (UNCLOS)<sup>3</sup> defines *piracy* to consist of any of the following acts:

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private boat, ship or a private aircraft, and directed: i. on the high seas, against another boat, ship or aircraft, or against persons or property on board such boat, ship or aircraft; ii. against a boat, ship, aircraft, persons or property in a place outside the jurisdiction of any State
- (b) any act of voluntary participation in the operation of a boat, ship or of an aircraft with knowledge of facts making it a pirate boat, ship or aircraft;
- (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

Indeed, the High Seas Convention provisions were adopted during the UNCLOS negotiations with little dissent or debate.<sup>4</sup> The drafting history is well-summarised by Shearer:

Piracy received its first comprehensive definition ... in Art. 15 Geneva Convention on the High Seas of 1958 ... That definition, and the ancillary provisions relating to piracy in Arts 14 and 16–21, were based on the preparatory work of the United Nations International Law Commission [in 1950–1956 which, in turn, drew on the Draft Convention on Piracy prepared by the Harvard Research in International Law published in 1932].<sup>5</sup>

Nigeria is one of the signatory states to the UNCLOS and has domesticated ample of legislation to regulate maritime activities. So enriching and historic was the passage of Suppression of Piracy and

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<sup>3</sup> United Nations Convention on the Law of the Sea 1982.

<sup>4</sup> References to piracy in the travaux préparatoires are sparse. See, uniquely, Cambodia's suggestion that the piracy provisions of the Geneva Convention 1958 were a 'dead letter' and did not need inclusion: UNCLOS III, 38th Plenary Meeting, UN Doc. A/CONF.62/SR.38 (1974), at 53. The word is most commonly used to describe illegal or unregulated resource exploitation, see e.g., UNCLOS III, 35th Plenary Meeting, UN Doc. A/CONF.62/SR.35, 1974, at 42; UNCLOS III, 31st Plenary Meeting, UN Doc. A/CONF.62/C.2/SR.31, 1974, at 61; UNCLOS III, 45th Plenary Meeting, UN Doc. A/CONF.62/C.2/SR.45 1974, at 11

<sup>5</sup> I. Shearer, 'Piracy', Max Planck Encyclopedia of Public International Law, available online at: <http://opil.ouplaw.com/home/EPIL> at 12 and accessed on 15 October 2021

Other Maritime Offences Act with the policy objective of preventing and suppressing piracy, armed robbery and any other unlawful act against a ship, aircraft and any other maritime craft, however propelled including fixed or floating platform<sup>6</sup>. The definition given to *piracy* in the Act is *pari materia* with the UNCLOS definition. In furtherance to the definition and objective of the Act, felonious activities which constitute maritime offences are materially listed.<sup>7</sup> The copious analyses of same are relayed shortly.

*Regulations* are set of rules, procedures or policy instruments that guide the operations of any subject matter. In the case of piracy and/or maritime crimes, the regulations include maritime laws such as Suppression of Piracy and Other Maritime Offences Act, Nigerian Maritime Administration and Safety Agency Act, Nigerian Armed Forces Act, and various policy instruments made by the Nigerian Government.

*Nigerian waterways* simply connote the maritime waters of Nigeria as geographically or demographically defined. In fact, the Cabotage Act interprets same as "Nigerian waters" shall include inland waters, territorial waters or waters of the exclusive Economic Zone (respectively, together or any combination thereof) and the meaning given to them by the national inland<sup>8</sup>

Robbery of cargo ship and manipulation of technological devices remain the terrible consequences of pirate activities on our maritime waters. Vessels are attacked and the crew pay ransoms as freedom price from kidnapping. Piracy is connected and intersected with other species of organized crimes. Hence, a traditional or ancient norm sees piracy as the occupation, take-over and robbing of a ship as well as its personnel aboard. While this is not far from the legal definition of modern century, additional elements included and left out has consequences for the exercising of the law.

Additionally, in Article 101, paragraph (b) and (c) includes the crimes of participating in the making of such ships and moreover the incitement and facilitating of the crimes mentioned in the former paragraphs. Some of the things noteworthy from the definition of piracy is that it is for private ends and that it has to take place on the high sea

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<sup>6</sup> Section 1 of Suppression of Piracy and Other Maritime Offences Act containing objective of the Act

<sup>7</sup> Section 4 of the Act unequivocally lists items that constitute piracy and ancillary offences. The offences are captured under section 4 (a-r) of the Act.

<sup>8</sup> See the definition and interpretation section as contained in section 2 of the Coastal and Inland Shipping (Cabotage) Act

for this definition to apply. That is, unless the state has made a national law referring to the definition as set out in UNCLOS, which then means that it also applies to territorial waters. UNCLOS brought both exceptions and moderations of the traditional legal set up. The most relevant exception to this traditional divide, is that piracy has universal jurisdiction. Seamless liberty is given to member states to decide penalties or sanctions to be imposed and actions to be taken against pirates arrested

### **3. Jurisdiction of International Court over Piracy Crimes**

Even though universal jurisdiction is conferred on piracy activities, it does not mean that an international court can prosecute it as an international crime, as with other crimes under universal jurisdiction (for example crimes against humanity and war crimes, genocide or aggression). Hence, it is not captured under UNCLOS any statement of the consequences of piracy, nor a statement of it as an international crime and the means of prosecution. Consequently, the pirates and a potential justice process is the responsibility of the state which has captured the pirates. The legal principle of *nulla poena sine lege* (no crime without law) is here the dominating factor.

Similarly, no international law exists on what to do once having exercised the right to capture the pirates. This means that if no national law exists which makes punishment of the crime of piracy possible, they cannot be prosecuted for such crime. In UNCLOS there is no guide on how the transfer of pirates to other states should take place. In that way we can end up in a situation where a British government ship has captured pirates in the territorial waters in Ghana and attempts to hand them over to Ghana, but the state has no law to prosecute them once handed over. Despite the fact that Ghana might have laws that allows prosecutions of piracy under laws, these might then not apply if it took place in international waters. Another option is also that Ghana refuses to receive their nationals for prosecution, leaving the British with nowhere to take the pirates.

Also, a state has further obligations when it captures pirates, both in territorial and international waters. In a situation where a British ship captures Ghanaian pirates, regardless of identifying them in territorial or international waters, the procedure that would be logical and appeal to common sense, is a hand-over to Ghana for prosecution.

Countries who are obligated to follow the European Convention on Human Rights have the duty to ensure criminal suspects will get a fair trial. Additionally, countries who are parties to the United Nations'

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment cannot hand over pirates to a state where they are not confident that they will not be tortured. This means that if a British government ship captures pirates in the territorial sea of a state that cannot ensure this, they cannot hand over the pirates for prosecution. Self-evidently, the British state has nowhere else to take the pirates for prosecution but at the host state.

#### **4. Legal Regime of Anti-Piracy in Nigeria**

Nigeria is a signatory to international maritime conventions and sundry and/or ancillary global instruments. Being mindful of its sociological and criminogenic formation, Nigeria has crafted its anti-piracy law in 2019, being the first and leading nation to use law as instrument of security of our maritime waters and ridden off some of criminal elements on patronizing our water ways. Prior to the enactment of the Suppression of Piracy and Other Maritime Offences Act in 2019, there was no such law in Nigeria addressing the activities of sea pirates in Nigerian waters despite the records provided by the International Maritime Bureau (IMB) in 2018 and in the first quarter of 2019, that the Gulf of Guinea particularly Nigeria takes credit for high incidence of pirate attacks, hijacks and kidnapping globally. While certain Conventions exist to curb piratical activities internationally and treating sea piracy as a crime, this was not enough for countries especially Nigeria who is a signatory to these conventions. Consequently, the gap created by the unavailability of an anti-sea piracy law in Nigeria is such that when pirates are arrested in our territorial waters and even on the *high seas*, they do not serve the time, perhaps this situation find its way in one of the provisions of our grundnorm that “a person shall not be convicted of a criminal offence unless that offence is defined and the penalty therefore is prescribed in a written law”<sup>9</sup>.

At two different occasions, the International Maritime Organisation (IMO), a specialised agency of the United Nations responsible for regulating shipping, has extolled Nigeria's leadership role in the quest for security in the Gulf of Guinea (GoG). In a letter addressed to Director-General of the Nigerian Maritime Administration and Safety Agency (NIMASA), Dr. Bashir Jamoh, IMO specifically highlighted NIMASA's contribution to the war against piracy and maritime crimes in the region, including facilitation of extant legislation, the Suppression of Piracy and Other Maritime Offences (SPOMO) Act 2019, and

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<sup>9</sup> Section 36(12) of the 1999 Constitution of Nigeria (as amended),

initiation of the Deep Blue Project. It said they were proof of the country's abiding determination to lead the charge against maritime crimes in the region.

To many industry experts, anti-piracy law reinforces a big threat to maritime felons who often cause excessive hemorrhage to our blue commonwealth. The Suppression of Piracy and Other Maritime Offences SPOMO Bill 2019 signed into law by President Buhari two years ago, which was targeted at checking piracy in Nigeria and the Gulf of Guinea. The Nigerian President in 2019 assented to a bill to suppress maritime offences and piracy in the Nigerian territorial waters and by extension international maritime waters. The Suppression of Piracy and Other Maritime Offences (SPOMO) Act 2019 is historic in combating maritime crimes on our waters. Although it is too early to give a comprehensive analysis on the performance index of the legislation, one can still assess the field capacity of the legislation and profile the shortcoming of the legislation which is the main radar of this paper. Some of the challenges that may continue to affect the seamless operation and efficacy of performance of the legislation are captured as follows:

**(a) A Disconnect between (SPOMO) Act 2019 and Corpus of other Related Laws on Maritime Crimes**

Maritime experts have raised recondite questions about Nigeria's capacity to implement its new law, and detect and prosecute crimes. Of course, it takes time for new laws to show results, but part of the problem may lie with the SPOMO Act itself. Nigeria's Suppression of Piracy and Other Maritime Offences Act 2019 (SPOMO Act) aims to *'prevent and suppress piracy, armed robbery and any other unlawful act against a ship, aircraft and any other maritime craft, including fixed and floating platforms.'*<sup>10</sup> It also gives effect to the United Nations Convention on the Law of the Sea, 1982 (UNCLOS) and the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988 (SUA) under the doctrine of complementarity to cover the crime of piracy in a wider range. As the first country in the region to pass an anti-piracy law, Nigeria's effort is commendable. The SPOMO Act's strengths are, among others, its definition of piracy which is in line with UNCLOS, and its specific punishments for violations. As the first country in the region to pass an anti-piracy law, Nigeria's effort is commendable

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<sup>10</sup> Section 4 of the (SPOMO) Act 2019



However, since the act was passed however, maritime crime has continued unabated. According to *The Economist*, piracy in the region is 'primarily a Nigerian problem' because pirates operate mostly 'out of the labyrinthine waterways in the Niger Delta.'<sup>11</sup> In December 2019, four armed robberies occurred in Nigeria's waters. On 2 January 2020, three seafarers were kidnapped and four security personnel killed on a dredger off Forcados Terminal in Nigeria. It is a standalone law that operates independently of other domestic laws such as those governing firearms, kidnapping and money laundering. This limits its effectiveness in the face of evolving crimes like piracy. It will also make complying with international conventions such as UNCLOS and SUA difficult.

Nigeria's anti-piracy law operates independently of domestic laws and maritime regimes. Given that piracy is a transnational crime, combatting it requires more than national efforts. After the Yaoundé Code of Conduct was reviewed in 2017, maritime laws or amendments to penal codes were expected throughout West Africa to standardise legal regimes. Only Nigeria has since passed anti-piracy legislation, and even then, its standalone nature means the law won't help coordinate piracy responses in the region. The beauty of effective prosecution and deterring a crime in any society is to seriously invoke the full gamut of principal and related legal instruments to address the crucible. A single legislative document may not be able to solely deter a crime but for the synthetic and synchronised legal and regulatory attacks on the menace may end up phasing out the crime. Scholars have elicited the immense advantages of *corpus juris* in ensuring amity and orderliness in the commonwealth. *Corpus juris* otherwise known as body of laws operates in tandem with the doctrine of complementarity. The principle of complementarity is to solve the void created by standalone law in order to cure every loophole or hiatus that might be created by the same standalone law over prosecution of a crime.

It is left to be seen how effective and proactive the Act would be without given effect to other laws which have complementary and in-depth definitions and sanctions of maritime related crimes. Crimes such as trading in firearms needs the full input of the Firearms Act,<sup>12</sup> and other sundry criminal laws which are not covered by the SPOMO Act but are within the scope of piracy related activities. This is a

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<sup>11</sup> The Economist's Report of 29 June 2019 Edition 'The Gulf of Guinea is now the world's worst piracy hotspot' available at <https://www.economist.com/international/2019/06/29/the-gulf-of-guinea-is-now-the-worlds-worst-piracy-hotspot> and accessed on 2 August 2021

<sup>12</sup> Cap F28, LFN 2004

fundamental flaw and lacuna in the Act that may defeat its good policy objectives.

### **(b) Creation of Inter-Agency Rivalry by SPOMO Act**

Rivalry creation among inter agency of government is a suicidal in nature because government carries out its policy and objective plans through its agencies. The security of a nation is carried out by the agencies of government with clearly defined radar of objectives and clarified rules of individual agency areas of responsibilities and regulatory functions. The SPOMO Act lacks clarity on roles and responsibilities of maritime agenc(ies). SPOMO Act says ‘law enforcement and security agencies’ will be responsible for gathering intelligence, patrolling waters and investigating offences<sup>13</sup>. But the law isn’t specific on which law enforcement agencies are responsible for these functions – an oversight that may deepen inter-agency rivalry.

The Armed Forces Act of 1993 makes Nigeria’s Navy responsible for securing the country’s maritime domain. But SPOMO Act seems to have tasked the Nigerian Maritime Administration and Safety Agency with coordinating all maritime activities and security including ‘to prevent and combat piracy, maritime offences and any other unlawful acts prohibited by this Act’<sup>14</sup>. The law also does not provide for strengthening maritime agencies. Areas that need attention are their ability to control private maritime security operatives, clarity of mandates and responsibilities, and enhanced human and institutional capacity. This matters because it is fragile institutions and irregular practices rather than the absence of laws that account for Nigeria’s weak maritime security. Worryingly, the POMO Act has no provisions against corrupt practices by Nigeria’s maritime agencies, which also increase spate of piracy.

Most fundamentally, the law doesn’t deal with proceeds from piracy, kidnapping and armed robbery at sea. Although it provides, as punishment, the ‘forfeiture to the Federal Government of Nigeria whatever the person obtained or gained from commission of the crime,’ this may not be adequate as a deterrent. The proceeds of piracy are connected to illicit financial activities such as money laundering, corruption, tax and document fraud. Combatting piracy must go beyond the mere forfeiture of gains and imprisonment. A nuanced approach is needed to deal with related crimes, including the transfer and use of

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<sup>13</sup> Section 17 of SPOMO Act 2019

<sup>14</sup> Section 17 (1) and (2) of SPOMO Act 2019

proceeds and some form of recourse, especially for victims of armed robbery and kidnapping.

Piracy is an organised crime linked to trafficking of guns, drugs and people, as well as armed robbery. Yet the law doesn't deal with pirates' weapons, how they are procured, the process of recruiting pirates, and those who provide pirates with safe havens. In Kenya, for instance, the anti-piracy law covers attacks, money laundering and organised crime.

To achieve its purpose, Nigeria's anti-piracy law should be amended to align with regional maritime legal regimes such as the Yaoundé Code of Conduct as well as domestic legislation dealing with kidnapping, firearms and money laundering. The role of the navy as the lead agency in maritime security should be clarified, and collaboration among relevant agencies strengthened. The law also needs to deal with the proceeds of piracy and related crimes including corruption. Beyond the law, Nigeria must tackle sociological and environmental factors that drive the problem. Militancy and criminality in the Niger Delta manifest in piracy and maritime insecurity. Deliberate policies aimed at these root causes and at reducing the ability of groups to operate at sea, hold the key to defeating piracy in Nigeria and the West African region.

### **(c) Issues of Jurisdiction under SPOMO Act 2019**

The Federal High Court to the exclusion of all other courts has adjudicatory powers to try and determine all matters under the Act.<sup>15</sup> The Act also provides that, notwithstanding the provisions of any other act, any person who commits or attempts to commit, facilitates, aids, abets, conspires or participates in an act of piracy or any maritime offence or unlawful act under the act will be liable, on conviction, to any penalty or punishment provided for under the Act.<sup>16</sup> The combined effect of these two provisions appears to be that where an act constitutes a crime under the SPOMO Act, it cannot be prosecuted in any way other than as set out in the Suppression of Piracy and Other Maritime Offences Act. Thus, for example, the trial of a case of armed robbery committed on board a ship within Nigerian waters may not be validly heard and determined in the high court of any state of Nigeria or the federal capital territory despite the general jurisdiction of those courts to try cases of armed robbery.

This is a conflict or unnecessary tension that often characterizes standalone law. It is a disastrous attack on other legitimate laws made by either the National Assembly or the State Houses of Assembly. It is

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<sup>15</sup> Section 5 (2) of SPOMO Act 2019

<sup>16</sup> Section 10 of SPOMO Act 2019

so hard and unjust to contemplate that the SPOMO Act would deny High Courts of States jurisdiction over matters that fall under their radar. In fact, the lifespan of SPOMO Act might be short considering its octopus attempt to deny even Federal laws from their policy objectives and material obligations enshrined in them. It is a desire of this paper that the stakeholders approach the competent court to try the validity or otherwise of SPOMO Act in wresting the responsibilities and material contents of federal laws and putting them in limbo.

#### **(d) Suppression of Piracy and Other Maritime Offences Act Silence on Proceeds of Piracy and Related Maritime Crimes**

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### **5. Recommendations**

Considering the interrogated challenges in the maritime principal legislation in addressing criminal activities on the Nigerian maritime corridors, the following reforms are suggested for the stakeholders as a guide in crafting new but comprehensive law to seamlessly phase out piracy and other related maritime crimes. They are:

- a. Urgency is needed in further amending the Suppression of Piracy and Other Maritime Offences Act to reflect the doctrine of complementarity. A process whereby other laws regulating and prosecuting other maritime crimes such as Firearms Act, Administration of Criminal Justice Act, Terrorism Act, Money Laundering Act etc are primarily allowed as material laws to determine crimes for which their policy objectives and purposes of their passage are meant to address. In fact, there are so many criminal activities richly captured by those laws than the SPOMO Act itself. The effectiveness and efficacy of functionality of the SPOMO Act lies with complementary gesture of other principal laws
- b. Issue of interagency rivalry should be resolved with immediacy. The various stakeholders and maritime experts should come up with policy framework regardless of overlapping functions created by respective laws, to harmonise areas of responsibilities and objectives of individual agency which has statutory security responsibility in securing our maritime corridors from the menace of pirates and other criminal activities. The various security and policy agencies roles should be complementary and not rivalry as the current case.
- c. Issue of jurisdiction still goes to the root of the Act. It is a fundamental flaw in the Act to deny the High Courts their constitutional and statutory powers to determine criminal matters even those matters that fall within maritime activities. Criminal activities such as money laundering, firearms offences, murder and others could be tried and determined by the High Court of States. This is a constitutional matter and the illegality of the SPOMO Act must be urgently redressed to the extent that it is brought in conformity with the constitutional legitimacy.
- d. Finally, the Act must be amended to recognize the use of the proceeds of piracy, kidnapping, money laundering, proceed of maritime terrorism etc. In fact, Nigeria has been battling with the challenges of re-looting the seized proceeds of crimes. There is a need to wake up the Nigerian parliament from its inertia to pass the Proceeds of Crimes Bill which has been at the National Assembly for long. If the Bill is passed, having regulators established by the Bill to administer the proceeds of maritime crimes, effective management of proceeds of maritime crimes would be safely guaranteed.

## **6. Conclusion**

Maritime piracy and other related offences are a global phenomenon. Nations of the world which are signatories to the UNCLOS and have domesticated legal instruments to that effect have been facing the menace in advanced terms. Hence, the challenges of the new Nigerian maritime legislation, SPOMO Act 2019 have been examined in this paper with their respective consequences. Maritime is a humongous commerce and source of economic wealth to any nation with maritime corridor so is the menace of piracy and modern maritime crimes. It is hoped that if the above suggested reforms are implemented by the stakeholders, Nigeria would be one of the best statutory and regulatory regimes of safe maritime activities.