

SECURITY CHALLENGES IN NIGERIA'S MARITIME SECTOR: IMPLICATIONS FOR SUSTAINABLE DEVELOPMENT GOALS

Francisca Obiageli Ifedi, Ph.D

Department of Political Science and International Relations

Godfrey Okoye University

Ugwuomu-nike, Enugu.

frannyoby@yahoo.com

08035306554, 08170589630

Abstract

The planet earth is the largest terrestrial planet where water equally occupy 75% of the earth's surface. Of the water composition, ocean and river cover about 96.5% of all earth water. As economic activities take place on the land, greater economic activities takes place in the waterways. Thus, the Sustainable Development Goals (SDG) which emerged as the extension of Millennium Development Goals (MDG) in its Goal 14, placed high premium on the waterways and its attendant economic activities. Nigeria is a coastal state, but unfortunately its waterways are not safe for economic activities. In this paper, therefore, the major focus is to interrogate the nature of security challenges in the waterways that not only mar the economic activities but also jeopardise Goal 14 of the SDG. The Marxist Political Economy theory was used to analyse the study. The data were generated mainly from the primary source where structured interview technique was employed. Equally, data were generated from secondary sources. Findings proved that criminal activities like piracy, kidnapping, robbery, poaching, among others constitute security challenges. It was equally discovered that the activities of the criminals were facilitated through sophisticated firearms like Ak47, pistol, machet to mention but a few. To arrest the security situation in the waterways, the paper recommended a more proactive approach through the recruitment of more security personnel for routine surveillance.

Key Words: Maritime, Policy, Security, Territorial Waters, Economic Activities.

Introduction

Man's existence is marked by all forms of economic activities, mainly for his survival. The mobility of human and material resources across national and international boundaries gives credence to the economic activities. The bulk of these economic activities are transacted through the waterways. This is because, the sea by its nature occupies a strategic and unique position both at the domestic and international levels. Unfortunately, the Coastal States have witnessed from time to time, myriad of security threats. The security challenges on the high sea and within the respective exclusive economic zones (EER), in the strait of Malacca, the Indonesian waters, the Gulf of Aden and the Gulf of Guinea have posed serious economic challenges to humanity.

Nigeria being a coastal state with two major rivers – (Niger and Benue,) with accessibility to the oceans, and lakes, is blessed with coastal boundaries and navigable waters. Safety in Nigeria's waterways like any other remains inimical to economic activities. The implication is that Nigeria's waterways are vulnerable to maritime criminal activities, ranging from illegal fishing, to robbery and militant activities against commercial assets. These ugly developments are rampant in the waters around the coast of the Niger Delta. The criminal activities range from poaching and robbery especially, in the waters off Lagos and within its ports to attacks on ship and offshore facilities and the hijacking of vessels for ransom, notably in the area near the Niger Delta, including the Bayelsa waters, Utawa-opobo, Opobo-Andoni and Oron-Calabar waterways in Rivers and Akwa-Ibom states.

It is perhaps, on the above perceived development that Goal 14 of the Sustainable Development Goal (SDGs) sets out to emphasize on the importance of the waterways for sustainable development. The SDG was founded at the United Nations conference on sustainable development in Rio de Janeiro in 2012. The purpose was designed to produce a set of universal goals that would address the urgent environmental, political, security and economic challenges facing the world today.

The question at this juncture becomes: To what extent does security threat pose challenges to economic activities in the Nigeria waterways and by extension to the nations' sustainable development goals.

Related Literature

In this section, attempts were made to find explicit explanations to the term security challenges in the waterways so as to unearth the burning issues as it affects economic activities.

Maritime Security Challenges:

In explaining maritime security challenges, scholars like, Feldt, Roell, and Thiele (2014), have demonstrated that maritime security appears to be a large and sometimes nebulous term. To them, the subject matter in short, has become a large area involving many entities, from the international, to the public and private sectors. Technically, maritime security, they argued, has to be distinguished from maritime safety. While maritime security is the combination of preventive and responsive measures to protect the maritime domain against threats and international unlawful acts, maritime safety on the other hand, is the combination of preventive and responsive measures intended to protect the maritime domain against, and limit the effect of accidental or natural, danger, harm, and damage to environment, risks or loss. The essence of the two is to: "preserve the freedom of the seas, and maintain good governance at sea" (Feldt, *et al.* 2014 p.23).

Emphasizing further on the issue of the maritime security, the scholars maintained that in terms of maritime security operations, maritime security is ambiguous to define. This is because, it is a governmental responsibility where the authority to act on behalf of a state is a sovereign decision with different options. This has a strong influence on maritime collaboration.

Elements that are part of maritime security, among others, range from security of sea lines, of communications and protection from crimes at sea to resource security, access to resources at sea and to seabed, environmental protection and security of all seafarers and fishermen. Referring to the responsibility for maritime, all nations have a responsibility by signing the UN Convention on the Law of the Sea (UNCLOS), or by being compliant with this broad set of articles and regulations, which offer a foundation for Good Governance at sea. All maritime regimes must ensure or, in critical situations, enforce compliance with this globally accepted document. This is akin to the principle of international law which is "Pacta Sunt Servanda" meaning every agreement reached must be kept.

In terms of maritime security challenges, the trio captured the problems as, sea piracy, armed robbery, maritime terrorism, illicit trafficking by sea (that is, narcotics trafficking), small arms and light weapons trafficking, human trafficking, cargo theft, etc.

Maritime piracy has been comprehensively defined in article 101 of the 1982 UN Convention on the Law of the Sea (UNCLOS), as follows:

- 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 ship, and directed:
 - i. on the high seas, against another ship, or against persons or property on board such ships
 - ii. against a ship, persons or property in a place outside the jurisdiction of any state.
- any act of voluntary participation in the operation of a ship with knowledge of facts making it a pirate ship'
- any act of inciting or of intentionally facilitating an act described before.

Equally, armed robbery has been defined from the perspective of the International Maritime Organisation (IMO) in its 26th Assembly Session in Resolution A. 1025 "Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against Ship" as follows:

- any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against a person or property on board such a ship, within a state's domestic waters, archipelagic waters and territorial sea;
- any act of inciting or of intentionally facilitating an act described above.

In a related development, maritime terrorism has been given an all encompassing definition by the Council for Security Cooperation in the Asia Pacific (CSCAP), Working Group. In the document, it (maritime terrorism) is, "the undertaking of terrorist acts and activities within the maritime environment, using or against vessels or fixed platforms at sea or in port or against any one of their passengers or personnel, against coastal facilities or settlements, including tourist

resorts, port areas and port towns or cities" (<http://www.maritimeterrorism.com//definitions>) assessed on 6/6/2017.

In Nigeria's situation, the above indices of maritime security challenges are prevalent and have assumed a worrisome dimension. Thus, economic activities in Nigeria's waterways have not only been jeopardized, but also crippled and so pose serious danger to national development.

Theoretical Frame Work

The theoretical guide adopted in this paper is the Marxist Political Economy. The choice of this approach is informed by the analytical categories prevalent in the approach.

Fundamentally, the doyen of this school of thought is Karl Marx. The tenet of the theory is demonstrated in some of his classical writings in 1867, 1885, 1894 and 1859, representing Capital I – III, the Preface and Introduction, to a contribution of the Critique of Political Economy

In applying the Marxist Political Economy to the study here, the focus of analysis will be on the class character of the international system, the primacy of economic determinism in the law of the sea matters *vis-à-vis* the mobility of economic wealth in the waterways. This is in tune with the configuration of the world political economy that is characterized by class struggle between proletarian internationalism and bourgeois internationalism. Thus, the existing system is the bourgeois one. It is based on statism, and states had not existed (and may not exist) in all eternity. "They were products of the class division of society along economic lines" (Engels, 1959:239)

At this point, Marx observed that production is always social. As a social process, however, it involves relations between people, the (social) relations of production, which govern access to the factors of production and the use of the product. As society advances with the progress of the production process, Marx demonstrates that each mode of production (except the simplest, the primitive – communalism, and the highest, the future communist model) defines a pair of opposed classes, a class of producers exploited by a non-producing class. At this level of abstraction, classes it is argued, should not be thought primarily as groups of people, but as opposing position within a structure of social relations, hence,

society as a whole is seen to be splitting up into two hostile camps, into two great classes directly facing each other - Bourgeoisie and proletariat (Marx 1970 p.328).

Owners of the means of production (the rich) excludes non-owner (the proletariat and/or the workers) from production, except on terms acceptable to the owners. Explicit in the class analysis, is the relationship of the individual to the means of production, and implicit in this analysis too, is the nature and distribution of power in this relationship. Because, few individuals and/or nation-states control the means of production, they tend to expropriate and exploit the majority who own nothing but their labour power. The subordinate position of the non-owners of the means of production affects, therefore, their personality and consciousness. Because, the propertless class is alienated from determining what to produce and the appropriation of the values of production, they tend to become frustrated and in turn aggressive as they try to express their feelings in the society. Thus, violence and all forms of social vices become the available option to achieve their desires.

What the on-going has demonstrated so far, as far as this work is concerned, is that security challenges in our Nigeria's waterways is occasioned by the frustration suffered by the majority of the propertless class who are daily exploited and subjected to all manners of denial by the government and propertied class of people in the society. Hence, because, the waterways are one of the major sources of economic activities in the world and in Nigeria in particular, it obviously becomes vulnerable to security threats.

METHODS OF DATA COLLECTION

To generate the data for this work therefore, a synchronic survey through interview technique was employed. Here, the opinion of some stakeholders that operate within the Nigerian wharfs were obtained through a purposive or judgemental sampling. 50 respondents were purposively sampled, 25 each from Port-Harcourt and Lagos Wharfs (Apapa). These cut across speed boat drivers, traders and fishermen operating within those areas.

Security Challenges in the Nigerian Waterways

Nigeria is a coastal state as already indicated in this work, because of the two rivers (Niger and Benue) and because, it is one of the states in the Gulf of Guinea, plus her membership of the lake Chad Basin Commission.

The maritime environment of the Gulf comprises eight countries in West and Central Africa (Nigeria, Cameroon, Equatorial Guinea, Gabon, Republic of Congo, Democratic Republic of Congo, Sao Tome and Principe and Angola) which presently constitute the Gulf of Guinea Commission (GGC), established in July, 2001. The specific zone covered by the Gulf of Guinea stretches from the Bight of bonny in Nigeria to Luanda in Angola, covering a general area of about 250.000 square nautical miles. The strategic importance of the Gulf of Guinea as an alternative source of energy to industrial counties and primary provider of scarce foreign exchange to the GGC, members resides in its proven vast reserve of hydrocarbon deposits.

In Nigeria, the Bight of Bonny covers today the present area known as the Niger Delta region. The region is known for its huge oil deposits and so is seen as the wealth base of the country. Thus, Nigeria's wharfs are concentrated in the region and in Lagos for domestic and international maritime economic transactions. Equally, in the Lake Chad basin region, maritime economic activities are carried out within Bornu (Maidugri) axis.

The economic activities in these waterways are often times marred by all sorts of security threats that pose serious danger, not only to Nigeria's economic growth and development, but also to the corporate co-existence of the country.

Findings and Discussion

In terms of the interview questions, a total of five questions were raised. The questions and responses are presented below:

- **What are the nature of security challenges usually experienced in Nigeria's waterways?**

The common security challenges usually experienced in Nigeria waterways are: sea piracy that usually takes the dimension of violent attack on the crew or passengers, hostage taking and kidnapping, sea robbery and poaching.

From the evidence adduced above, it is crystal clear that security challenges in Nigeria's waterways is as common as all other security threats in the country and even beyond. Presently, Nigeria and even the global community have witnessed one of the world's oldest crimes against sea trade - sea piracy.

In terms of the consequences or implications of the security threat in Nigeria's waterways, the responses tend to demonstrate that the main victims of pirates are sea business operators, particularly, speed boat drivers, fishing trawlers, petty traders, big commercial boats and the oil industry. The frequent attacks on the fishing activities led to the reduction of the numbers of trawlers from 250 to 150 in 2003, according to the Chairman of Nigerian Trawler Owners Association (NITOA), who was one of the respondents in the interview. This poses significant challenges and enormous cost on local fishing industry. These devastating consequences occasioned the alarm raised by the former Nigeria's Minister of Finance, Dr. Ngozi Okonjo-iwuuala who declared in 2012, that piracy in the Gulf of Guinea have threatened about 600 million Dollars worth of fishing exports, as well as leading to a loss of over 2 trillion naira yearly in capital flight to foreign countries (The Nation, July 23, 2012)..

In the bid to provide answers for why security challenges in Nigeria's waterways have continued unabated, the views provided seem to anchor on a number of reasons like, states failure to fulfil their quintessential and traditional role of security provision, alienation and marginalisation of oil producing regions, social problem of poverty, and unemployment, corruption and proliferation of arms, to mention but a few.

▪ **What type of weapons/strategies are usually employed by the perpetrators of these security challenges?**

Weapons like sophisticated guns, example, AK47, pistol, short axe, machet, fuel, matches etc. The strategies include, masking themselves, blindfolding their culprits, etc.

▪ **What reasons do you think are usually advanced by the perpetrators of security threats for their actions?**

The general impression that are usually created by the perpetrators for their actions is the failure of the Nigeria government and the oil companies in fulfilling the agreement reached between them and the

hosting community, for the improvement of their lives and the development of the communities of the oil producing areas.

Another factor that equally accounts for the security challenges is the class antagonism between the people in and the industrialist/state in the oil producing regions. Generally, people in the region allege that they are not sufficiently compensated by the government and the oil companies that carryout mining activities in their areas and so the option open to them to register their grievances is to take to the creek and carryout all manner of criminal activities.

For unemployment, corruption and proliferation of arms, as among the reasons for security challenges in the waterways, the evidence adduced in the interview underscored poverty of the youths in the area, corruption of the government officials and proliferation of arms as serious factors. For instance, in a release by the Sahara Reporters (2010), a relevant stakeholder in the Nigeria security sector was reported to have facilitated the release and sale of military weapons to the ethnic militia in the oil region.

▪ **To what extent has the Nigeria maritime polices helped to curb the security challenges in her waterways?**

How could one be sure that there are maritime policies or laws in Nigeria? If there are, then such laws are toothless bulldog because, the rate crimes are carried out in Nigeria's waterways is such that the perpetrators are law upon themselves. They behave anyhow and always go scot free. If the laws are actually there, the perpetrators seem to be above such laws.

Taking cognisance of the reactions to the questions, one may not be far from being correct if one says that the Nigerian government lacks the political will to provide adequate security for the safeguard of life and property in Nigeria waterways. This means that Nigerian security forces are not living up to expectations in discharging their conventional duties, hence, the escalation of sea piracy in the nation's waterways.

What strategies do you think can be adopted to control the security threats in Nigeria's waterways?

The first measure is that federal government has to sit up in its responsibilities. This is because, the actions of the Nigeria's government so far demonstrates that either that the government is too weak to face security challenges, or that it is insensitive to the people's problems. It is supposed to learn the strategies adopted by other countries of the world in tackling maritime security problems in their waterways.

The persistence of the security challenges in the Nigerian waterways is inimical to the objectives of the Sustainable Development Goals which was established to remedy the lacuna of its predecessor, Millennium Development Goals (MDG).

Conclusion And Recommendations

A comprehensive approach to maritime security appears indispensable. This is because, the safeguard of common prosperity and security interests is *sine qua non* for protecting and supporting legitimate activities within the Nigerian maritime industry. By ensuring freedom of navigation and commerce, opportunities are therefore, provided for the provision of regional and economic stability. Such scenario is no doubt a leeway for the inward and outward flow of capital which enhances not only foreign direct investment (FDI), but also guarantees free flow of trade.

The present security stakeholders in Nigeria's waterways, like the Joint Military Taskforce (JTF), Maritime Police, Nigerian Navy, National Security and Civil Defence Corps (NSCDC), Nigeria Maritime and Safety Agency (NIMASA) among others, appear inadequate to address the degree of criminal activities in the maritime industry, hence, incomprehensive to the provision of security surveillance along the waterways.

To strengthen the maritime industry in Nigeria therefore, the following recommendations are made:

More personnel should be recruited with adequate training and retraining, with a view to getting them abreast of necessary technical knowledge that will assist them to be proactive in their responsibilities. When such is done, they will be in a better position to monitor the activities in the nation's waterways and detect any criminal act that may occur from time to time. It

is not enough to stay in an air-conditioned office and give instructions because, the issue of security demands from time to time a practical and decisive strategy and implementation.

In a related development, the Nigerian customs unit should double their efforts to ensure that security threat in Nigeria's waterways are minimised. This, they should do by trying to be more vigorous instead of engaging in corrupt practices that would lead to the aiding and abetting of security threats in the maritime industry. For instance, there are indications that ships are arriving from foreign anchor at the Ladol Free Trade Zone and Snake Island Free Trade Zone, as if these zones are free ports instead of arriving and reporting at the customs ports. Such development definitely violates the provision of section 12 (1) and 4 of CEMA Cap, C45 LFN 2004. Unlawful berthing of ships from foreign and unauthorized locations automatically renders Nigeria vulnerable to security threats as it could lead to trafficking in arms and ammunition and also losses in collectable government revenue.

References

- Anishere, J. C. (2016). *Introduction to Maritime Law and Admiralty Jurisdiction in Nigeria*. Paper presented at the 14th International Maritime Seminar for Judges, at Sheraton Hotel and Towers, Abuja.
- Bateman, S. and Chan, J. (2014). "Good Order at Sea in Southeast Asia" in Hofmeister, W. and Rueppel, P. *Maritime Security and Piracy: Common Challenges and Responses from Europe and Asia*. Singapore: Konrad – Adenauer Stiftung Ltd.
- Black's Law Dictionary (1999). St. Paul, Minn: West Group. 7th Edition.
- Buba, I. N. (2016). *Introduction to Maritime Law and Admiralty Jurisdiction in Nigeria*. Paper Presented at the 14th International Maritime Seminar for Judges, at Sheraton Hotel and Towers, Abuja.
- Davis, C. (2009). *AFRICOM's Relationship to Oil, Terrorism and China*. *Orbis*, 53(1)
- Ehrhart, H. (2014). "Maritime security and Piracy as Challenges for the EU in Hofmeister, W. and Rueppel, P. *Maritime Security and Piracy: Common Challenges and Responses from Europe and Asia*. Singapore: Konrad – Adenauer Stiftung Ltd.
- Engels, F. (1951). *Origin of the Family, Private Property and the State*. Moscow: Foreign Languages Publishing House.
- Feldt, L., Roell, P. and Thiele, R. (2014). *Maritime Security: Perspectives for a Comprehensive Approach*, in Hofmeister, W. and Rueppel, P. *Maritime Security and Piracy: Common Challenges and Responses from Europe and Asia*. Singapore: Konrad-Adenauer Stiftung Ltd.
- Finer, S. E. (1988). *The Man on Horseback*. Boulder: Westview Press. 2nd Edition.
- Gurr, T. (1970). *Why Men Rebel*. Princeton: Princeton University Press.
- Hofmeister, W. and Rueppel, P. (2014). *Maritime Security and Piracy: Common Challenges and Responses from Europe and Asia*. Singapore: Konrad – Adenauer Stiftung Ltd.
- Huntington, S. (1968). *Political Order in Changing Societies*. New Haven: Yale University Press.
- International Maritime Organisation, <http://www.imo.org/pages/home.respx>
- Loewen, H. (2014). "Security Regimes in Southeast Asia: Confidence Building and the Global Nexus" in Hofmeister, W. and Rueppel, P.

- Maritime Security and Piracy: Common Challenges and Responses from Europe and Asia*. Singapore: Konrad – Adenauer Stiftung Ltd.
- Marx, K. (1961). *Capital, Vol. 1* (ed), F. Engels, Moscow: Foreign Languages Publishing House, First Published in German 1867.
- _____ (1957). *Capital, Vol. 11* (ed), F. Engels, Moscow: Foreign Languages Publishing House, First Published in German 1885.
- _____ (1962). *Capital, Vol. 111*, (ed), F. Engels, Moscow: Foreign Languages Publishing House, First Published in German 1894.
- _____ (1976). *Preface And Introduction to a Contribution to the Critique of Political Economy*, Pekin: Foreign Languages Publishing House, First Published in German 1859.
- Onuoha, F. C. (2012). "Corruption and National Security: Three-Gap Theory and the Nigeria Experience". *Nigeria Journal of Economic and Financial Crimes*. January-April, 1 (2).
- Paulsen, G. W. (1983). *A Historical Overview of the Development of Uniformity in International Maritime Law* *Tulane Law Review*, Vol. 57, No. 5.
- Sahara Reporters, 2010. <http://www.saharareporters.com>
- Schoenbaum, T. J. (1994). *Admiralty and Maritime law*. St. Paul Minn: West Publishing Co. 2nd Edition Vol. 1.
- The Nation Newspaper, 23rd July, 2012.
- United Nations Convention on the Law of the Sea (UNCLOS), 10 December, 1982. http://www.un.org/Depts/los/convention_agreements/convention_overview.
- United Nations, <http://www.maritimeterrorism.com/definitions>. Assessed on 6/6/2017
- World Bank (1997). *The state in a Changing World*. World Development Report. Washington DC.