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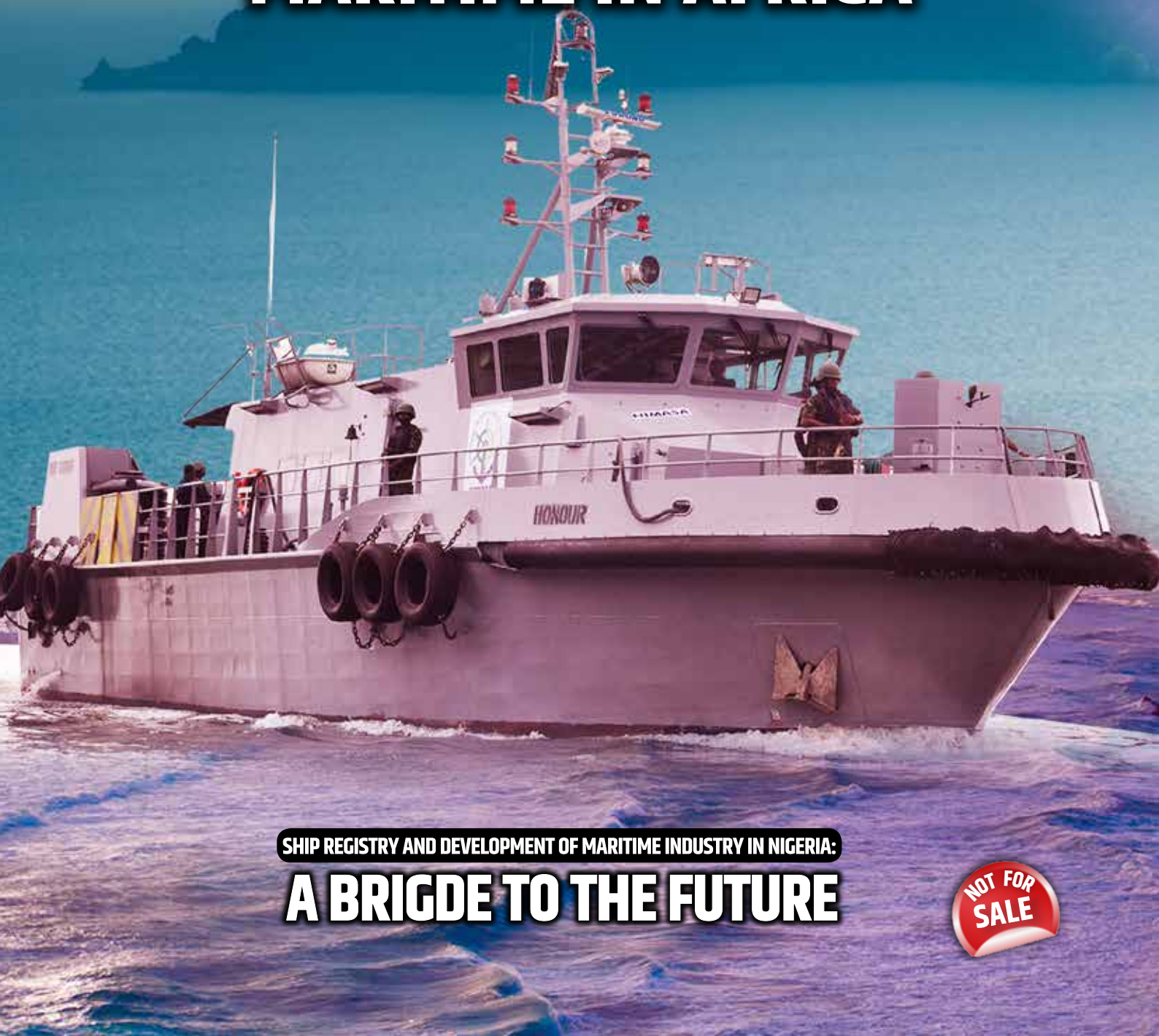
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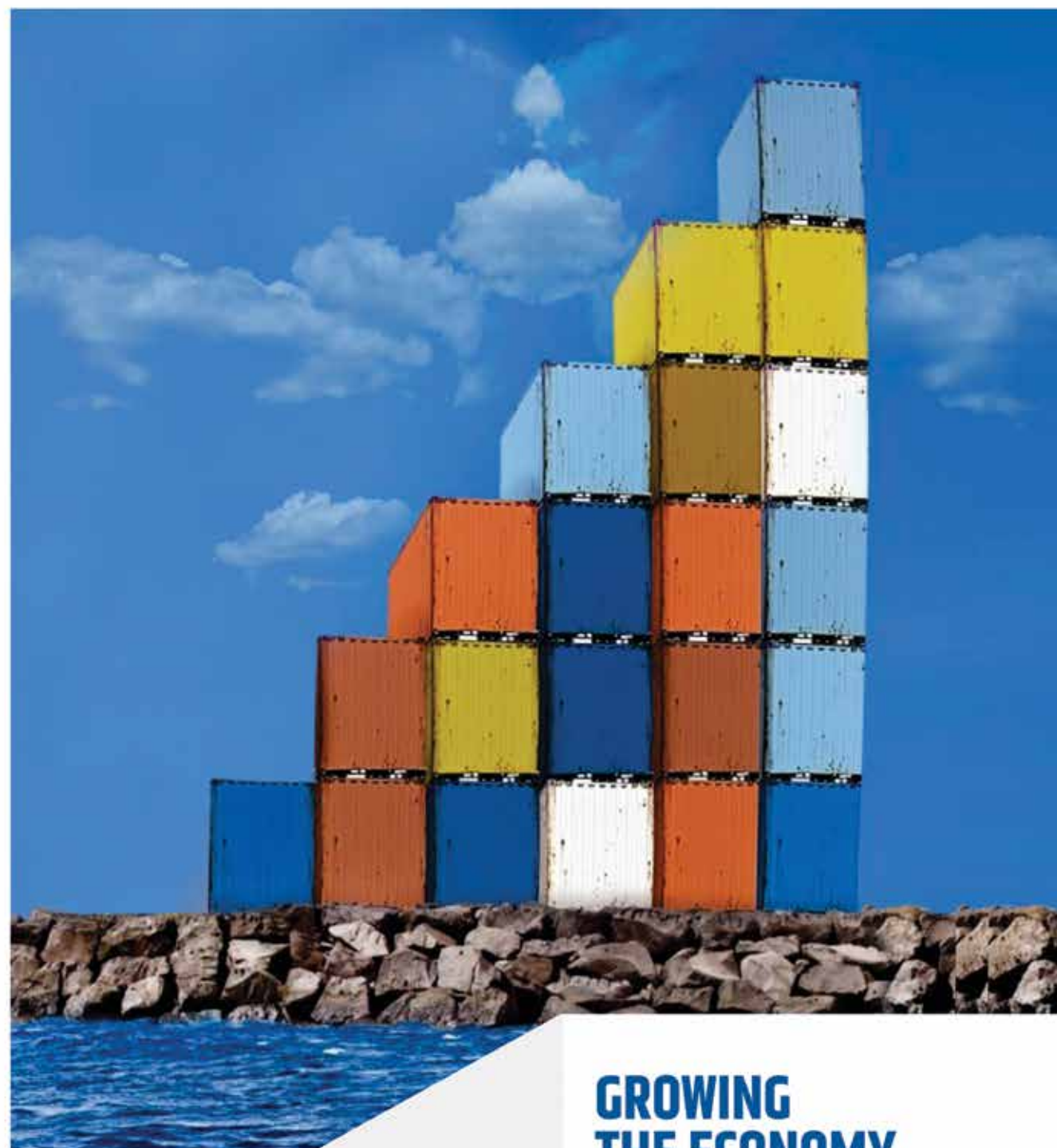
NIGERIA: CHARTING A NEW COURSE FOR MARITIME IN AFRICA



SHIP REGISTRY AND DEVELOPMENT OF MARITIME INDUSTRY IN NIGERIA:

A BRIGDE TO THE FUTURE





GROWING THE ECONOMY WITH OUR WATERS

We steer our set objectives and goals to facilitate trade and generate revenue for Nigeria's economic development

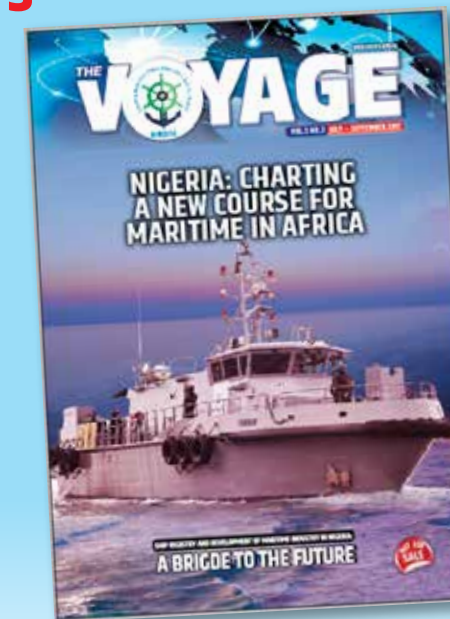
- Cabotage Services
- Indigenous Shipping Development
- International and Coastal Shipping Trade

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REGULATORY | OPERATIONAL | PROMOTIONAL | CAPACITY BUILDING

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HANDS ON THE WHEEL

Our desire is to provide the ideal platform that will engender sustainable growth in the Nigerian maritime sector, which has seen us at NIMASA seek both regional and continental collaboration.

The latest success in this line was the signing of a Memorandum of Understanding between the Nigerian and the Ghanaian Maritime Administrations.

As part of measures aimed at ensuring greater representation for Africa at the IMO (with a view to considering the membership quota), I led a delegation of executive members of the Association of African Maritime Administration (AAMA) to meet with the IMO Secretary General, Mr. Kitack Lim. The message was very clear, the African continent deserves a better quota of the international shipping business and IMO should consider a programme to fasttrack it.

Our initiative of a 24-hour operation that has seen drastic improvement in turn around time of all our operations, particularly in the area of issuing sailing certificate has played a major role in aiding Nigeria to

“

African continent deserves a better quota of the international shipping business and IMO should consider a programme to fasttrack it

”



Dr. Dakuku Peterside
DG/CEO

rise 24 places on the World Bank's ease of doing business rankings and earned her a place in the top 10 reformers in the world.

Our quest to ensure strict compliance with international regulatory instruments of the IMO is an indication that we at NIMASA are committed to international best practices. We are putting in place the framework for a future that will see massive development in infrastructure within the maritime sector.

WORDS ON MARBLE

It is a well-known fact that Africa's seas and oceans are usually overlooked when it comes to issues of sustainable development in Africa, to the extent that Africa is considered to be sea blind; sea blind because there is low level awareness of the potential for wealth creation which abounds in the seas and oceans. Our eyes are gradually being opened to the reality that our seas and oceans possess huge source of economic resources that can take the continent to the next level".

DR. DAKUKU PETERSIDE

BUILDING BRIDGES

This is another rich edition in your hands dear reader. Coming after the bumper edition devoted to the comprehensive coverage of the Association of African Maritime Administrations, AAMA, Annual Conference, hosted in Abuja in the second quarter of the year, this issue is a full outing highlighting some of the instruments and structures being painstakingly put in place by AAMA Chairman, who doubles as Director-General of the Nigerian Maritime Administration and Safety Agency, NIMASA, Dr. Dakuku Peterside, to deepen its resolutions and expectations.

The outcome of the conference dovetails into the inspiring ideal and compelling motive of the management to rebrand the Agency in line with international best practices. The pursuit of this mandate has not only breathed a new life into all the segments and structures of the Agency, it has also outlined for appropriate handling of such issues dealing with safety and crimes on the oceans, the role of the blue economy and its untapped potential for the economies of the continent in the face of dwindling global economy.

With the Agency strengthened and repositioned at home, its role in contributing to and driving similar issues of structure and process in the African continent is well assured. This move can only create the synergy among maritime agencies on the continent, which is required to place them on an equal footing with their global counterparts for an equal exchange of ideas and the smooth implementation of relevant statutes and conventions.

To this end, stakeholders' conferences and workshops as well as the signing of Memorandum of Understanding MoU, define some of the dogged moves being made by Dr. Peterside. Currently, the



Isichei Osamgbi

Ghana Maritime Agency has signed an MoU with the Agency, a workshop has been held with the Interpol and a conference held in London with the International Maritime Organisation, IMO, to seek proper cooperation between AAMA and their counterparts in the global maritime village. Indeed, the IMO has on many fora complemented the AMMA Chairman's efforts in carrying out its statutory functions. You will find all of these and more in this edition.

Then, in keeping with the maxim that charity must begin at home, the Agency's management and staff have been pursuing and fulfilling its restructuring mandate with single-minded devotion to ensure that the country passes the test to become a member of the IMO council in the nearest future. The Agency has committed to the training of seafarers to keep the oceans safe and secure. For the first time in labour relations, dockworkers welfare is being interpreted and harmonised in line with international best practices to make their work enjoyable and fulfilling.

As usual, it is not all about hard news, but also light, informative materials dealing with your health and climate change. Happy reading.

Bon Voyage.

OUR VISION

To be the leading maritime administration in Africa, advancing Nigeria's global maritime goals.

OUR MISSION

To achieve and sustain safe, secure, shipping, cleaner ocean and enhance maritime capacity in line with global best practices towards Nigeria's economic development.

SHIP REGISTRY AND DEVELOPMENT OF MARITIME INDUSTRY IN NIGERIA:

A BRIGDE TO THE FUTURE

BY ANTHONY PREYE PREGHAFI

INTRODUCTION

The Ship Registry is the pride, the fulcrum, and indeed the hallmark of any Maritime Administration. It could be aptly described as the face of the Maritime Administration of a country. Today, the shipping world is celebrating the maritime administrations of Liberia, Panama, Malta, Saint Vincent and Grenadine, Marshall Islands, Bahamas and Singapore because of their functional, effective and highly efficient but relatively cheap Ship Registries, which attract a large percentage of global tonnage. The resources from the Ship Registries of these countries constitute a significant amount of their Gross Domestic Product (GDP).

WHAT IS SHIP REGISTRATION?

Ship Registration is the process by which a ship is documented by a country and given its nationality.

Legally, the **United Nations Convention on Law of the Seas 1982 (UNCLOS) III in Article 91** provides as follows:

"(1) Every State shall fix the conditions for the grant of its

nationality to ships, for registration of the ships in its territory, and for the right to fly its flag. Ships have the nationality of the state whose flag they are entitled to fly. There must exist a genuine link between the state and the ship."

"(2) Every state shall issue to ships to which it has granted the right to fly its flag document to that effect."

From the above provision, every state, whether littoral or landlocked, needs to register vessels flying its flag, and issue them with a document/certificate attesting to the right to fly the state's flag. The country in which a ship is registered is called the flag state. Therefore, the flag state of a vessel is the state under whose laws the vessel is registered.

Furthermore, Article 94 of UNCLOS obligates the flag state to effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag. The state is required to inspect them regularly, certify the ships' equipment and crew, and issue safety and pollution prevention certificates.

TYPES OF SHIP REGISTRIES

There are three types of ship registries: viz, Open, Closed and Hybrid Ship Registries.

THE OPEN REGISTRIES

(Flag of Convenience, flag of necessity, free flags) are deemed by the International Transport Workers' Federation (ITF) to exist where the beneficial ownership and control of the vessel is found to lie elsewhere than in the country of the flag state. Here, there are no restrictions as to ownership requirements and labour. It is characterized by low taxes, low registry and survey fees. Examples of states with Open Registries are Panama, Liberia and Marshall Islands.

THE CLOSED REGISTRIES

(National registries or first registries) are registers where there is a genuine link between the vessel's flag state and the beneficial owner or operator of the vessel. The owner must be a citizen or national or resident of the flag state or same economic union. Also, taxes are charged on the earnings as compared to open registries wherein the taxes are on the basis of tonnage. Examples are the UK, France, USA, and the Norwegian Ordinary Ship Registry.

THE HYBRID SHIP REGISTRIES

Have the characteristics of both the Closed and Open Ship Registries. Here, there is no

requirement that the owner must be a national of the flag state; foreign nationals are allowed to incorporate companies to own a vessel provided the principal place of business is in the country. There are no restrictions as to the company's ownership and sometimes the crew. Such foreign beneficially owned and crewed vessels are not usually permitted to engage in the flag state's cabotage trade. Examples of hybrid registries are the Norwegian International Ship Registry and the Nigerian Ship Registry etc.

THE NIGERIAN SHIP REGISTRATION OFFICE

The Nigerian Ship Registration Office (NSRO) was established pursuant to section 28 of the NIMASA Act 2007. The NSRO is mandated to enter ships into the Central Ship Registry. By virtue of section 17 of the Merchant Shipping Act, 2007, the Registrar of Ships is required to maintain and keep the following registers:

- (i) A register for Merchant ships;
- (ii) A register for fishing vessels;
- (iii) A register of ships under construction;
- (iv) A register for ships on bareboat charter;
- (v) A register of licensed ships below 15 gross tons; and
- (vi) A registration for Floating Production Storage and Offloading (FPSO) and Floating Storage and Offloading (FSO).
- (vii) The Special Cabotage Registry: Wholly Nigerian owned vessel, Bareboat Charter vessel, Joint Venture vessel; and Foreign-Owned vessel.

PERSONS QUALIFIED TO OWN A NIGERIA SHIP

The under-listed persons are qualified to own a registered Nigerian ship as provided in section 18(1) of the Merchant Shipping Act, 2007:

- I. Nigerian Citizens;
- II. Bodies corporate and Partnership established and subject to Nigerian laws and having their principal place of business in Nigeria;
- III. Such other persons as the Minister may by regulation prescribe.

As you can glean from the foregoing, there is a "genuine link" between the owner of the vessel and Nigerian, the flag State.

FLAG STATE FUNCTIONS OF THE NSRO

The flag state functions of the NSRO are as follows: (i) Flag Registration of Vessels; (ii) Provisional Registration; (iii) Bareboat Charter Registration; (iv) Change of Ownership of Vessel; (v) Change of Vessel's name; (vi) Carving and Marking of Vessels; (vii) Registration of Mortgages; (viii) Notation of foreign Mortgages; (ix) Consent to Sell and Mortgage; (x) Deletion from Registry; (xi) Registration into the Special Cabotage Registry- Wholly Nigerian Owned Vessel; Bareboat Charter Vessel; Joint Venture Owned Vessel and Foreign-Owned Vessel.

CONTRIBUTION OF THE NSRO TO THE MARITIME INDUSTRY AND THE NIGERIAN ECONOMY

Over the years, the Nigerian maritime industry has improved significantly in terms of the ratification and domestication of IMO Conventions, maritime security,

maritime safety and maritime environment pollution prevention, Port State and Flag State Control, manpower development and increase in vessels tonnage amongst others.

The idea of using shipping as the catalyst of economic development is not new to countries. This has informed the mindset of the present management of the Agency, which is in consonance with the President Muhammadu Buhari's government policy thrust of the diversification of the country's economy. Little wonder, the Vice President, Prof. Yemi Osinbajo, who represented the president at the signing of the African Charter on Maritime Security, Safety and Development, in Lome, Togo, noted that "The Blue Sea Economy is one of the areas of focus of the Charter."

In line with one of the objectives of the Agency to promote the development of indigenous commercial shipping in international and coastal shipping trade, Nigeria has evolved a fairly well developed and robustly regulated cabotage trade. The country's Achilles heel presently, is the international shipping trade. Obviously, this is due to the lack of a national carrier after the collapse of the Nigerian National Shipping Line (NNSL). However, the supervisory transport ministry is studiously working in concert with the Agency to float a national carrier on a public-private partnership basis.

Further on the international shipping, the Merchant Shipping Act, 2007 is investment friendly, as it contains provision for bareboat charter vessels. Also, there is a legal protection of the mortgagor



and mortgagee's right. Foreign mortgages are noted in the registry and enforcement of such right is quite easy.

No doubt, the Nigerian Ship Registration Office (NSRO) has contributed its own quota to the development of the industry by leveraging on the enhanced implementation of the Coastal and Inland Shipping (Cabotage) Act, 2003 and the Nigerian Oil and Gas Industry Content Development Act, 2010. Also, in tandem with its statutory mandate, the NSRO has kept and maintained the various registers and more importantly, carried out its flag state responsibilities effectively and efficiently.

TONNAGE GROWTH POLICY

The tonnage growth policy of NSRO is hinged on granting of rebates for vessel registration and survey fees. Also, there are the streamlining of the registration processes; aggressive marketing of the Nigerian flag; protection of flag state vessels; enlightenment campaigns, seminars and regular engagement with stakeholders; conferring with relevant government agencies to ensure that sizeable percentage of Nigerian cargoes are reserved for Nigerian flagged vessels amongst others.

Specifically, the present management's unflinching commitment to service delivery and the rebranding of the Agency have galvanized the Registry to short-circuit and streamline ship

registration processes which culminate in shorter turn around time.

Similarly, the surveying of ships is an integral part of ship registration process. Article 94 (4) (a) of UNCLOS 1982 states *"that each ship, before registration and thereafter at appropriate intervals, is surveyed by a qualified surveyor of ships."* The Nigerian Maritime Administration and Safety Agency, has in the recent past employed various qualified surveyors- ranging from nautical, engineering and radio surveyors to strengthen its Flag and Port State Control capabilities.

Interestingly, Nigeria and South Africa top the Continent in the number of qualified surveyor personnel in their workforce. This has curbed substandard shipping substantially in the country.

However, ship registration often times entails complex and intricate commercial and financial transactions that are multi-jurisdictional in nature and its attendant conflict of laws. It takes expert knowledge and technical know-how to appreciate such complex and cumbersome issues, proffer solutions and give informed opinion or advice. The Nigerian Ship Registry boasts of a crop of highly trained and skilled maritime professionals and lawyers that can x-ray such complex issues, offer professional and expert advice to its clientele on ship registration and incidental matters.

Statistically, the Ship Registry registered 283 vessels with a gross tonnage of 662, 316.22 in

2012. In 2014, 660 vessels with a gross tonnage of 809,851.32 were registered as against 350 vessels with a gross tonnage of 421, 345.59 registered in 2016. As at October 2017, there are 4,040 vessels with a gross tonnage of 4,843,677.76 recorded in the Ship Registry as Nigerian flag vessels. Statutorily, registration in the Coastal trade is on annual basis. So far, as at October, 2017, 618 vessels with a gross tonnage of 779,471.73 are recorded in the Special Cabotage Registry.

REASON FOR THE DOWNWARD TREND OF SHIP REGISTRATION

As we know, the demand for the services of vessels is a derived demand. In the Nigerian coastal trade, the demand for ships is mainly driven by the International Oil Companies (IOC), whose activities are also predicated on the cost of oil in the international market. The sharp fall in the price of oil in the international market and the recession of the Nigerian economy in 2016 are responsible for the comparatively low tonnage recorded by the Ship Registry in 2016.

Notwithstanding the current challenges of lack of automation, infrastructure and poor office ambience which the present management is tackling headlong, the Nigerian Ship Registration has certainly contributed in no small measure to the development of the maritime industry and the Nigerian economy in general.

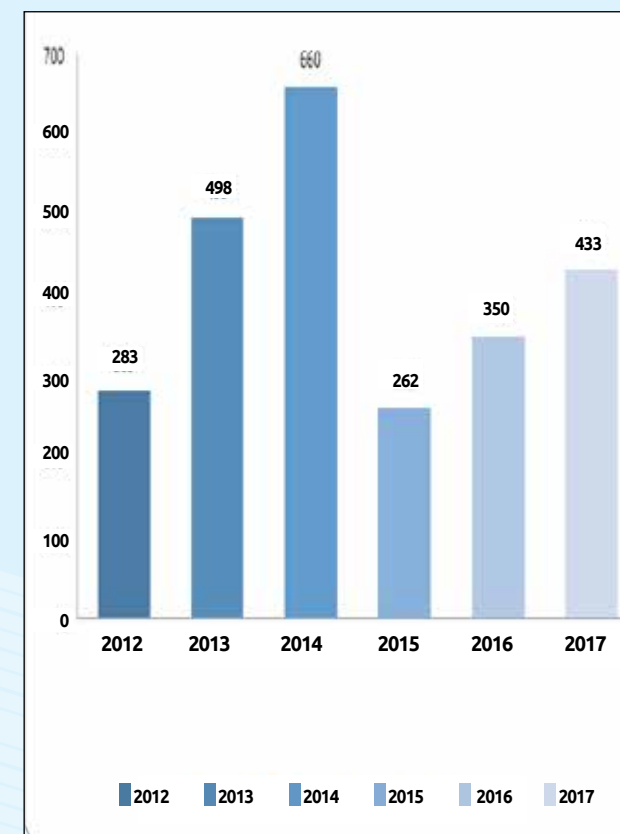


Figure 1; Bar chart showing the number of registered vessels by the registry from 2012 to 2017

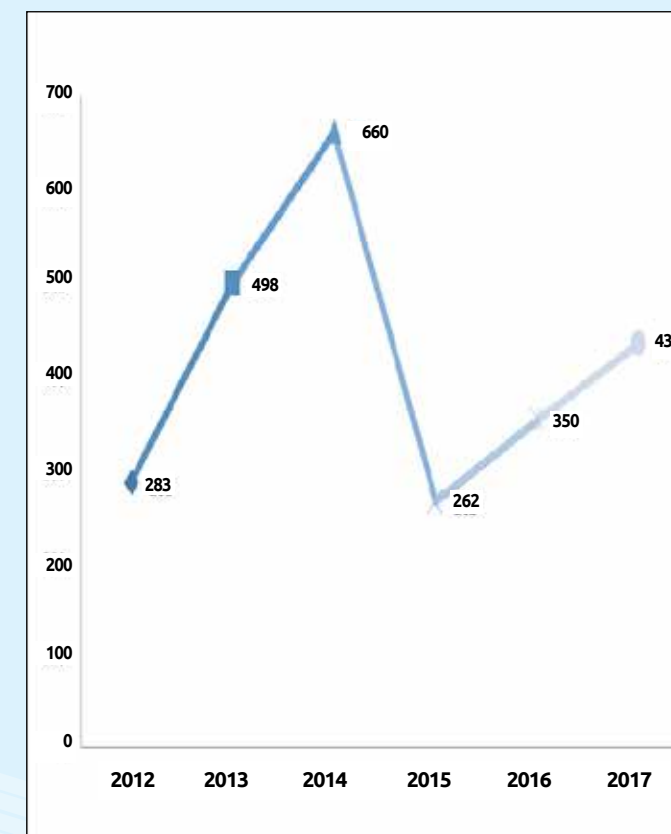


Figure 2; line graph showing how the number of registered vessels by the registry from 2012 to 2017, varied within the period

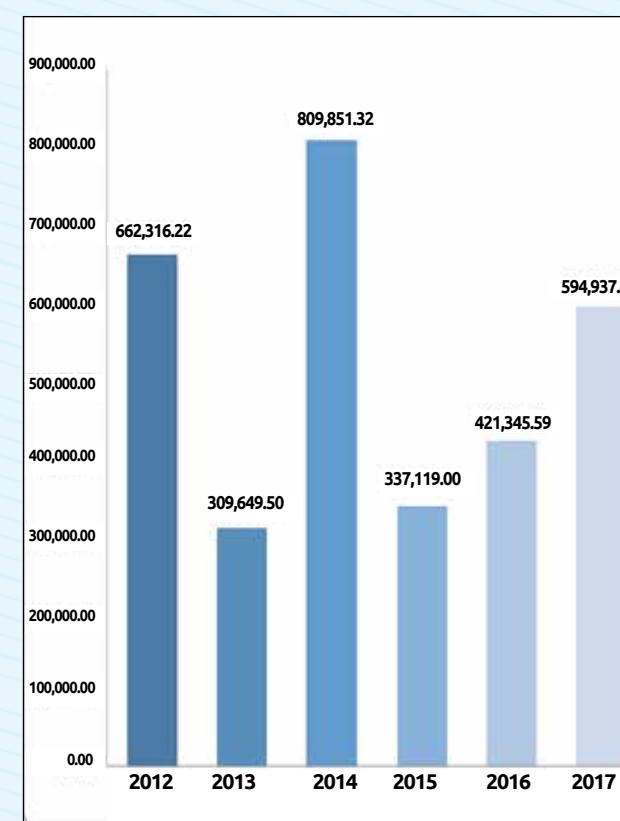


Figure 3; Bar chart showing the gross tonnage of registered vessels by the registry from 2012 to 2017

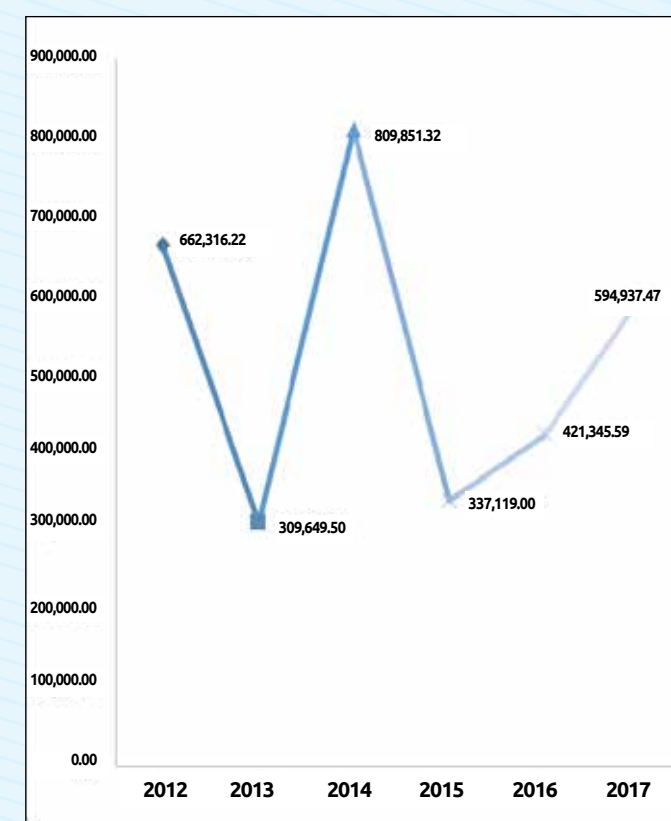


Figure 4; line graph showing how the gross tonnage of registered vessels by the registry from 2012 to 2017, varied within the period

IMO AND ISPS CODE IMPLEMENTATION IN NIGERIA

NIMASA ENFORCES COMPLIANCE TO SECURE PORTS

BY CAPTAIN ELEI GREEN IGBOGI

1.0 INTRODUCTION

Maritime transport is as an important facilitator of world trade and a significant exportable service in many countries. That is why it contributes directly to national Gross Domestic Product, GDP. The importance and direct effect of shipping and maritime activities to the daily lives of people and the cause effect to a nation's economy cannot be over emphasized. In view of this, its exposure to a variety of risks is inevitable. These risks include, but are not limited to piracy, marine terrorism, hijacking and sea theft. Most of these threats have been in existence since the birth of marine transportation and shipping in general. These acts increased the costs and losses of engaging in maritime trade and thus pushed players into providing self-security.

There had to be a response from the international communities to address the spate of these activities. The main push occurred after the September 11, 2001 attacks in the United States of America. Although these acts of terrorism were not aided by ships, there was concern on the devastating effects if such vulnerabilities were identified in the maritime industry.

The basic function of the ISPS code

is not only in the aspect of security enhancement but also in having fore knowledge or recognition on a non-discriminatory basis of the characteristics and behavior patterns of persons who are likely to threaten security, the fore-thought of detention of weapon, dangerous substances and devices and fore knowledge of security and surveillance equipment and system and their operational limitation.

1.1 THE ROLE OF THE INTERNATIONAL MARITIME ORGANIZATION (IMO) IN MARITIME SAFETY & SECURITY

The International Maritime Organization (IMO) is a specialized agency of the United Nations with the responsibility for the safety and security of ships and port facilities and the prevention of marine pollution by ships all over the world. Its main role is to create a regulatory framework for the shipping industry that is fair and effective, universally adopted and universally implemented. The IMO, established in 1984, headquartered in London, United Kingdom has 172-member countries of which Nigeria is a member.

Key conventions of the IMO in maintaining safety and security in the world maritime domain include: International Convention for the Safety of Life at Sea (SOLAS) 1974. – In responding to the tragic

incident of the TITANIC in April 1912, the IMO enacted SOLAS to ensure that ships comply with minimum safety standards in construction, equipment and operation.

International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL)

Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA), 1988

Convention on the International Regulations for Preventing Collisions at Sea (COLREG), 1972

International Convention on Maritime Search and Rescue (SAR), 1979

1.1 RELATED MARITIME SECURITY INCIDENTS – PERSPECTIVES

On October 7, 1985, an Italian cruise ship “Achille Lauro” with 748 passengers sailing from Alexandria (Egypt) to Ashdod (Israel), was hijacked while on cruise in the Mediterranean, off the coast of Egypt by four (4) terrorists from the Palestine Liberation Front who boarded the vessel amongst other passengers. Following this incident, the International Maritime Organization adopted resolution A.584(14) on “Measures to prevent unlawful acts which threaten the safety of ships and the security of their passengers and crews”, taking into consideration, the problem of terrorism on board

ships and to make recommendations on appropriate counter-measures.

October 12, 2000, the USS Cole, a United States Navy Guided-Missile Destroyer while being refuelled in the Port of Aden, in Yemen, was rammed by a small boat filled with explosives. 17 American sailors lost their lives, while 39 got injured and about 6 persons were declared missing in the deadly attack for which Al-Qaeda terrorists claimed responsibility.

October 6, 2002, “MV Limburg”, an oil tanker carrying 397,000 barrels (63,100 m3) of crude oil from Iran to Malaysia, stopped over in the Gulf of Aden off Yemen to pick up another load of oil. While the vessel was some distance offshore, suicide bombers rammed an explosives-laden dinghy into the starboard side of the tanker. Upon detonation, the vessel caught fire and approximately 90,000 barrels (14,000 m3) of oil leaked into the Gulf of Aden. One crew member, a 38-year-old Bulgarian was killed, and 12 other crew members injured. The attack caused a short-term collapse of international shipping in the Gulf of Aden, resulting in revenue losses & services and environmental pollution.

The tragic events of September 11, 2001 on the World Trade Centre and the Pentagon in the United States of America raised the question of the vulnerability of ships and the possibility of ships being used as a vector of terrorist activity.

Consequently, in November 2001, the IMO Assembly resolution A.924(22) on the “Review of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crews and the safety of ships”, called for an assessment of the existing international legal and technical measures to prevent and suppress terrorist acts against ships at sea and in port, and to improve security aboard and ashore. This exercise gave birth to the ISPS Code.

2.0 BACKGROUND TO THE BIRTH OF ISPS CODE

Following the tragic events of 11th September, 2001, the International Maritime Organization, by way of a Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS), known as the Diplomatic Conference on Security held in London from December 9-13, 2002, adopted by way of amendment new provisions of SOLAS and the International Ship and Port Facility Security Code (ISPS Code).

The provisions of chapter XI-2 of SOLAS, 1974 and the ISPS Code applies to both ships and port facilities. It was agreed that provisions relating to port facilities should relate solely to the ship/port interface.

These provisions represent a significant change in the approach of

the international maritime industries to the issue of security in the maritime transport sector.

The objective of the ISPS Code include establishing an international framework involving co-operation between Contracting Governments, government agencies, local administrators and the shipping and port industries to detect and take preventive measures against security incidents affecting ships and port facilities used in international trade

The enforcement to the compliance of SOLAS XI-2 on special measures to enhance maritime security and the International Ship and Port Facility Security Code (ISPS Code) went into force on 1st July, 2004

3.0 IMPLEMENTATION OF THE ISPS CODE

The ISPS Code is divided into two parts namely:

Part A: this part of the International Code for the Security of Ships and of Port facilities contains the mandatory provisions to which reference is made in Chapter XI-2 of the Annex to the International Convention of the Safety of Life at Sea (SOLAS) 1974 as amended.

PART B: Guidance regarding the provisions of chapter XI-2 of the Annex to XI-2 of the International Convention of the Safety of Life at Sea (SOLAS) 1974 as amended and part A of the ISPS Code

3.1 APPLICATION

The ISPS Code applies to the following types of ships engaged on international voyages:

Passenger ships, including high-speed passenger craft, cargo ships, including high-speed craft, of 500 gross tonnage and upwards;

Mobile offshore drilling units; and
Port facilities serving such ships engaged on international voyages.

3.2 RESPONSIBILITIES OF THE CONTRACTING GOVERNMENT

Contracting Governments have, under the provisions of chapter XI-2 and part A of this Code, various responsibilities, which, amongst others, include:

Setting the applicable security level;
Approving the Ship Security Plan and relevant amendments to a previously approved plan;

Verifying the compliance of ships with the provisions of chapter XI-2 and part A of the ISPS Code and issuing to ships the International Ship Security Certificate;

Determining which of the port facilities located within their territory are required to designate a Port Facility Security Officer who will be responsible for the preparation of the Port Facility Security Plan;

Ensuring completion and approval of the Port Facility Security Assessment and of any subsequent amendments to a previously approved assessment;
Approving the Port Facility Security

Plan and any subsequent amendments to a previously approved plan; and exercising control and compliance measures;

Testing approved plans; and communicating information to the International Maritime Organization and to the shipping and port industries

4.0 SHIP SECURITY COMPLIANCE

Any ship to which chapter XI-2 of this code apply, has to designate a Ship Security Officer who has responsibilities clearly outlined in PART A of the code.

Ship Security Officer:

SSO is in charge of security of the vessel on board and responsible for the other entire crew member to carry out duties for ship security as per ISPS code. SSO is responsible for carrying out frequent drills for ISPS Code as per SSP. Furthermore, a Ship Security Officer is to ensure that the relevant ISPS Code documentations are drawn up by persons with appropriate skills.

These documents are as follows:

4.1 Ship Security Assessment:

The Ship security assessment is an essential and integral part of the implementation process of developing and updating the ship security plan. The Ship Security officer at instances where a company security officer is non-existent is to ensure that the ship security assessment is carried

out by personnel with the required skills to evaluate the security of a ship, in accordance with Part A, Section 8 of the code, taking into account the guidance given in Part B.

This is to be done by undertaking an on-scene security survey and other integral elements as stated in Part A, Section 8.4 of the ISPS Code, 2003.

4.2 Ship Security Plan: It is required that each ship shall carry onboard a ship security plan as approved by the administration. It is to be written in the operating language of the vessel and is drawn in most cases by a recognized security organization as entrusted by the Designated Authority. These plans address the following and others as outlined in Part A, section 9.4 of the ISPS Code:

Measures designed to prevent weapons, dangerous substances and devices intended for use against persons, ships or ports and the carriage of which is not authorized from being taken on board the ship;
Identification of the restricted areas and measures for the prevention of unauthorized access to them;

Measures for the prevention of unauthorized access to the ship; procedures for responding to security threats or breaches of security, including provisions for maintaining critical operations of the ship or ship/port interface;

Procedures for responding to

any security instructions Contracting Governments may give at security level 3; and

Procedures for evacuation in case of security threats or breaches of security;

5.0 PORT FACILITY COMPLIANCE

Each Contracting Government has to ensure completion of a PFSA for each of the port facilities, located within its territory and serving ships engaged on international voyages. A Contracting Government, a Designated Authority of a recognized security organization may carry out this assessment. A completed assessment must be approved by the Designated Authority concerned and this cannot be delegated.

Port Facility Security Officer:

A port facility security officer is the person designated as responsible for the development, implementation, revision and maintenance of the port facility security plan and for liaison with the ship security officers and company security officers

The Port Facility Security Assessment:

the PFSA is fundamentally a risk analysis of all aspects of a port facility's operation in order to determine which part(s) of it are more susceptible, and/or more likely, to be the subject of attack. The security risk is a function of the threat of an attack coupled with the

vulnerability of the target and the consequences of an attack.

On completion of the analysis, it will be possible to produce an overall assessment of the level of risk.

Port Facility Security Plan:

The Port Facility Security Plan is a document that is developed and maintained on the basis of a port facility security assessment for each port facility, adequate for ship/port interface. It includes the plans and action to be taken at different security levels and the Roles and responsibilities of all personnel with designated security duties. Action to be taken at the time of any security breach is described in PFSP. The PFSP is to be approved by the Contracting Government or Designated Authority in whose territory the port is located.

The Plan is to be drawn in the operating language of the port facility and should address at least, but not limited to the following:

Measures designed to prevent weapons or any other dangerous substances and devices intended for use against persons, ships or ports and the carriage of which is not authorized, from being introduced into the port facility or on board a ship;

Measures designed to prevent unauthorized access to the port facility, to ships moored at the facility, and to restricted areas of the facility;

Procedures for responding to security threats or breaches of security, including provisions for maintaining critical operations of the port facility or ship/port interface;

Procedures for responding to any security instructions the Contracting Government, in whose territory the port facility is located, may give at security level 3;

Procedures for evacuation in case of security threats or breaches of security;

Duties of port facility personnel assigned security responsibilities and of other facility personnel on security aspects;

Procedures for interfacing with ship security activities;

Procedures for the periodic review of the plan and updating;

Procedures for reporting security incidents;

Identification of the port facility security officer including 24-hour contact details;

Measures to ensure the security of the information contained in the plan;

6.0 ISPS CODE IMPLEMENTATION IN NIGERIA

On the 21st May 2013, NIMASA was appointed as the Designated Authority (DA) for the implementation of the ISPS Code in applicable Nigerian port facilities. Hitherto,

“
The basic function of the ISPC code is not only in the aspect of security enhancement but also in having fore knowledge or recognition on a non-discriminatory basis of the characteristics and behavior patterns of persons who are likely to threaten security, the fore-thought of detention of weapon, dangerous substances and devices and fore knowledge of security and surveillance equipment and system and their operational limitation
”



this was the responsibility of the defunct Presidential Implementation Committee on Maritime Safety & Security (PICOMSS).

A diplomatic note was issued to Nigeria by the United States of America on the inability of PICOMSS to fully implement the ISPS Code due to their status as a committee with no legislative backing. NIMASA was then appointed to fill the vacuum created by the dissolution of PICOMSS in accordance with the provisions of the Code.

Within a period of three months of the appointment of NIMASA as DA, Nigeria received a diplomatic note from the United States Government warning of an impending imposition of measures against vessels that had passed through Nigerian ports on the grounds of non-implementation of the ISPS Code in Nigerian ports.

Wary of the impact of an imposition of measures on Nigerian petroleum exports, the HMOT directed NIMASA to take urgent measures to enforce compliance in Nigerian ports and the Agency swung into action by creating the ISPS Code Implementation Unit under the office of the ED (Operations) to drive the implementation process. At the time, available data indicated that the total percentage of compliant Nigerian ports was about thirteen (13) per cent.

The ISPS Unit operates through a series of physical inspections and subsequent issuance of statutory certificates and documentation which include:

Data Gathering Inspections: to discover new ports and determine the applicability of the ISPS Code to their operations.

Ports Facility Security Assessment (PFSA): to form an expert opinion on the strengths and weaknesses of the security infrastructure available in the facility.

Port Facility Security Plan (PFSP): a comprehensive document addressing identified weaknesses in the facility and proposing remedial methods.

Verification Inspection Exercise (VIE): scheduled inspections designed to test the implementation of the PFSP.

“
By all intents and purposes, the ISPS Code implementation policy has so far achieved the objective of securing our ports
”

Enforcement: Inspections: Unscheduled visits to test the security awareness and culture in the facility.

Statement of Compliance: Issued upon successful completion of the VIE and valid for a period of one year.

7.0 ACHIEVEMENTS

Since its appointment as DA, NIMASA has recorded laudable achievements in ISPS Code implementation. Some of these are:

Passage of the ISPS Code Implementation Regulations in December 2014. This was a remarkable feat as the Agency was able to guide the draft Regulations from conception through the Ministry of Transport and the Ministry of Justice to the gazette stage within a period of six months.

Appointment of Lead RSO and other RSOs to fill the capacity gap in physical assessment of port facilities.

Discovery of new ISPS Code applicable ports facilities.

Sensitization and building of synergy amongst all stakeholders in ISPS implementation.

Establishment of ISPS unit.

Training of personnel and establishment of new, modern office facility.

Exemption of 22 Nigerian PFs from imposition of USCG special conditions of entry on vessels that had called at the facilities.

Successful completion of PFSA and PFSP for a substantial number of facilities.

Issuance of Documents of Compliance to deserving facilities. 90% Compliance within the nation's facilities.

8.0 NEW VISION, NEW THREAT, NEW OPPORTUNITIES

These indeed are interesting

MARITIME EDUCATION

times both domestically and on the international level

Nigeria grappled with and exited economic recession, insurgency, rising youth unemployment and other indicators of social and economic malaise

All these translate to greater insecurity across every strata of the economy

8.1 WHERE WE ARE? Challenges

- Rising piracy and insecurity in the nation's defensive perimeters
- Internal economic upheavals creating a fertile ground for social unrest
- Insurgency and religious extremism in some parts of the country

8.3 WHERE ARE WE? Positives

Close to 90% compliance with ISPS Code among ports facilities.

Very successful policy of integration and consensus building by NIMASA

By all intents and purposes, the ISPS Code implementation policy has so far achieved the objective of securing our ports

Growth in confidence of foreign vessels calling at the nations ports thus adding substantially to the nation's GDP growth and job provisions

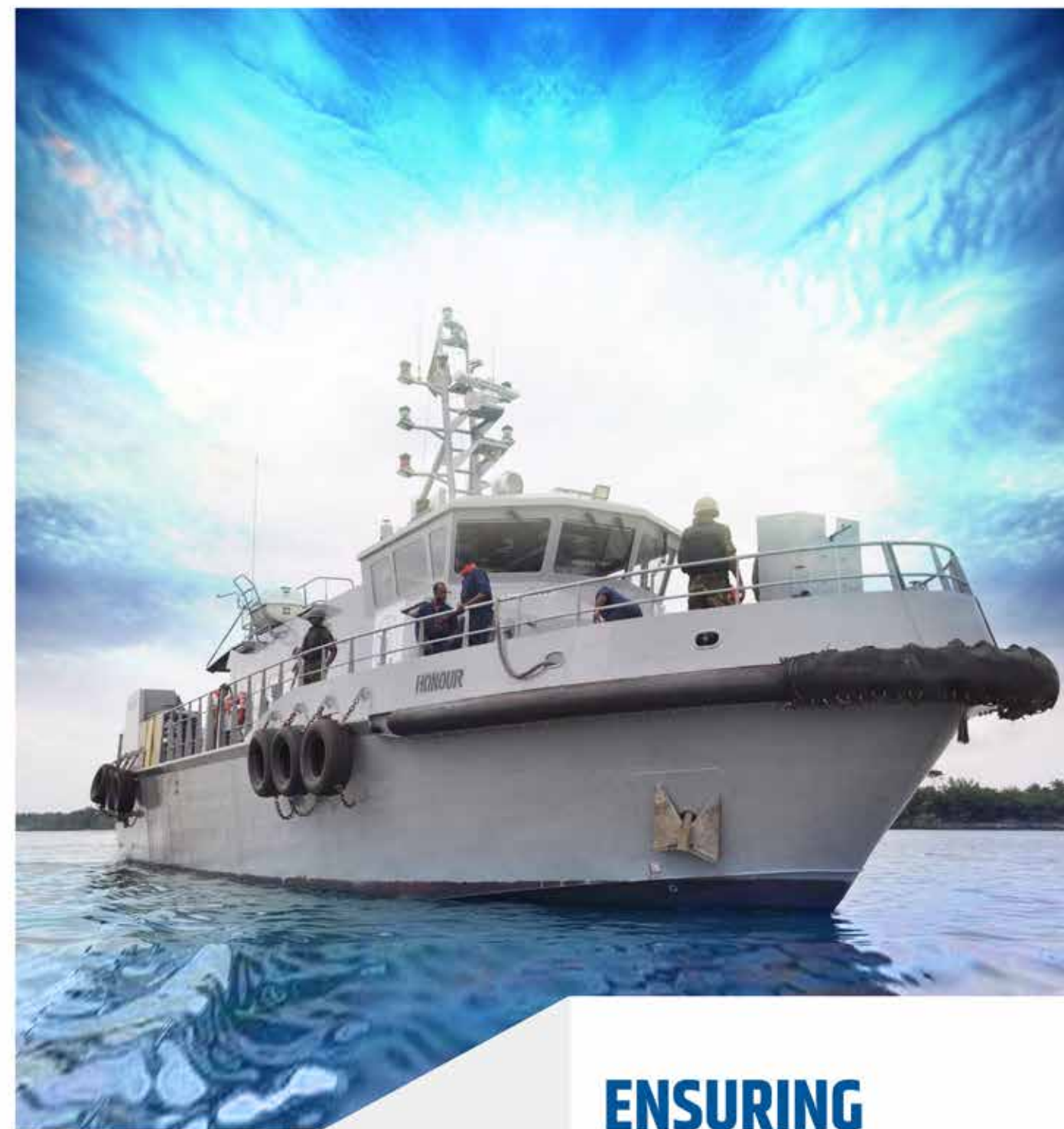
9.0 CONCLUSION

NIMASA remains committed to the building of stakeholder consensus in ISPS Code implementation

There is a continuous need for the collaboration of the government, stakeholders, armed forces and NIMASA to build technical and operational cooperation in ensuring improvements in safety and security in the nation's ports and maritime domain in general

In this regard, all sister Agencies and law enforcement organizations are invited to join us in building a culture of security consciousness and awareness in our ports

• **Captain Green is an Assistant Director and Head of the ISPS Unit in NIMASA.**



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ENSURING THE SAFETY OF OUR WATERS.

With our trained hands anchored for defense, we defend our waters against piracy and other economic saboteurs.

#WeAreNIMASA

REGULATORY | OPERATIONAL | PROMOTIONAL | CAPACITY BUILDING

NIGERIA IN COUNCIL AT IMO:

DRIVING CHANGE TO
INSPIRE GROWTH

BY OSAGIE EDWARD

N

igeria with a population of over 160 million people has a coastline, which covers about 853km and an exclusive economic zone of 200 nautical miles.

As a major maritime country in the West and Central African region, the Nigerian maritime environment is certainly a major destination in the international and domestic shipping map. In this regard, Nigeria has been fully committed to greater collaboration with the International Maritime Organisation (IMO) to ensure sustainable development of the Nigerian Maritime industry.

IMO is the United Nations specialized agency responsible for the safety and security of shipping and prevention of marine pollution by ships.

HISTORICAL BACKGROUND

The IMO Council, which is elected biennially, is the executive organ of the organization and is responsible for supervising its work between sessions of the IMO General Assembly. The Council performs all the functions of the Assembly, except that of making recommendations to governments on maritime safety and pollution prevention.

The IMO Council is made up of 40 countries elected in three categories – A,

B and C.

Five African countries namely Egypt, Morocco, Kenya, Liberia and south Africa were among the 20 countries elected in the category C, into council at the international Maritime Organization, (IMO) for the 2018-2019 biennium. Other countries elected under this category which is for states considered with special interests in maritime transport or navigation and whose election to the Council will ensure the representation of all major geographic areas of the world are Bahamas, Belgium, Chile, Cyprus, Denmark, Indonesia, Jamaica, Malaysia, Malta, Mexico, Peru, Philippines, Singapore, Thailand, Turkey.

Also elected into the 40 member executive council in different categories are 10 States with the largest interest in providing international shipping services which are classed as category A. These are China, Greece, Italy, Japan, Norway, Panama, Republic of Korea, Russian Federation, United Kingdom, United States.

Australia, Brazil, Canada, France, Germany, India, Netherlands, Spain, Sweden, United Arab Emirates were elected under the category B and they are states with the largest interest in international seaborne trade:

The Council is the executive organ of IMO and is responsible, under the Assembly, for supervising the work of the Organization. Between sessions of the Assembly, the Council performs all the functions of the Assembly, except that of making recommendations to Governments on maritime safety and pollution prevention.

Nigeria became a member of IMO on March 15, 1962. The country was, however, expelled from the organization during the regime of late Gen. Sanni Abacha, after the execution of environmental activist, Ken Saro-Wiwa and the Ogoni Nine. It was readmitted in 1999 with the return of civilian rule. In 2000 the country secured election as Category C Council member. However, the country could not secure enough votes to retain its seat on the Council after the initial two years, but it staged a return in 2007 and served two consecutive terms until 2011, when it could not garner enough votes to retain its seat. In 2013, the country did not participate in the election. Also in 2015, Nigeria did not participate in the elections. In 2017, Nigeria's bid to return to council was not successful.

BENEFITS OF BEING IN COUNCIL:

There are several benefits that a nation derives when it is present at the apex body for the regulation of maritime activities globally. It does not only guarantee the country's recognition in the league of maritime nations but also affords the nation the privilege to be part of the decision making at the Council. This also gives room for member states to explain the peculiarities of their states when certain policies that may not be favourable are raised.

It is noteworthy that international politics requires a nation to lobby and gain the trust, support and confidence of other countries before expecting accruable benefits. It goes

at the IMO as Council members who have earned the confidence of other members will be in a better position to influence the direction of events in council. Nigeria in Council will provide the platform to discuss issues with the bigger maritime nations and the opportunity to discuss new policies in line with the existing standards and policies in our country. We may be able to influence the direction of new policies.

When it comes to the issue of technical cooperation such as bringing in consultants to assist in shipping or implementation of policies, Council members get assistance easily unlike other members that are not Council members because of perceived hierarchy at the organization.

It is a privilege to be among the 40 member states that take decisions in an organization with over 170 nations.

Nigeria's membership of the IMO Council under Category C will place her in a strategic position to play a pivotal role in the African region considering her importance as a major shipping destination within the continent as well as her efforts towards ensuring safety and security of Navigation within the Gulf of Guinea.

It can be averred that NIMASA Management has reasonably succeeded at promoting the development of indigenous capacity in international and coastal shipping besides effectively regulating the maritime industry through a three-year medium term strategic growth plan of reformation, restructuring and repositioning of the agency.

The blueprint was in line with the 'change' agenda of the President Buhari's

administration aimed at diversifying the economy and its implementation is in line with IMO regulatory instruments, some of which Nigeria has ratified and others domesticated.

The management of the Nigerian Maritime Administration and Safety Agency (NIMASA) led by the Director General, Dr. Dakuku Peterside has proved right the aphorism "it is not how long but how well". This is sequel to the meaningful contributions it has made to the development of the agency and the maritime industry since it was appointed almost two years ago. They have taken steps that has improved the country's relationship with the IMO as a body and other Maritime Administrations who were members of the international body.

The fact that the IMO is collaborating with Nigeria much more in the area of trainings and technical support in the past two years shows that the international body is satisfied with NIMASA operations in recent times.

Nigeria has actively participated in the activities of the IMO such as: Training large numbers of its officials at the International Maritime Law Institute (IMLI) Malta and World Maritime University Malmö Sweden; Chairing IMO Committees and working groups, some of which include the compliance Group of the 1972 London Convention and 96 Protocol and chair of the International Mobile Satellite Organization (IMSO) Assembly.

To date, Nigeria has ratified thirty-five (35) IMO Conventions/Protocols. Nigeria has also domesticated 12 relevant maritime safety conventions of the IMO,

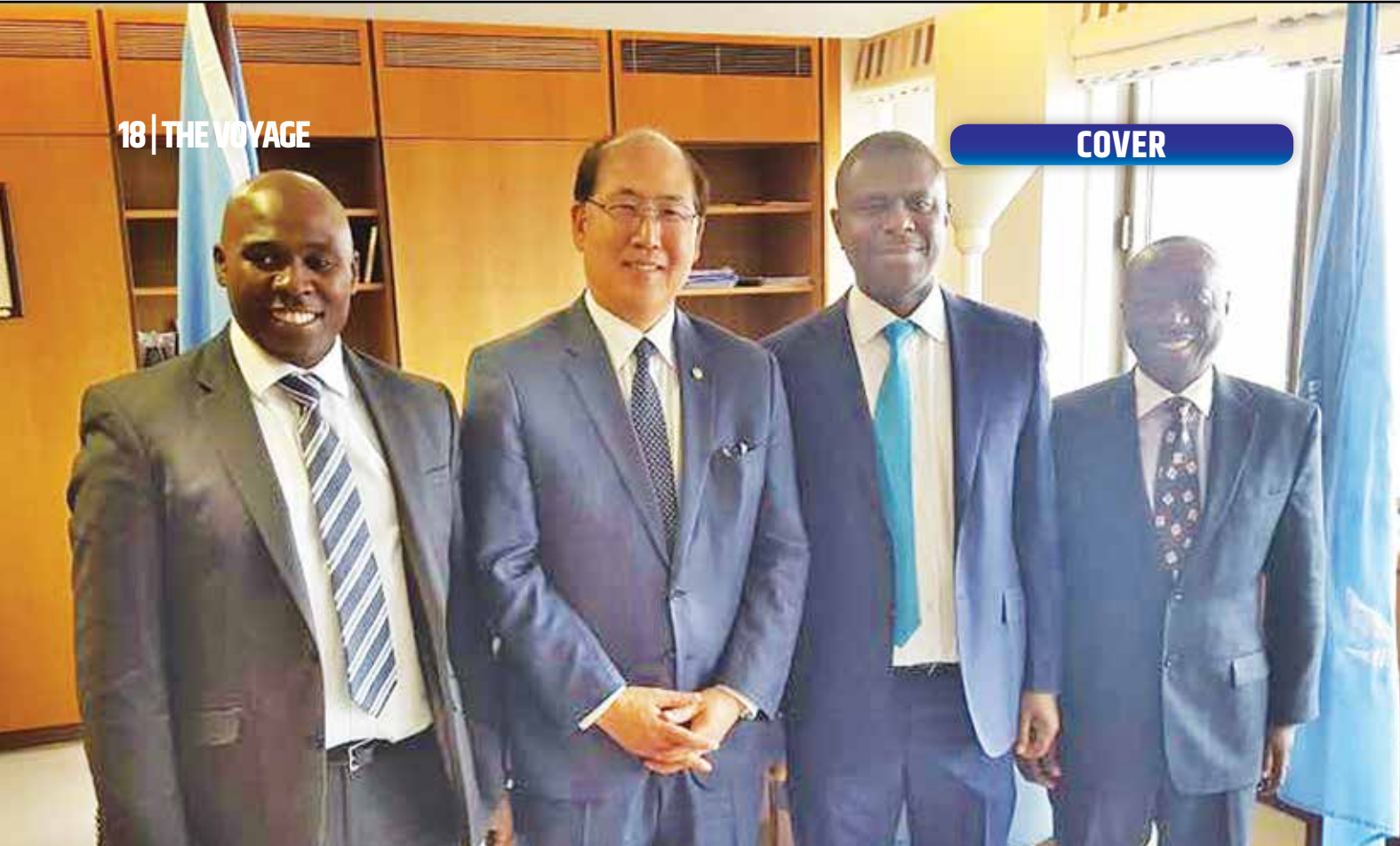
“To date, Nigeria has ratified thirty-five (35) IMO Conventions/Protocols. Nigeria has also domesticated 12 relevant maritime safety conventions of the IMO, which are necessary for ensuring regional maritime security and safety. The country has also developed regulations for the implementation of these domesticated IMO ratified conventions”

which are necessary for ensuring regional maritime security and safety. The country has also developed regulations for the implementation of these domesticated IMO ratified conventions.

Nigeria, as part of efforts aimed at collaborating with African Union member states, has participated in several campaigns in the area of maritime domain awareness, prevention and control of pollution of the seas and promotion of economic growth of the continent of Africa. More specifically, Nigeria has also signed bilateral agreements with its neighbors to strengthen the maritime borders between them.

IMPLEMENTATION OF THE
MARPOL CONVENTION IN
NIGERIA

The MARPOL Convention deals not only with pollution by oil, but also pollution from chemicals, other harmful substances, garbage and sewage as well as air pollution. In 1978, IMO convened the Conference on Tanker Safety and Pollution Prevention, which adopted a Protocol to the 1973 MARPOL Convention introducing further measures, including requirements for certain operational techniques and a number of modified constructional requirements. The Protocol of 1978 relating to the 1973 MARPOL Convention in effect absorbed the parent Convention with modifications. This combined instrument is commonly referred to as MARPOL 73/78 and entered into force in October 1983. A lot has changed in Nigeria since 2011 when Nigeria lost her



From left: CEO of the South African Maritime Safety Authority (SAMSA), Mr. Sobantu Tilayi, The Secretary General of the IMO, Mr. Kitack Lim, Chairman AAMA, Dr. Dakuku Peterside and the Director General of Ghana Maritime Authority Mr. Kwame Owuaru during a meeting of the AAMA delegation with the Secretary General of the IMO at the Organisation's Headquarters in London, recently

bid to return to council. Nigeria ratified the MARPOL Annex VI on 18th June 2015 and it entered into force for Nigeria three months after on 18th September 2015. With the ratification Nigeria became Party to the Annex and as such has the obligation to put the provisions of the Annex into full and complete effect.

At the moment, Nigeria has domesticated eight (8) relevant conventions and protocols on marine environment in order to ensure safe, secure shipping and clean marine environment. NIMASA has developed and gazetted regulations on the implementation and enforcement of IMO Marine Environment Management Conventions which Nigeria is party to. Those relating to the MARPOL Convention include:-

- Merchant Shipping (Dangerous or Noxious Liquid Substances in Bulk) Regulations, 2012
- Merchant Shipping (Prevention of Pollution by Garbage) Regulations, 2012
- Merchant Shipping (Prevention of Pollution by Oil) Regulations, 2012
- Merchant Shipping (Prevention of Pollution by Harmful Substances in Package Form) Regulations, 2012
- Merchant Shipping (Prevention of Pollution by Sewage) Regulations, 2012
- Merchant Shipping (Ship Generated Marine Waste Reception Facilities) Regulations, 2012
- Marine Environment (Sea Protection Levy) Regulations, 2012

Nigeria has also developed a robust Oil Pollution Emergency Plan and has continued to play critical roles in oil spill response through the collaborative efforts of relevant organs of government and ensure full implementation of the International Safety Management (ISM) Code.

Another major achievement of NIMASA that qualifies her a return to Council is

the Creation of Bunker Fuel Oil Suppliers Register. This is to have a functional database on all suppliers of bunker fuel oil to ships thus ensuring that the fuel quality complies with the requirement of the Annex. The Agency has also commenced the Issuance of necessary certificates: to Recognised Organisations (Classification Societies) to carry out required surveys for issuance of relevant Certificates;

Maritime Technology Cooperation Centres (MTCCs): Africa is one of the recipients of the IMO-European Union project assistance for the establishment of MTCCs in five Continents. Under the Global MTTC Network (GMN) project, Kenya's Jomo Kenyatta University of Agriculture and Technology, JKUAT will host MTCC-Africa in collaboration with Kenya Ports Authority and Kenya Maritime Authority. The Nigerian Maritime Administration and Safety Agency, NIMASA is designated as the Focal Point for West and Central Africa region.

CLIMATE CHANGE

The International Maritime Organization IMO also appreciates countries that have policies and programmes to deal with issues relating to climate change.

Climate Change has assumed a global dimension with rising sea level, erosion menace, drought and desertification, irregular rain fall pattern, air, land and sea pollution giving concerns to countries and the IMO. Nigeria has joined some countries of the world taking action to effectively manage challenges that Climate Change may throw up. Hence the Conventions, Protocols, Accords and Agreement over the years such as United Nations Framework Convention on Climate Change (UNFCCC, 1994), Kyoto Protocol (1997), Paris Agreement (2015) etc

The First legally binding Climate Change treaty under Kyoto protocol of 1997 for

the Maritime sector is MARPOL Annex VI. It came into force in 2005 and Nigeria ratified 10 years after (2015) Under the treaty, there was a provision for Energy Efficiency Design Index (EEDI) which was made mandatory for new ships and the Ship Energy Efficiency Management Plan (SEEMP) for all ships at Marine Environment Protection Committee (MEPC) 62 (July 2011) with the adoption of amendments to MARPOL Annex VI (resolution MEPC.203(62)), by Parties to MARPOL Annex VI

NIMASA has established a Climate Change Desk which is responsible for ensuring integration of Climate Change activities on a daily basis in Nigeria. After losing election in 2011, NIMASA management established a climate observatory center to enhance Nigeria's ability to manage issues arising from climate change. This has ensured adequate planning and budgeting for all Climate Change programs, projects and activities and ensure appropriate reporting to the Agency. The coordinated approach adopted by Nigeria in tackling this defining global challenge is well highlighted by the efforts of the legislative arm of government on climate change, and that of the Federal Ministry of Environment amongst other. The Federal Government of Nigeria has ratified the United Nations Framework Convention on Climate Change, UNFCCC, and the Minamata Convention on Mercury.

IMPLEMENTATION OF THE SOLAS CONVENTION BY NIMASA:

FLAG STATE/PORT STATE INSPECTION:

Nigeria has continued to execute its Flag State obligations by carrying out necessary surveys and inspections to ensure that vessels flying its flag comply with the International Conventions of the IMO.



It is worthy of note that when Nigeria lost election into IMO Council in 2011, Nigeria's implementation status of the ISPS Code was barely 13%. With effective Data Gathering Inspections, Port Facility Security Plan, Verification Inspection Exercise, Enforcement Inspections, the latest Statement of Compliance shows that Nigerian Port facilities, that have interphase with international vessels, are at over 90% compliance level

Between 2012 and 2016 a total of 334 Vessels were surveyed, 4,617 Ship Certificates renewed and 2,368 inspections were carried out at various times. In order to boost the country's domain awareness response capability, Nigeria is also cooperating with the International Mobile Satellite Organization (IMSO) to enhance the performance of the Country's Long Range Identification and Tracking (LRIT) data centre and is currently the chairman of IMSO.

Nigeria has been an active supporter of the IMO Member State Audit Scheme (IMSAS) to enhance compliance with IMO Convention and reduce sub-standard shipping. The Audit was successfully concluded in June 2016.

Nigeria was amongst the first ten (10) countries from the over 170 member nations of the IMO to submit itself for the IMO Member States Audit Scheme (IMSAS), this is a show of direction of the current administration of maritime in Nigeria. It is heartwarming to note that the IMO Secretary General Mr. Kitack Lim was pleased when the Minister of Transportation, Honorable Rotimi Amaechi informed him that the findings and observations of the IMO Member States Audit Scheme of Nigeria was being studied with a view to preparing and implementing Corrective Action Plans (CAPs) within the stipulated time frame".

Nigerian Maritime Administration has acquired platforms to enhance safety and security on sea which are the main thrust of the IMO SOLAS Convention.

GISIS – GLOBAL INTEGRATED SHIPPING INFORMATION SYSTEM, GISIS. Looking back to 2011 when Nigeria contested election into Council at IMO, information about the country on GISIS was obsolete and very inactive. Things have

since taken a turn for the better as the current Management of NIMASA has ensured Nigeria is now fully active on the IMO Global Integrated Shipping Information System GISIS. This has ensured that information relating to the Nigerian maritime sector such as marine incidents and casualties, Piracy and robbery at sea, Maritime security, Port Reception facilities, amongst others, are available to all members of the IMO, thus improving inter Administration integration. NIMASA's quest to have a safer maritime domain has also seen the Agency sponsor an anti-piracy bill in the National Assembly. The bill is to give legal backing to the country's fight against piracy and armed robbery at sea in the Gulf of Guinea.

ISPS CODE IMPLEMENTATION STATUS IN NIGERIA

The International Maritime Organization, by way of a Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS) known as the Diplomatic Conference on Security held in London from December 9-13, 2002, adopted by way of amendment of new provisions of SOLAS and the International Ship and Port Facility Security Code (ISPS Code). On the 21st May 2013, NIMASA was appointed as the Designated Authority (DA) for the implementation of the ISPS Code in applicable Nigerian port facilities.

It is worthy of note that when Nigeria lost election into IMO Council in 2011, Nigeria's implementation status of the ISPS Code was barely 13%.

With effective Data Gathering Inspections, Port Facility Security Plan, Verification Inspection Exercise, Enforcement Inspections, the latest Statement of Compliance shows that Nigerian Port facilities, that have interphase with international vessels, are at over 90%

compliance level. Such a compliance level with this IMO regulatory instrument is simply a confirmation that Nigeria is headed in the right direction in her maritime sector.

Nigerian Seafarers Development Programme / Capacity Building in line with IMO Programme

In 2011, the IMO noted the dearth of seafarers across the world and launched a programme tagged "Go to sea". The programme was aimed at encouraging young professionals to seek career at sea. The fact that vessels were being built daily, while the human capacity to man these vessels was on the decline became very worrisome for the IMO. In line with the IMO programme, NIMASA launched the Nigerian Seafarers Development programme, NSDP. The programme has started yielding results as young Nigerians have qualified as seafarers from reputable maritime institutions such as John Moore University Liverpool. This capacity development initiative is considered a veritable human capacity development programme Nigeria adopted to grow the maritime sector.

In conclusion, it is worthy of note that the election of Nigeria into Category 'C' of the International Maritime Organization will also ensure that there is a global balance among the member states that make up the IMO. Hence, the distribution is about regions. African nations reelected in 2017 at the IMO Category 'C', are Egypt for North Africa, Kenya for East Africa, South Africa for Southern Africa, and Liberia West Africa. It is worthy of note that the Gulf of Guinea, which is a major hub of maritime activities on the African continent, does not have representation in Council at the IMO. Nigeria in Council will definitely provide the regional balance that IMO stands for.

NEED FOR ACTION AGAINST MARITIME CRIMES

The Director General of the Nigerian Maritime Administration and Safety Agency (NIMASA) Dr. Dakuku Peterside has disclosed that proper legal framework, synergy and information sharing amongst government Agencies and stakeholders will help curb all forms of criminalities in the nation's territorial waterways and the Gulf of Guinea.

Dr. Peterside who stated this during the 1st specialized meeting on maritime piracy organized by the INTERPOL Regional Bureau of West Africa in Lagos, called on stakeholders to work harmoniously in order to find a lasting solution to the menace of piracy in the region.

Speaking further, he said that there was the need for crimes to be successfully prosecuted, noting that a process of successful prosecution of perpetrators of crimes committed at sea has commenced in order to deter others.

"We have at no point prosecuted crimes on our waterways and the security agencies must initiate it. Every other person may give us assistance, but we have a role to play in ensuring that our waterways are safe and secure for maritime businesses to thrive. Therefore, this meeting should not just be a mere talk show because doing things in same way cannot produce results", the DG said.

The NIMASA DG commended the Interpol for the initiative, noting that it will engender synergy amongst government agencies. He also assured that NIMASA will always support any initiative that will foster the growth and development of the maritime sector.

Also speaking, the regional specialized officer for maritime piracy and the convener of the meeting, Mr. Sunday Okoebor bemoaned the spate of criminal activities in the Gulf of Guinea and blamed it on lack of synergy amongst the security agencies, which has made it impossible to have



From left: The Regional Specialised Officer for Maritime Piracy and Convener of the programme, Mr. Sunday Okoebor presenting a plaque to the DG, NIMASA, Dr. Dakuku Peterside during the 1st specialised meeting on maritime piracy, organised by the Interpol Regional Bureau For West Africa, held at Eko Hotel, Lagos, recently

“We have at no point prosecuted crimes on our waterways and the security agencies must initiate it. Every other person may give us assistance, but we have a role to play in ensuring that our waterways are safe and secured for maritime businesses to thrive”

a successful prosecution.

However, he stated that capacity development of the law enforcement officers of the various countries that belong to the region is vital to tackling all forms of illegalities and criminalities.

While also calling on all security

agencies to collaborate more, he noted that for the Interpol to function appropriately, there must be a cleaning centre where all necessary bodies are present to work in collaboration for proper prosecution of offenders.

The Ministry of Justice, represented by an Assistant Director, Dr. Omotayo Oni; supported the need for synergy amongst security agencies and capacity development is key to making Nigerian maritime domain safe and secure for any development to take place.

He also assured that the Ministry of Justice will work hard to ensure that the bill on piracy and maritime crimes sponsored by NIMASA stand as a legal framework for prosecution of maritime crimes.

NISA COMMENDS NIMASA NEW CABOTAGE COMPLIANCE STRATEGY INITIATIVE

...As Dakuku Peterside extols the role of ship owners to maritime sector

The recent moves by the Nigerian Maritime Administration and Safety Agency (NIMASA) to ensure full implementation of the Cabotage Act, 2003 through the New Cabotage Compliance Strategy (NCCS) has continued to receive commendation from stakeholders.

This is coming on the heels of the visit to the Agency by the Nigerian Ship Owners Association (NISA) led by, Captain Niyi Labinjo who stated that the association is pleased with the direction NIMASA is heading towards the full realization of the Cabotage regime.

He stated that NISA as a body shares in the vision of the regulatory body to reposition the maritime sector for greater efficiency and productivity and called for continuous partnership among professionals to assist NIMASA realize its full mandate.

"Ship owners are the essence of NIMASA, without ship owners there will be no NIMASA and without NIMASA, there will be no ship owners. So we have a reason to interact even a lot



From left: NISA representative, Capt. Niyi Labinjo, a stakeholder, E.D Operations, Engr. Rotimi Fashakin and Director, Admin & Human Resources, Mr. Akin Akinyosoye

more than we are doing and that is why we are here", Captain Taiwo stated.

Accordingly, he stated that the body will always work together with the Agency. "NIMASA is there for us and we are there for NIMASA. We are the two wings of the bird because no bird can fly with only one wing", he averred.

The Director General of NIMASA, Dr. Dakuku Peterside extolled the role

of ship owners to the maritime sector, describing them as key players to the sustenance and survival of the Nigerian maritime sector.

He further described the NISA delegation as a set of knowledgeable experts whose wealth of experience will be needed to help the Agency realize its mandates with Cabotage implementation as enshrined in the NIMASA Act.

He stated that the Agency will give the necessary support to the association and will continue to engage in fruitful collaborative meetings, geared towards realizing a virile maritime industry.

He also assured the body Cabotage, the Agency will look at areas with exclusivity clauses for Nigerian ship owners such as lighterage which the Agency is poised to ensure that it works through appropriate mechanisms.

"We will look at the MoU we had with NISA many years ago and review it and look at the possibility of revisiting it. We are pushing it back to you as a task and we believe that you will come with very useful suggestions on the way forward", the DG said.

Other issues addressed included multiple charges in the industry among other salient matters which both parties have agreed to work on.



A cabotage vessel

AFRICA SET TO TACKLE PIRACY, OTHER MARITIME CRIMES – DAKUKU PETERSIDE



NIMASA Patrol Vessel

The Chairman of the Association of African Maritime Administrations (AAMA) Dr. Dakuku Peterside has stated

that Maritime Administrations (MARADs) in Africa are set to tackle issues of piracy, sea crime and illegal migration in the Continent.

The AAMA Chairman who disclosed this to maritime journalists at the sidelines of the International Maritime Organisation (IMO) council meeting in London recently, said that the Continent through her leaders have put in place the necessary framework to tackle all forms of criminalities, which will guarantee safety and security of lives and property and help harness the benefits of the blue economy.

According to him, "some of the instruments being proposed to tackle

crimes include; the Africa Integrated Maritime Strategy (AIMS) 2050, the Yaoundé Code of Conduct, the Djibouti Code of Conduct and the Lome Charter amongst other strategies".

Speaking further, Dr. Peterside hinted that as part of its Medium Term Goals, AAMA as a body intends to partner Non-Governmental Organizations (NGOs) who are involved in rescue operations on the sea and international partners to tackle the challenge of migration by sea.

He also added that in order to stem the tide of illegal migration, the Association is in the process of empaneling studies in selected African countries on illegal migration to enable them provide empirical data to the African Union for action.

"Let me assure you that African Maritime Administrations are

determined to tackle the challenges in the maritime sector to maximize the benefits of the blue economy, but Africa and Africans are the ones to lead the search for solution to the problems plaguing African Maritime domain; the support of the International community will only be complimentary to the effort of Africans", he said.

“In order to stem the tide of illegal migration, the Association is in the process of empaneling studies in selected African countries on illegal migration to enable them provide empirical data to the African Union for action”

NIGERIA IS CLIMATE CHANGE COMPLIANT

The Federal Government of Nigeria has ratified the United Nations Framework Convention on Climate Change, UNFCCC, and the Minamata Convention on Mercury.

The Minister of State for Environment, Ibrahim Jibril, said this at the 11th meeting of the National Council of Environment held in Abeokuta, Ogun State, recently.

He said President Muhammed Buhari had appended his signature "on the instrument of ratification."

"We have ratified the treaty and also signed the Minamata Convention on mercury and also obtained Mr President's signature on the instrument of ratification last week. The instrument is about to be forwarded to the United Nations", Mr Jibril said.

The Minamata Convention on Mercury is an international treaty designed to protect human health and the environment from anthropogenic emissions and releases of mercury and related compounds.

The UNFCCC, on the other hand is a global treaty adopted on May 9, 1992 and opened for signature at the Earth Summit in Rio de Janeiro June

14, 1992. It was enforced on March 21, 1994, after a sufficient number of countries had ratified it. The UNFCCC objective is to "stabilize greenhouse emissions to a level that would prevent dangerous climatic effects. About 168 nations have signed it so far."

The minister, while speaking on the theme of the meeting, 'Unlocking the Investment Opportunities in the Environment Sector towards Nigeria's Economic Recovery, Diversification, Growth and Sustainable Development', said the development came at a time the government at all levels were keying into the change mantra of the federal government.

"Indeed, these are tough and challenging times for the Nigerian economy. I believe this informs the choice of the theme for this forum which could not have come at a better time than now, considering the policy direction and focus of this administration," he added.

Mr. Jibril also said that, against the backdrop of recent recovery of the nation from economic recession as well as adoption of global initiatives towards the use of renewable energy sources, the federal government was committed to finding alternative sources of revenue to sustain the recovery



Ibrahim Jibril

process.

"In spite of the challenging times, this government has demonstrated complete political will and commitment in the cause of reviving the Nigeria project by dealing with immediate issues of improving security, tackling corruption, and revitalizing the national economy," he said.

Mr. Jibril noted that, it was in the light of this, that government recently launched the Economic Recovery and Growth plan, 2017-2020 to aid the nation in its strides to revive all sectors.

WORLD MARITIME DAY CELEBRATION 'CONNECTING SHIPS, PORTS AND PEOPLE'

The strategic role of shipping in the attainment of the United Nations Sustainable Development Goals (SDGs), came to the fore once again at the celebration of the 2017 edition of the World Maritime Day in Mexico.

Ladies and gentlemen,

I

t is a pleasure to be with you today and to join in your celebration of World Maritime Day here in Mexico.

Each year, World Maritime Day provides an opportunity to reflect on a particular aspect of IMO's work. Our World Maritime Day theme for 2017 was chosen in the context of the 17 Sustainable Development Goals – SDGs – established in 2015 as the global response to the increasingly complex challenges the world faces today. Together, the SDGs have the potential to transform our world into a better place for us all.

As a United Nations agency, IMO has a strong commitment to helping achieve the SDGs. Shipping and ports can play a significant role in helping to create conditions for increased employment, prosperity and stability through promoting maritime trade. The port and maritime sectors can be wealth creators, both on land and at sea.

Billions of people all over the world rely on maritime transport in their everyday lives – even though they may not realize it. As the most cost-effective and fuel-efficient way to carry goods, shipping forms the backbone of world trade. It provides a dependable, low-cost means of transport, facilitating commerce and helping create prosperity among nations and peoples. By providing improved access to basic materials, goods and products, shipping is expected to help lift millions of people out of poverty.

“**Shipping and ports can play a significant role in helping to create conditions for increased employment, prosperity and stability through promoting maritime trade. The port and maritime sectors can be wealth creators, both on land and at sea**”



Kitack

It was to highlight this potential, that our theme for this year – “Connecting Ships, Ports and People” – was chosen.

Shipping is an essential component of any programme for future sustainable economic growth. And the role of IMO is to promote safe, secure, environmentally sound, efficient and sustainable shipping.

We do this in two ways. First, we develop and adopt a global regulatory regime for shipping that embraces the highest practicable standards of maritime safety and security, efficiency of navigation and prevention and control of pollution from ships.

And, second, we back this up with an extensive programme of technical assistance and capacity building, to ensure that, once adopted, the standards can be implemented evenly and effectively.

It is this framework of standards and regulations, adopted by governments through IMO, that ensures shipping continues to operate safely, securely, cleanly and efficiently.

The key to that lies in implementation. And here is where you, the governments and their maritime administrations play the central role. For any IMO measure to be successful, it needs early entry into force, widespread ratification, effective implementation, stringent oversight of compliance and vigorous enforcement. Even the conventions that have almost universal coverage of the global fleet only have teeth if they are backed up by an effective implementation infrastructure at the national level.

So, as we celebrate World Maritime Day, let us recall how, through IMO, the Organization's Member States, civil society and the shipping industry are working together to maintain a continued and strengthened contribution towards sustainable growth.

• *Text of the speech by Kitack Lim, Secretary-General of the International Maritime Organisation at the World Maritime Day celebration held in Mexico.*

HANDS ON DECK FOR THE BLUE ECONOMY

T

he Director General of the Nigerian Maritime Administration and Safety Agency (NIMASA) Dr. Dakuku Peterside has reiterated

the need for maritime stakeholders and players in the country to create mutually beneficial alliances and participate actively in the Nigerian maritime sector in order to support the growth of the country's blue economy.

Dr. Peterside who made this call while addressing the nation's maritime players at the first ever Harmonized NIMASA Stakeholders Interactive Forum with the theme “Synergy: An Instrument for Sustainable Development of the Blue Economy” held recently at the Eko Hotels and Suites, Victoria Island, Lagos also said that the amount of littoral states in Nigeria plus the size and resources of the nation makes the development of Nigeria's blue economy a necessity towards guaranteeing a prosperous Nigeria.

The NIMASA DG said that the Agency is currently on a mission of revamping and changing the landscape of the nation's maritime domain through formulation and implementation of all necessary and needed policy frameworks geared towards ensuring a conducive business environment in line with Presidential Enabling Business Environment Council (PEBEC), for maritime business to thrive.

According to the DG, “Maritime provide, a veritable opportunity for us to grow and diversify our economy. We will ensure that we do not derelict in our roles and mandates, but with your support play our roles well, bearing in mind your

expectations and ensuring that we provide all necessary enablers through friendly policies for industry players to reap the benefits of participating in the sector, in order to develop our blue economy for Nigeria's benefit. We are aware that NIMASA and indeed our maritime sector are of no value to our country without you, the stakeholders”.

Dr. Peterside however charged industry stakeholders to collaborate and cooperate with the Agency as it strives to create an enabling environment for them to operate, adding that the Agency has created various platforms through which stakeholders and NIMASA can interface for proper and constructive engagements on diverse issues.

He said; “The industry belongs to stakeholders. Therefore, we must synergize to get all actual and potential benefits embedded in the maritime sector. We must work together at all times because it is our priority that those who do business in the industry flourish in order to develop our blue economy. To guarantee a safe and secure business environment, we have embarked on a number of interventions. We are in an advanced stage in the process of acquiring more surveillance aircrafts and additional Fast Intervention Vessels (FIV) as enshrined in the new maritime security architecture approved by the Federal Executive Council to ensure that our maritime domain remains safe for doing business”.

The NIMASA DG also hinted that to ensure Nigerians reap the benefits of the industry optimally, and to brace up for the challenges of a robust sector, the Agency was also carrying out a holistic human capacity building and development

covering all functional and critical areas in the sector. He added that the Agency has signed a Memorandum of Understanding with some foreign schools to provide Sea time training to the graduates of the Nigerian Seafarers Development Programme (NSDP), an initiative of the Agency.

Also at the event, the Chairman Governing Board of the Agency, Major General Jonathan India Garba (Rtd.) said that the Board would continue to support the Dr. Peterside led Executive Management by giving necessary approvals as well as technical know-how that would reform and reposition the Nigerian maritime space for economic benefits.

In the same vein, the Chairman, House Committee on Maritime Safety, Education and Administration, Mr. Muhammed Umar Bago said that the legislative arm of the government would continue to support NIMASA and stakeholders by providing enabling legislations that would advance the country's maritime sector in line with the Agency's vision, to compete favourably within the global competitive space.

In his contribution, the Chairman of Nigerian Ports Consultative Council, Otunba Kunle Folarin and a former DG of NIMASA, Bar., Temisan Omatseye, commended the Agency's drive towards building capacity for the sector. While Otunba Folarin noted that the effect of the current drive of the Agency would be felt in the industry very soon, Omatseye affirmed his confidence in the present crop of Management of NIMASA, noting that with the current transformation in the nation's maritime sector, Dr. Dakuku Peterside's appointment amounts to putting a round peg in a round hole.

'AFRICA SEAS AND OCEANS POSSESS HUGE ECONOMIC OPPORTUNITIES'

— NIMASA DG, Experts

... *Time to harness them*

At a well-attended event by stakeholders and experts in the maritime sector to commemorate the 2017 "African Day of the Seas and Oceans", the Director General of the Nigerian Maritime Administration and Safety Agency (NIMASA) Dr. Dakuku Peterside noted that African seas and oceans possess huge economic opportunities that can take the continent to the next level.

The NIMASA DG noted that the "Africa's Seas and Oceans decade" declared by the African Union (AU) from 2015-2025 should be perceived as a shift in perspective that recognizes the fact that our oceans and seas are economic infrastructure, necessitating the need for stakeholders in the sector to work together to realize the opportunities embedded in the sector.

"It is a well-known fact that Africa seas and oceans are usually overlooked when it comes to issues of sustainable development in Africa, to the extent that Africa is considered to be sea blind; sea blind because there is low level awareness of the potential for wealth creation which abounds in the seas and oceans. This event therefore tends to show that our eyes are gradually being opened to the reality that our seas and oceans possess huge source of economic resources that can take the continent to the next level", the DG said.

While describing this year's theme titled, "Harnessing African Maritime potentials for sustainable development" as very apt, the NIMASA DG noted that it is in line with the overall goals of Africa's Agenda 2063 which is aimed at ushering in the Africa that we all desire with the

capacity to generate wealth from sustainable governance of Africa's seas and oceans."

He also assured stakeholders that NIMASA as the maritime regulatory Agency has considered it necessary to continue championing the awareness

on Africa Integrated Maritime Strategy and the Blue Economy through the Day of the seas and oceans and other sensitization programmes on the Agency's agenda.

Dr. Dakuku Peterside also used the opportunity to inform participants

that NIMASA is championing the passage of a dedicated anti-piracy law aimed at tackling piracy and all forms of illicit crimes on the nation's waterways.

Accordingly, he stated that "The desire of the government is to ensure cleaner oceans and to eliminate sea piracy, armed robbery and all forms of illegalities within Nigeria's maritime space which is in line with the 2050 African Integrated Maritime Strategy (AIMS)".

He further observed that our Seas and Oceans are our heritage and we must do all we can to protect it; pointing out that NIMASA will

continue to work together with all relevant government agencies to ensure that the maritime sector is safe, clean and secured in order to continue to attract both local and foreign investors.

Professor Charles Ukeje who delivered a paper titled; "Securing the African Marine Environment for Sustainable Development" at the event noted that harnessing and sustainable use of our oceans and seas are the key to unlocking prosperity for the economy adding that this cannot be done by NIMASA alone, but by effective planning which must cut across public and private sectors of

the economy on a long term basis, including a well trained personnel.

Dr. Magnus Chidi Onuoha who also spoke on the theme: "Harnessing Resources from Seas and Oceans for the African Youth Empowerment" identified people, prosperity and the planet as the key to sustainable development of the maritime sector in Africa and said that the marine environment is key to our survival.

Other speakers at the event led by the Chairman of the session, Mr. Norris Quakers, SAN, unanimously called for collaborative and concerted efforts among stakeholder in actualizing a virile maritime sector.

Also present were; NIMASA Board Chairman, Rtd. Major General, India Garba, former Managing Director, National Inland Waterways Authority (NIWA) Mr. Boss Mustapha, Nigeria Shippers' Council, Barrister Hassan Bello and the Chief of Naval Staff, Vice Admiral Ibok-Ete Ibas who was represented by the Flag Officer Commanding, Western Naval Command, Rear Admiral Abbah amongst others.

The African Day of the Seas and Oceans was instituted by the African Union in 2015. It seeks to draw attention to the strategic importance of proper management of marine resources for the development of the African continent in a sustainable manner.



From left: Chairman of NIMASA Board, Major General India Garba (Rtd), Chairman of the occasion, Mr. Norris Quakers, SAN, Director General, NIMASA, Dr. Dakuku Peterside and the Executive Director, Operations, NIMASA, Engr. Rotimi Fashakin, FNSE at the African Day of the Seas and Oceans

“

The desire of the government is to ensure cleaner oceans and to eliminate sea piracy, armed robbery and all forms of illegalities within Nigeria's maritime space which is in line with the 2050 African Integrated Maritime Strategy (AIMS)

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From left: Rear Admiral Abba and NIMASA Board Chairman, Gen. Jonathan Garba India (rtd), DG NIMASA, Dr. Dakuku Peterside, Hon. Bago and ED NIMASA, Engr. Rotimi Fashakin



From left: NIMASA ED Cabotage & Maritime Labour, Mr. Gambo Ahmed, Capt. Ihenacho Eubogwu of the NPA, Rear Admiral Abba and NIMASA Board Chairman, Gen. Jonathan Garba India (rtd)



From left: Chairman of the occasion, Mr. Norrison Quakers, SAN, Dr. Dakuku Peterside and the Executive Secretary, Nigerian Shippers' Council, Barrister Hassan Bello at the African Day of the Seas and Oceans celebration held in Lagos.



The Executive Director, Maritime Labour and Cabotage Services, Mr. Ahmed Gambo who represented the Director General of NIMASA, the Regional Coordinator, West and Central Africa-Anglophone, Technical Cooperation Division, IMO, Capt. Dallas Laryea who represented the Secretary General of the International Maritime Organisation (IMO) Mr. Kitack Lim, with other participants at the 4th Regional Technical Search and Rescue Committee meeting held in Lagos, recently.



From left: Prof. Alo of the Chemistry Dept. UNILAG, Rear Admiral Abba, DG NIMASA, Dr. Dakuku Peterside, ED Admin & Finance, Bashir Jamoh and ED Maritime Labour & Cabotage Services, Mr. Gambo Ahmed



From left: Chairman of the Occasion, Mr. Norrison Quakers, SAN, Dr. Peterside, Guest Speaker/President, Sustainable Energy Practitioners Association of Nigeria, Dr. Chidi Onuoha and the Executive Director, Operations, NIMASA, Engr. Rotimi Fashakin, FNSE at the African Day of the Seas and Oceans celebration.



Dr. Peterside (Middle) in a photograph with participants during the 1st specialized meeting on maritime piracy organized by the Interpol Regional Bureau For West Africa

OPPORTUNITIES IN GLOBAL ECONOMY, SHIPPING INDUSTRY

A CASE FOR NIGERIA'S COASTAL TRADE

— BY ODUSANYA O. A.

The Nigerian Coastal and Shipping trade is relatively young compared with most Maritime Nations of the world. Nigeria is a country in West Africa with a population of about 160 Million people. It is one of the countries in the Gulf of Guinea. The country is bordered in the west by Republic of Benin, Chad and Cameroon in the East and Niger in the North. According to the World Factbook, the country has a coastline of about 853km with vast mineral resources and aquatic marines. The Seabed is said to contain vast arrays of mineral ores for future exploration and exploitation.

Nigeria is a growing economy with capacity to develop its human and mineral resources in a responsible and sustainable manner. The opportunities in a developing economy must be underscored as the advantages are

overwhelming to say the least.

In a bid to regulate, promote and develop its coastal trade, the FGN, enacted the Coastal and Inland Shipping Act, 2003 (Cabotage Act). The essence of this Act is to encourage the participation of indigenous business enterprises in commercial shipping. There are however, waivers that could be granted in these four areas; manning, building, registration and ownership of vessel. One may ask what are the opportunities in the Nigerian Coastal Shipping trade?

The opportunities lie in these four areas:

- **Wholly Nigerian ownership**
- **Manning requirement for Contract**
- **Nigerian Built Vessels**
- **Flag Registration**

Joint venture arrangement between Nigerian citizens and Non-Nigerians

Foreign owned vessels may be granted waivers to be registered to participate in the Coastal Trade.

Types of Vessels required for Coastal Trade in Nigeria:

1. Passenger vessels
2. Crew boats
3. Bunkering vessels
4. Fishing Trawlers
5. Barges
6. Off-shore service vessels
7. Tugs
8. Anchor handling tugs and supply vessels
9. Floating Petroleum Storage
10. Dredgers
11. Tankers
12. Bulk Carriers
13. Feeder vessels

Types of Products for Transportation

1. Iron Ore
2. Cement
3. Fertilizers
4. Crude Oil
5. Chemical
6. Agricultural Produce

7. Animal Produce
8. Manufactured Imported Products
9. Other Mineral Ores

Coastal and Inland Waterways

- River Niger
- River Benue
- Warri
- Sapele
- Koko
- Bayelsa
- Port Harcourt
- Onne
- Calabar
- Oron
- River Imo
- River Andoni
- Cameroon
- Benin Republic
- Equatorial Guinea
- And other Riverine Areas

The need to create the market for shipping in the inland waterways of Nigeria cannot be overemphasized as this will provide the necessary intermodal transport system of the country and a closer relationship with Nigeria's coastal neighbours like Cameroon, Benin, Chad, Niger and Equatorial Guinea.

Shipping is a derived demand, a very complex aspect of International Trade. It has a direct relationship to world trade/economy. The more the distance to transport goods the more the demand for Shipping and Shipping services. Hence, the need to match growth in trade with ship fleet.

PROJECT COST:

Investors are at liberty to determine the extent or degree of funds to be committed to their chosen areas of specialization.

PROJECT LIFE-SPAN:

- At Investors discretion

SOURCES OF FUNDS

- High net worth individuals/ Corporate Organisations
- Ship Owners
- State Governments
- Local Governments

PROPOSERS UNIQUE SELLING POINT:

- Integrity
- Trust
- Transparency
- Accessibility to diversify investment income

PROPOSERS CAPITAL:

- Intrinsic

INVESTORS FUNDS EXPOSURE:

- Risk Management measures

EXPECTED RETURN ON INVESTMENT (ROI):

Shipping is capital intensive business with long gestation period, therefore, investors must nurture the business to be a self-sustaining and profitable venture.

RECOMMENDATIONS

The norm is for ship and shipping services to be supply driven, however, with the slow-down in world trade, there are still exceptions to the general rule. It has been projected that different cargo types will contribute 11.5bn tonnes to the seaborne trade. It has been estimated that Crude oil and oil products will account for 27% of the total, dry bulk for 44% and containers for 16%.

Seaborne Trade fluctuate in direct relationship to global economy, hence the need to espouse the notion of domestic and sub-regional integration.

CONCLUSION/SUMMARY

The slow-down in the world economy has direct relationship with the demand for supply of vessels. This has resulted in excess supply of vessels at the International/ Global level, hence, the need to look into the domestic and sub-regional markets for economic cooperation as a catalyst for improvement.

The excess supply of vessels at the international levels has created opportunities for the Coastal developing economies to explore the use of Ships and Shipping Services for their its domestic and regional economic integration. The Federal Government of Nigeria through the Nigerian Maritime Administration and Safety Agency, as a matter of priority, should promote the full participation of Nigerian business entrepreneurs in Coastal trade and shipping.

• **Mrs Odusanya is the Deputy Director Financial Services NIMASA.**

DOCKWORKERS: SLOW BUT STEADY ROAD TO WELFARE

BY ANISE OMOBOLAJI
OLUSOLA

The term “Dock worker” originated from Portugal or Spain in the early days of shipping as it was used by sailors at the time to refer to men who load ships and stow cargo. In those days, before the introduction of containers, men were required to load and unload cargo into ships and had to tie down cargoes with rope or a knot. This type of knot was called the stevedore knot and that was the origin of the modern day stevedore, docker, dock laborer or dockworker as we call them today. Today, cargo is mainly transported in intermodal containers which arrive at a port and are stacked in the port’s storage area or loaded into another ship by a crane. Despite the availability of technology to load and unload ships using cranes, work men are required to connect these containers to themselves and to the ship. Also, port side operations include the crane operators, the truck drivers that

transport the containers from the dock and storage area, the workers who track the containers in the storage area as they are loaded and unloaded etc. The workers involved in handling and moving the containers are collectively known as stevedores or dock workers.

It is imperative to ascribe the growth of any economy to a vibrant shipping industry. Tankers, bulk carriers and container ships are the most important means of transportation of our time. Each year they carry billions of tonnes of goods along a few principal trade routes. Containerization has revolutionized global cargo shipping, bringing vast improvements in efficiency. As of 2016, around 51,400 merchant ships traded internationally. By implication, importance of dock workers towards a thriving global economy cannot be underestimated. Agitations for reforms for better welfare concerns for dock labourers have always been in the front burner. Long ago, the Great Dock Strike of 1889 took place against a background of growing trade unionism amongst Britain’s unskilled workforce at the time. This group of unskilled

workers had increasingly become dissatisfied with their rate of pay coupled with risky working conditions and underprivileged living standards, endured by the workers and their families, at the time.

As established earlier, dockworkers are integral to the development and sustenance of any growing economy, most importantly the Maritime Sector. Consequently, their welfare should be a matter of priority. Often times, albeit erroneously, the dockworkers’ needs are not appropriately addressed and as this has led to agitations, many episodes of confrontation with government.

Due to these challenges, a lot has changed for the fate of the dock workers, one of which is the importance of the mandate of NIMASA.

In Nigeria, the issue can be chronicled from the concession era and ratification of the Dock Labour Convention of 1937 (No 137) by the Nigerian Government on the 22nd March 2004. After the concession era in 2006, the Joint Maritime Labour Industrial



Council (JOMALIC) with the Nigerian Maritime Authority (NMA) merged gave more focus and structure to the Nigerian Maritime Administration and Safety Agency (NIMASA). A major mandate of this amalgamation was to ensure that the welfare of Maritime Labour are adequately taken care of. This mandate was derived from the NIMASA ACT 2007 PART VII (B) which mandates the Agency to provide training, conduct examinations and regulate the certification of Seafarers and the condition of service of dockworkers and seafarers.

More so, the recent Stevedoring Regulations, 2014, B34 (15) 1 has also empowered the Agency to chart a part of professionalism both for the dockworkers and the stevedores; this was a bill that was sponsored by NIMASA with a view to further creating an enabling industry for the dockworkers. It is noteworthy to also mention that over the years the Agency had conducted several training programmes for over 3000 dockworkers in the dock labour industry with a view to reform the average dock worker on the essence of safety and conduct at the Ports.

The training programmes involve Modern Cargo handling, Occupational Health and Safety, Winch men and Pre-retirement training. The feedbacks of the training programme and reforms gave birth to dockworkers being professionals, ending the days of disruption to work activities, pilfering at Ports and triggering the emergence of a new era.

NIMASA as a government agency, being governed by International rules set by the International Labour Organization (ILO), further pressed home its mandate by midwifing the first collective bargaining agreement for the dock labour industry through the National Joint Industrial Council in 2010. This was done in line with ILO’s Stand on tripartism. The Council had representatives from the workers Union, employers and supervising ministries, Ministry of Transportation and the Ministry of Labour and Employment. The Collective Bargaining Agreement set the minimum standards of engagement for the Dock Labour Industry and has since been renewed every four years. The current one in force would lapse on 31st May 2018. The minimum

standards clearly spells out the responsibility of employers to the workers in line with the best global practices.

Currently, the Maritime Labour Services Department of NIMASA is putting up structures and policies to ensure that all concerned parties comply strictly with the terms of Agreement of the collective Bargaining Agreement.

Conclusively, NIMASA had undertaken several reforms in the Docklabour industry with a view to sustain the industrial harmony in the Maritime Industry under the current Executive Management of NIMASA led by Dr.Dakuku Peterside. He has launched several initiatives that would be beneficial to the Industry, example of such is the recently held Joint stakeholders forum at the Eko Hotel, which was an avenue for the concerned stakeholders to create an avenue to discuss issues relating to development of the Maritime Sector.

It is still early days; however, it is hoped that the stated initiatives will generate a movement that mutually benefits the stakeholders in the Nigerian maritime industry, especially, the dockworkers.

SHIPS NATIONALITY: THE GENUINE LINK

BY ANTHONY PREYE PREGHAFI

INTRODUCTION:

The concept of genuine link in relation to nationality of ships has been very intriguing and controversial. The concept was first mentioned in the Geneva Convention on the High Seas 1958. Article 5 (1) provides as follows:

"Each state shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the state whose flag they are entitled to fly. There must exist a genuine link between the state and the ship; in particular, the state must effectively exercise its jurisdiction and control in administrative, technical and social matters over

SHIPS FLYING ITS FLAG".

Also, Article 91 of the 1982 United Nations Convention on the Law of

the Seas, read:

"Every state shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the state whose flag they are entitled to fly. There must exist a genuine link between the state and the ship".

A consideration of the above provisions would raise the following posers. What is the meaning of genuine link between a ship and the state which conferred its nationality upon the ship; and what are the consequences of lack of same?

Apparently, ship registration grants the nationality of the registering state to the ship, thereby creating a link between the ship and that state. Registration does not itself make the link genuine. There must exist circumstances which make the link real and strong. Over the years, the courts have attempted to decipher these circumstances that make the link real and genuine, thereby giving a perspective to the concept

of genuine link through case law.

THE NOTTEBOHM CASE (1955)

This case of the International Court of Justice (ICJ) preceded the High Seas Convention of 1958 and obviously influenced its drafting. Mr. Friedrich Nottebohm was born in Germany in 1881 and possessed the German nationality. Mr. Nottebohm settled in Guatemala in 1905 where he had his business headquarters. He had a brother in Liechtenstein whom he visited from time to time. He applied for naturalization and was granted the nationality of Liechtenstein in 1939. The main question was whether Liechtenstein could exercise diplomatic protection of Mr. Nottebohm in respect of acts committed by Guatemala against him. The Court noted that though under international law it was up to each State to lay down rules governing the grant of its nationality, a State could not claim that:

"the rules it has thus laid down are entitled to recognition by

"Purports to confer its nationality on ships by allowing them to fly its flag, without assuring that they meet such tests as management, ownership, jurisdiction and control, other states are not bound to recognize the asserted nationality of the ship"

another state unless it has acted in conformity with this general aim of making the legal bond of nationality accord with the individual's genuine connection with the State which assumes the defence of its citizens by means of protection as against other States".

The court further stated that "nationality is a legal bond having as its basis a social fact of attachment, a genuine connection of existence, interests and sentiments, together with the existence of reciprocal rights and duties. It may be said to constitute the juridical expression of the fact that the individual upon whom it is conferred...is in fact more closely connected with the population of the State conferring nationality than with that of any other State. Conferred by a State, it only entitles that State to exercise protection vis à vis another State, if it constitutes a translation into juridical terms of the individual's connection with the State which has made him his national."

The import of Mr. Nottebohm

case highlights the consequences of lack of a genuine link between a ship and a state which is non-recognition of nationality by a third state, in certain circumstance.

THE IMCO CASE (1960)

In this case, the ICJ was called to give an advisory opinion on the question of whether the Maritime Safety Committee had been constituted in accordance with Article 28 of the Convention of the Intergovernmental Maritime Consultative Organization (now known as International Maritime Organization). This article provides that the Committee shall "consist of fourteen members...of which not less than eight shall be the largest ship-owning nations..." Liberia and Panama, at that time having the third and eighth largest shipping tonnages registered under their flags, were not selected in this category. The Court held, by nine votes to five, that the Committee had not been validly constituted in accordance with Article 28. The Court stated that the phrase, "largest ship-owning nations", should be read in its ordinary and natural meaning. "Largest" meant the largest tonnage: this was the only practicable form of measurement. "Ship-owning" could mean either owned by nationals of the States concerned or the registered tonnage of the States concerned regardless of beneficial ownership. This judgment was highly criticized for various reasons amongst which were its silence on the concept of genuine link requirements for nationality and its application to the open registries. However, the comment of the dissenting Justice Moreno Quintana is noteworthy. "The registration of shipping by an administrative authority is one thing, the ownership of a merchant fleet is another. The latter reflects an international economic reality which can be satisfactorily established only by the existence of a genuine link between the owner of a ship and the flag it flies. This is the doctrine expressed by Article 5 of

the Convention on the High Seas which...constitutes at the present time the *opinio juris gentium* on the matter."

THE BARCELONA TRACTION CASE (BELGIUM/SPAIN) (1970)

This case deals with nationality of corporations and diplomatic protection without reference to vessels' nationality. The Barcelona Traction, Light and Power Company Limited, which carried out business in Spain, was incorporated in Canada, where it also had its headquarters. A few years after incorporation, Belgian nationals acquired the majority shareholding of the company. Following a number of actions taken by Spain against the company, Belgium instituted proceedings for reparation against Spain. Confirming one of Spain's preliminary objections, the Court found that Belgium did not have the right to exercise diplomatic protection on behalf of the corporation, because such right belongs to the state of incorporation, in whose territory the company has its registered office that is Canada.

In other words, the genuine link between the corporation and the state of beneficial ownership was considered to have no relevance in this matter. The international court did not in its judgment refer to the question of nationality of ships. Nevertheless, the opinion of Justice Jessup is worthy of some consideration. "if a state purports to confer its nationality on ships by allowing them to fly its flag, without assuring that they meet such tests as management, ownership, jurisdiction and control, other states are not bound to recognize the asserted nationality of the ship."

THE MV SAIGA CASE (SAINT VINCENT AND THE GRENADINES/GUINEA) (1999)

The MV Saiga, an oil tanker supplying gas to fishing vessels off the West African coast, was

arrested by the Guinean authorities on 28th October, 1997. The vessel which was provisionally registered in Saint Vincent and the Grenadines, was owned by a Cypriot company, managed by a Scottish Corporation and chartered to a Swiss firm. St. Vincent was alleged to have breached international law. Guinea amongst others objected to the admissibility of the claim on the ground of absence of genuine link between the ship and its flag state and that Guinea was not bound to recognize the St. Vincent and the Grenadines nationality. The International Tribunal on Law of the Seas (ITLOS) rejected Guinea's claim of the consequences of lack of genuine link. The tribunal stated as follows:

"The conclusion of the Tribunal is that the purpose of the provisions of the [1982 UN] Convention on the need for a genuine link between a ship and its flag state is to secure more effective implementation of the duties of the flag state, and not to establish criteria by reference to which the validity of the registration of ships in a flag state may be challenged by other states"

"There is nothing in article 94 to permit a state which discovers evidence indicating the absence of proper jurisdiction and control by a flag state over a ship to refuse to recognize the right of the ship to fly the flag of the flag state"

Consequently, the Tribunal dismissed the claim concerning the lack of genuine link between Saiga and St. Vincent and the Grenadines on the basis of insufficient justification by Guinea.

THE VIRGINIA G (PANAMA/ GUINEA-BISSAU) (2014)

M/V Virginia G, a Panamanian flagged oil tanker was arrested along with the crew and cargo on board by the officials of Guinea Bissau on the 21st August, 2009 for unauthorized sale of oil to fishing vessels in the Exclusive Economic Zone (EEZ) of Guinea

"In the view of the Tribunal, once a ship is registered, the flag State is required, under article 94 of the Convention, to exercise effective jurisdiction and control over that ship in order to ensure that it operates in accordance with generally accepted international regulations, procedures and practices. This is the meaning of "genuine link"

Bissau. M/V Virginia G had a statutory Certificate of Registry issued by the Panama Maritime Authority on the 5th October, 2011 and valid until 16th November, 2016. The vessel was owned by Penn Lilac Trading S.A, a company incorporated in Panama in 1998; but was chartered out to Lotus Foundation, Supplying gas oil to fishing vessels. Guinea-Bissau objected to the admissibility of the claims of Panama by contending that there was no genuine link between M/V Virginia G and Panama. The International Tribunal on Law of the Seas (ITLOS) in its considered judgment reaffirmed its decision in the celebrated case of M/V Saiga with regards to genuine link. "The Tribunal considers that article 91, paragraph 1, third sentence, of the Convention requiring a genuine link between the flag State and the ship should not be read as establishing prerequisites or conditions to be satisfied for the exercise of the right of the flag State to grant its nationality to ships". The Tribunal concluded that a genuine link existed between Panama and the M/V Virginia G at the time of the incident and rejected the objection raised by Guinea-Bissau to the admissibility of the claims of Panama based on the alleged lack of genuine link between Panama and the M/V Virginia G.

CONCLUSION

Consequently, the purpose of genuine link between the ship and its flag state is to secure more effective implementation of the duties of the flag state. Therefore, where a flag state carries out its obligations listed in paragraph 2-5 of Article 94 of UNCLOS 1982 such as:

- (I) Surveying of ships by qualified surveyors before registration and thereafter at appropriate intervals;
- (II) Ensuring that ship has onboard charts, nautical publication, navigational equipment and instrument for safe navigation;
- (III) Ensuring that the master, officers and crew possess appropriate qualification, seamanship, navigation, communication and marine engineering in line with the type, size, machinery and equipment of the ship;
- (IV) Ensuring that the master, officers and crew are conversant with SOLAS, collision prevention, reduction and control of pollution;
- (V) In case of marine incident cause an inquiry or investigation to be conducted for the purpose of learning from it etc.

Genuine link would be said to have existed between it and the vessels registered in the state. This fact was confirmed by ITLOS in the M/V Virginia G when the Tribunal state that:

"In the view of the Tribunal, once a ship is registered, the flag State is required, under article 94 of the Convention, to exercise effective jurisdiction and control over that ship in order to ensure that it operates in accordance with generally accepted international regulations, procedures and practices. This is the meaning of "genuine link"

A UNITED AAMA FOR AFRICA

... Peterside Pledges better share of global maritime trade for Africa

The Chairman of Association of African Maritime Administrations (AAMA), Dr Dakuku Peterside has charged African stakeholders in the maritime sector to work together to ensure Africa takes its rightful place in the global maritime community.

He stated this in a meeting with representatives of African countries at the International Maritime Organisation (IMO), under the auspices of African Maritime Advisory Group (AMAG) at the IMO Headquarters in London, recently.

Dr. Peterside, who is also the Director General of the Nigerian Maritime Administration and Safety Agency (NIMASA), briefed the AMAAG members of the modest progress recorded by Heads of African Maritime Administrations working together and plans going forward to implement most of the instruments signed by African Heads of State and Government in other to reposition the continent's maritime community.

According to the AAMA Chairman, "Africa is a major stakeholder in maritime so we must take our rightful place and that can only happen if we work together, and these cooperation issues would be brought to the front burner during the meeting of the Executive committee of AAMA coming up in September in Egypt.

He also noted that AAMA has put in place policies that will enhance African maritime Administrations working as a block to get a better share of the global maritime trade beginning with representation at the IMO.

Dr Peterside who was accompanied by the Director General of Ghana Maritime Authority Mr. Kwame Owusu and the CEO of the South Africa Maritime Safety



From left: Chairman, AAMA, Dr. Dakuku Peterside, the Director General of Ghana Maritime Authority Mr. Kwame Owusu and CEO of the South African Maritime Safety Authority (SAMSA), Mr. Sobantu Tilayi

"AAMA has put in place policies that will enhance African maritime administrations working as a block to get a better share of the global maritime trade beginning with representation at the IMO"

Authority (SAMSA), Mr. Sobantu Tilayi also informed AMAG members of their planned meeting with the IMO Secretary General, Mr. Kitack Lim aimed at pushing for greater African representation in the Council and Secretariat.

Dr Dakuku also disclosed that Executive members of AAMA have scheduled a meeting with African Union commission leadership to deliberate on how best to harness the continents maritime potentials using international regulatory instrument.

Speaking on behalf of her colleagues, the Alternate Permanent Representative of Ghana to

IMO, Azara Prempeh who is the chairperson of AMAG, commended the AAMA delegation for the meeting and urged Heads of African Maritime Administrations to domesticate and enforce Laws to deter illegal migration through the seas.

Azara informed the AAMA delegation that Africa's representation within the IMO Council and the Secretariat staffing does not reflect the numerical strength of African states membership in IMO, urging them to work as a block to influence a change of policy in favour of the African continent.

"Heads of Maritime Administrations should engage the Africa Union (AU) to give maritime affairs the deserved priority attention in its structure. We also need proper implementation of the Yaounde Code of Conduct that has to do with maritime security in West and Central Africa, the Lome Charter, 2050 Africa Integrated Maritime Strategy (AIMS), AU agenda 2063 and other instruments assented to by African leaders to fast track the development of the continent's maritime potential" she said.



From left: Minister of Foreign Affairs, Mr. Geoffrey Onyeama, the Director General of the Nigerian Maritime Administration and Safety Agency, Dr. Dakuku Peterside, the Minister of Transportation, Rt. Honourable Rotimi Amaechi, Chairman House Committee on Maritime Safety Education and Administration Hon. Umar Bago and a Maritime Stakeholder Mr. Okey Ajaero at the Cocktail Dinner in honour of Foreign Missions organized by the Federal Ministry of Foreign Affairs and the Federal Ministry of Transportation



DG NIMASA, Dr. Dakuku Peterside (right) with the Indonesian Ambassador to Nigeria, Mr. Harry Purwento



From left: Chairman, Senate Committee on Marine Transport, Senator Ahmed Rufai Sanni, DG NIMASA, Dr. Dakuku and the Syrian Head of Mission to Nigeria, Mohammed Abo Serriah having a chat at the Cocktail Dinner



From left: A stakeholder and a former DG NIMASA, Barr. Temisan Omatseye, at a NIMASA stakeholders' forum



From left: A stakeholder and Barr. Boniface Igwe, at a stakeholders' event



From left: Capt. Alao and Prof. Badejo at a stakeholders' event



A maritime stakeholder



Director General, Nigerian Maritime Administration and Safety Agency (NIMASA) who is also the Chairman, Association of African Maritime Administration (AAMA), Dr. Dakuku Peterside (grey suit) in a photograph with some AAMA and African Maritime Attaché Advisory Group (AMAAG) executives during an interactive session at the International Maritime Organisation (IMO) conference in London recently



From left: DG, NIMASA, Dr. Dakuku Peterside and NIMASA Board Chairman, Gen. J.I. Garba



From left: Head Maritime Safety, Capt. Sunday Umoren, Head Shipping Devt, Mr. Anthony Ogadi, Head Cabotage, Barr. Sunny Erekosima and Director MEM, Mrs. Susan Asagwara.



Some stakeholders at the event



From left: Some stakeholders in a chat with Capt. Ihenacho Ebubogwu of the NPA.



From left: WISTA President, Mrs. Mary Hamman, Hajia Lami Tumaka and Fmr NIMASA DG, Mrs. Mfon Usoro



From left: Mrs. Shalhoma, Barr. Mayen Obi and a maritime stakeholder



Cross section of participants at the NIMASA Stakeholders event



Stakeholders at the NIMASA event



From left: Assistant Director, Maritime Safety, Nigerian Maritime Administration and Safety Agency (NIMASA) Engineer Olu Aladenusi, FNSE, Executive Director, Operations, NIMASA, Engr. Rotimi Fashakin, FNSE, His Wife Mrs. Olubisola Fashakin and Head, Corporate Communications, NIMASA, Mr. Isichei Osamgbi at the conferment of the Fellowship status to the NIMASA ED, Operations by the Nigerian Society of Engineers in Abuja

NIMASA ED, 23 OTHERS BAG NSE FELLOWSHIP

The Executive Director in charge of Operations in the Nigerian Maritime Administration and Safety Agency (NIMASA), Engineer Rotimi Fashakin has been conferred with the Fellowship of the Nigerian Society of Engineers (FNSE), the umbrella body of the engineering profession in Nigeria.

In his speech, the Chairman Board and College of Fellows of the NSE, Engr. Chris Okoye charged the awardees to ensure sustainability in the profession and also ensure their impact is felt theoretically and in practice in any sector they find themselves for the good of the nation. Engineer Rotimi Fashakin, the Executive Director in charge of Operations of the Agency, is a consummate Engineering and Project Management Professional, having graduated from the University of Ife with a Bachelor's Degree in Electrical and Electronics Engineering and the Project Management Institute, USA. His working experience spans nearly three decades mostly in the private sector. He was at various times Project Manager, MTN Nigeria, Chief



From left: Executive Director, Operations, Nigerian Maritime Administration and Safety Agency NIMASA, Engr. Rotimi Fashakin and the Minister for Water Resources, Hon. Suleiman Adamu Kazaure, at the conferment of the Fellowship status to the NIMASA ED, Operations by the Nigerian Society of Engineers in Abuja

Operating Officer, Hybrid Systems Engineering Ltd, Technical Manager, Mobile Telecommunications Services amongst other.

The NIMASA ED is also a member of other prestigious bodies including the Project Management Institute of the United States of America and has attended several courses in Engineering and Management

in Nigeria and abroad. He has also brought to bear his vast experience to the day to day running of the operations of NIMASA.

The award is in recognition of Engineers and engineering organizations for outstanding attainments and contributions to the general development of engineering in Nigeria.

EMPLOYEE OF THE MONTH WINNERS

In line with the Repositioning, Restructuring, Reforming and Rebranding agenda of the Agency for effective and efficient service delivery, the management of NIMASA has introduced an Award system tagged "Employee Award Scheme".

The Award System was introduced in May, 2017 to recognize and reward excellent performance amongst staff that have proven to be committed and dedicated to their duties. The scheme is aimed to encourage staff to be more dedicated and understand that it pays to do the right thing.

Ultimately, it will improve Service Delivery in the Agency.

The criteria for nomination are centered on work performance which includes: Exceptional performance in the tasks assigned beyond the normal schedule of duty such as Innovation, Quality of work, Collaboration, Cost saving measures and Timeliness. Other areas include Good conduct and exemplary display of the Agency's core values- CAPITEL-D.

All the Departments, Autonomous Units and the Zones of the Agency are to produce a nominee for the Award of the EoM every month. The EoM nomination is done during the monthly staff meetings to give every staff the

opportunity to nominate and be nominated. The HOD, HOU and Zonal Coordinators will then complete the nomination form with the justification for selecting the nominee and forward same to the Award Committee Chairman (Hajia Lami Tumaka) on or before 25th of every Month. The completed forms will be sent to the consultant for review using the assessment criteria. The Consultant after the review sends the outcome back to the Committee for deliberation and final selection of the Award recipient. However, a Dept., Unit or Zone may decide not to send in a nominee if none of their employees have demonstrated exceptional performance during the month.

WINNERS



GARBA AMINU ILAH
(MEM DEPT.)
JULY 2017 WINNER



OBEBE PAUL
(FINANCE DEPT.)
AUGUST 2017 WINNER



EVI CONSTANCE OMAGBEMI,
LEGAL DEPT.
SEPTEMBER 2017 WINNER



From left: ED Operations, Engr. Rotimi Fashakin, ED Maritime Labour & Cabotage Services, Ahmed Gambo ED Admin & Finance, Bashir Jamoh, and DG NIMASA, Dr. Dakuku Peterside

“
Unlike NIMASA and the Joint Admission Matriculation Board (JAMB), some Agencies and Departments are operating in such a manner that returned minimal funds to Government
”

REVENUE PERFORMANCE: EMULATE NIMASA, FG URGES OTHER MDAs

The Federal Government through the Ministry of Finance and the Office of the Accountant-General of the Federation has commended the Nigerian Maritime Administration and Safety Agency (NIMASA) for its revenue performance in the past one year.

The Minister of Finance, Mrs. Kemi Adeosun who disclosed this after the Federal Executive Council meeting in Abuja, recently noted that NIMASA has proven that financial prudence, accountability and transparency can lead to sustainable economic growth in Nigeria. She enjoined all other MDA's to emulate NIMASA and plug all revenue leakages in order to allow for 100 percent implementation of the 2017 budget.

She said; “Unlike NIMASA and the Joint



Minister of Finance, Kemi Adeosun

Admission Matriculation Board (JAMB), some Agencies and Departments are operating in such a manner that returned minimal funds to Government. To this effect, a circular has been issued restricting allowable expenses in line with reforms occurring across government businesses, as compliance

checks would be undertaken regularly to ensure that all Agencies and Departments adhere to the new requirements”.

Corroborating the Finance Minister's stance, the Accountant General of the Federation (AGF), Mr. Ahmed Idris also urged other MDAs to be more creative in their revenue generation efforts so that they could meet the individual targets of Agencies and collectively meet estimated revenue to fund the 2017 budget. The AGF noted that despite the general downturn in accruable revenue to Government due to the prevailing global economic situation, the remittances to the Consolidated Revenue Fund (CRF) by NIMASA this year has been the highest by the Agency when compared to corresponding period of recent years.

“It was also the first time in recent years that NIMASA will remit huge revenue into the government coffers”, he said.



Accountant General of the Federation, Ahmed Idris

SAFETY AT SEA: NIMASA TO ENFORCE STRICT OBSERVANCE TO REGULATIONS

...As IMO Commends Agency's Regional Search and Rescue Coordination



From left: Engr. Umotong Ekong, Executive Director, Maritime Labour and Cabotage Services, of NIMASA, Mr. Ahmed Gambo, Honorable T. A. Hobba, IMO Technical Committee for Francophone Western Central Africa and a guest

The Director General of the Nigeria Maritime Administration and Safety Agency (NIMASA), Dr. Dakuku Peterside has restated the Agency's commitment towards the enforcement of strict safety regulations at sea, in order to ensure the protection of Marine Environment and Safety of assets.

The DG who made the assurance during the 4th Regional Technical Search and Rescue Committee meeting in Lagos, recently, also said that the establishment of an Emergency Service Division which is entrusted with the responsibility of rendering Search and Rescue Services to vessels and mariners in distress within the Nigerian territorial waters is a major accomplishment for the Agency.

The Agency's Executive Director Maritime Labour and Cabotage Services, Mr Gambo Ahmed who represented the Director General at the event stated that the Agency, as the regional coordinator of search

and rescue for West and Central Africa remains committed to leading the region in that light, adding that aside continuous trainings of SAR officials, NIMASA is coming up with other modalities to complement its SAR plan.

According to the DG, “seafarers worldwide have the obligation to assist other ships in distress and as part of our commitment to SAR we have registered and trained volunteers as Maritime SAR Marshals in the riverine and inland areas. The psychic behind this is to ensure that these marshals are close to the loading/unloading bays of river crafts and thus enforce strict observance of regulations with respect to safety of lives and assets at sea”.

Also, the Secretary General of the International Maritime Organisation (IMO) Mr. Kitack Lim who was represented by the Regional Coordinator, West and Central Africa-Anglophone, Technical Cooperation Division, IMO, Capt. Dallas Laryea stated that

international trade is very critical to the world's economy with an estimation of 90% of world trade and two thirds of its energy supplies carried by sea which makes safety paramount.

Capt. Laryea commended NIMASA for its systematic and well laid-down procedures which the Agency has put in place to respond to emergencies that may occur at sea, especially in the Gulf of Guinea.

He charged the Agency to continue to support the region and urged member states of the regional SAR to continue to collaborate to ensure a safe and secure West and Central African maritime domain.

It would be recalled that Nigeria is the host of the Regional Search and Rescue Coordinating Center and the 4th meeting of the Regional Search and Rescue Committee had in attendance of member states which includes; Equatorial Guinea, Togo, Garbon, Democratic Republic of Congo, Congo Brazzaville, Benin Republic, Cameroun, Sao Tome & Principe, Nigeria.



MARITIME CAPACITY BUILDING: TRAINING OF SEAFARERS

BY VICTOR EGEJURU

NIMASA ACT, 2007

Section 27 (1) (b) of the Nigerian Maritime Administration and Safety Agency Act, 2007 provides that the Agency shall, "provide training, conduct examination and regulate the certification of seafarers".

MLC 2006

The Maritime Labour Convention, 2006 in Article 11(1) (f) defined a "Seafarer" as "any person who is employed or engaged or works in any capacity on board a ship to which this convention applies".

Title 1, Provides for minimum requirements for seafarers to work on a ship and this includes:-

- 1) Minimum age 16 years and if night work is involved the minimum age is 18 years (Regulation 1.1);
- 2) Medical certificate issued in accordance with the requirements of STCW (Regulation 1.2);

- 3) Training and qualifications (Regulation 1.3);
- a) Seafarer shall not work on a ship unless they are TRAINED or certified as COMPETENT or otherwise qualified to perform their duties.
- b) Seafarers shall not be permitted to work on a ship unless they have successfully completed training for personal safety on board ship (Ship Board Training)
- c) Training and certification shall be in accordance with the mandatory instruments adopted by the International Maritime Organisation (STCW).

STCW 78

The main purpose of the International Convention on Standards of Training, Certification and Watch keeping for Seafarers is to "Promote safety of life and property at sea and the protection of the marine environment by establishing in common agreement international standards of TRAINING, Certification and Watch keeping for Seafarers.

The Convention was amended by the STCW Convention and Code 2010 Manila Amendments which entered into force on 1st January, 2012.

Amongst the amendments adopted, there are a number of important changes to each Chapter of the Convention and Code and the area that concerns training and certification of Seafarers include:-

- i. Improved measures to prevent fraudulent practices associated with certificates of Competency and strengthen the evaluation process (monitoring of parties compliance with the Convention).
- ii. New certification requirements for able seafarers.
- iii. New requirements relating to training in modern technology such as electronic charts and information systems (ECDIS).
- iv. New requirements for marine environment awareness training and training in leadership and teamwork.
- v. New training and certification requirements for electro-technical officers.

- vi. Updating of competence requirements for personnel serving on board all types of tankers, including new requirements for personnel serving on liquefied gas tankers.
- vii. New requirements for security training, as well as provisions to ensure that Seafarers are properly trained to cope if their ship comes under attack by pirates.
- viii. Introduction of modern training methodology including distance learning and web based learning.
- ix. New training guidance for personnel serving on board ships operating in polar waters; and
- x. New training guidance for personnel operating Dynamic Positioning Systems.

All training programmes leading to issuance of certificates must be approved. The IMO does not approve any training courses or institutes. This is a privilege and responsibility of member Governments who are parties to the STCW Convention. Approval is normally given by the Maritime Administration of

an STCW Party in accordance with the Convention requirements.

AMENDMENTS TO THE STCW 78

Apart from the 2010 Manila Amendments, there had been other Amendments in 1991, 1994 and 1995.

The 1991 amendments relating to Global Maritime Distress and Safety System (GMDSS). The 1994 amendments were on special training requirements for personnel on tankers. The 1995 amendment was on minimum standards required to be maintained by parties in order to give full and complete effect to the provisions of the STCW Convention to ensure that seafarers on board ships are qualified and fit for their duties.

Article III (Application) of the STCW Convention provides that the Convention shall apply to seafarers serving on board war ships, fishing vessels, pleasure yachts or wooden ships of primitive build.

The Convention defined sea going ship as a ship other than those which navigate exclusively in Inland waters or in waters within or closely adjacent to, sheltered waters or areas where port regulations apply.

CERTIFICATES (ARTICLE VI)

- i. Certificates for Masters, Officers or ratings shall be issued to those candidates who, to the satisfaction of the Administration, meet the requirements for services, age, medical fitness, training, qualification and examinations in accordance with the appropriate provisions of the annex to the Convention.
- ii. Certificates for Master and Officers issued in compliance with this article shall be endorsed by the issuing Administration in the form prescribed in the Regulation of the STCW. If the language used is not English, the endorsement shall include a translation into that language.

PROMOTION OF TECHNICAL COOPERATION (Article XI)

Parties to the Convention shall promote, in consultation with, and with the assistance of the IMO, support for those parties which request technical assistance for:

- a) Training and administrative and technical personnel;
- b) Establishment of institutions for the training of seafarers;
- c) Supply of equipment and facilities for

training of seafarers;

- d) Development of adequate training programmes, including practical training on seagoing ships; and
- e) Facilitation of other measures and arrangements to enhance qualifications of seafarers.

On its part, the IMO is mandated by the Convention to pursue the aforementioned efforts, as appropriate, in consultation or association with other international organisations, particularly the International Labour Organization.

CLASSIFICATION OF SEAFARERS

1. MASTER: means the person having command of the ship.
2. OFFICER: means a member of the crew other than the master, designated as such by national law and regulations or, in the absence of such designation, by collective agreement or custom.
3. DECK OFFICER: means an officer qualified in accordance with the provision of chapter II of the Convention.
4. CHIEF MATE: means the officer next in rank to the Master and upon whom the command of the ship will fall in the event of incapacity of the Master.
5. ENGINEER OFFICER: means an officer qualified in accordance with the provisions of Chapter III of the Convention.
6. CHIEF ENGINEER OFFICER: means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installation of the ship.
7. SECOND ENGINEER: means the engineer officer next in rank to the Chief Engineer Officer upon whom responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship will fall in the event of the incapacity of the Chief Engineer.
8. ASST ENGINEER OFFICER: means a person under training to become an engineer officer and designated as such by national law or regulations.
9. RADIO OPERATOR: means a person holding an appropriate certificate issued or recognised by the Administration under the provisions of the Radio Regulations.
10. RATINGS: means a member of the

ship's crew other than the master or officer.

TRAINING AND ASSESSMENT

Each country shall ensure that: the training and assessment of seafarers, as required under the Convention, are administered, supervised and monitored and those responsible for the training and assessment of competence of seafarers, as required under the Convention, are appropriately qualified.

MASTER AND DECK DEPARTMENT OFFICERS

1. Deck Officers in charge of navigational watch on ships of 500 gross tonnage or more must have approved sea going service of not less than one year as part of an approved training and is documented in an approved training Record Book or otherwise have approved sea going service of not less than three (3) years and must have completed approved education and training and meet the standard of competence specified by the Convention.
2. Every Rating forming part of a navigational watch on a sea going ship of 500 gross tonnage or more, other than ratings under training and ratings whose duties while on watch are of an unskilled nature, shall be duly certificated to perform such duties and must have completed not less than six (6) months training experience or special training, either pre-sea or on board ship, including an approved period of sea going service which shall not be less than two (2) months.

CERTIFICATION OF ENGINE OFFICERS (Regulation III)

1. Every officer in charge of an engineering watch in a manned engine room or designated duly engineer officer in a periodically unmanned engine-room on a sea going ship powered by main propulsion machinery of 750kw propulsion power or more shall amongst others, shall have;
 - a. Completed approved education and training of at least thirty (30) months which includes on-board training documented in an approved training record book and meet the standards of competence specified in the STCW Code.
2. Every Chief Engineer and Second

“**Each country shall ensure that: the training and assessment of seafarers, as required under the Convention, are administered, supervised and monitored and those responsible for the training and assessment of competence of seafarers, as required under the Convention, are appropriately qualified**”

- Engineer Officer on a sea going ship powered by main propulsion machinery of 3,000 kw propulsion power or more shall hold appropriate certificate and;
- a. For certification as a second engineer officer, shall have not less than twelve (12) months approved seagoing service as assistant engineer officer or engineer officer.
 - b. For certification as Chief Engineer Officer, shall have not less than thirty six (36) months approved sea going service of which not less than 12 months shall have been served as an engineer officer in a position of responsibility while qualified to serve as second engineer officer.
 - c. Have completed approved education and training and meet the standard of competence specified in the STCW Code.

3. Every Chief Engineer Officer and Second Engineer Officer on a sea going ship powered by main propulsion machinery of between 750 and 3,000 kw propulsion power shall hold an appropriate certificate and must have:
 - a. Met the requirements for certification as an officer in charge of an engineering watch;
 - b. For second engineer, shall have not less than 12 months approved sea going service as assistant engineer officer or engineer officer.
 - c. For Chief Engineer Officer, shall have not less than 24 months approved sea going service as assistant engineer officer or engineer officer.
 - d. Completed approved education and training and meet the standard of competence in the STCW Code.

RATINGS

CAPACITY BUILDING

Every Rating forming part of an engine room watch or designated to perform duties in a periodically unmanned engine room on a sea going ship powered by main propulsion machinery of 750 kw propulsion power or more, other than ratings under training and ratings whose duties are of an unskilled nature, shall be duly certified to perform such duties and must have:

- a. Approved sea going service including not less than six (6) months training experience.
- b. Special training, either pre-sea or on board ship, including an approved period of sea going service which shall not be less than two months.

SPECIAL TRAINING REQUIREMENTS FOR PERSONNEL ON CERTAIN TYPES OF SHIPS

A. TANKERS

Officers and ratings assigned specific duties and responsibilities related to duties and responsibilities related to cargo equipment on tankers shall have completed the following;

- i. Approved shore based fire fighting course;
- ii. At least three (3) months of approved seagoing service on tankers;
- iii. An approved Tanker Familiarization Course.

B. RORO PASSENGER SHIPS

Prior to being assigned shipboard duties on board RoRo passenger ships, seafarers shall have completed the training required for their duties and responsibilities as stated below at intervals not exceeding five (5) years, and also undertake refresher courses as follows:

- i. Crowd Management training, to assist passengers in emergency situations.
- ii. RoRo vessel Familiarization training;
- iii. Safety training (passenger and cargo safety);
- iv. Crisis management and human behaviour for emergency situations.

Crisis management and human behaviour training which is essential for key personnel on RoRo passenger ships should include:-

- Human behaviour and responses;
- Optimizing the use of resources;
- Development of emergency plans;
- Leadership skills;
- Stress handling;
- Communications.

NEWS

FORMULAR FOR MARINE ECOSYSTEM CONSERVATION



The Director General of the Nigerian Maritime Administration and Safety Agency (NIMASA) Dr.

Dakuku Peterside has stressed the need for concerted and collaborative efforts of all stakeholders towards the conservation and sustainable use of ocean resources for the protection of the environment and indeed the entire ecosystem.

The Director General who made this appeal while speaking at a 2-day Regional Conference on Marine Safety and Fisheries Protection organized by the United Nations Institute for Training and Research (UNITAR) in collaboration with the Norwegian Ministry of Foreign Affairs, said that the activities of oil exploration and resultant oil spills whether onshore or offshore can continuously hamper the ecosystem.

Dr. Peterside also noted that Nigeria is blessed with abundant aquatic resources including rare species of fishes but lamented that while the sea is being exploited for various economic purposes, not much

attention is paid to the sustainability of the environment.

He said, “while tapping into the resources of our marine environment for economic advancement, care must be taken to ensure the perseveration of the environment or else wealth becomes useless if our environment is damaged”.

Dr. Dakuku equally frowned at the indiscriminate use of dispersants to clean up oils spill, noting that NIMASA as the Government regulatory Agency in conjunction with the International Maritime Organisation (IMO), has a list of approved dispersants.

He said, “before the usage of dispersants, we must consider the chemical composition and the attendant effects of its breakdown to the marine environment and of course the ecosystem”, the DG said.

Also corroborating Dr. Peterside's stand, the Norwegian Ambassador to Nigeria Mr. Jens-Petter Kjemprud said that Nigeria is blessed with rich marine resources and the country must continue to find ways through which activities regarding oil exploration would not hamper its biodiversity. He charged participants

to use the opportunity provided by the conference to deliberate on how to strengthen regional cooperation when major accidents occur.

In the same vein, the Country Head and Resident Representative/UNITAR Nigeria Office, Dr. Lawrence Boms said that the regional conference is another milestone in the history of beneficial collaboration between the Norwegian Government and Nigeria. He added that there are immense benefits for the entire west, central and southern African regions if the abundant oceans resources are sustainably tapped.

Other speakers at the event were the Lagos state commissioner for Agriculture, Hon. Oluwatoyin Suarau represented by Mr. Emmanuel Audu, Executive Director of the Nigerian Institute of Oceanography and Marine Research Dr. Gbola Akande amongst other notable maritime stakeholders.

The conference was borne out of the need to promote mechanical response to oil spill and protect fisheries and other aquatic species in the marine environment for the benefit of the west and central Africa sub-region.

MANAGING THE MARINE ENVIRONMENT IN NIGERIA

BY GANIYU ALAYAKI

The Marine Management duties of the Nigerian Maritime Administration and Safety Agency, NIMASA, is just as the Marine Environment Protection Committee (MEPC) of the International Maritime Organization (IMO) which coordinates the IMO's activities in the prevention and control of pollution of the marine environment from ships.

When Nigeria lost her seat in the IMO Council in 2011 it was evident that there was the need to improve in the implementation of some of the Marine Environment Management Conventions which the Country was signatory to. These conventions include:

INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS (MARPOL) OTHERWISE KNOWN AS MARPOL CONVENTION

In 1978, IMO convened the Conference on Tanker Safety and Pollution Prevention, which adopted a Protocol to the 1973 MARPOL Convention introducing further measures, including requirements for certain operational techniques and a number of modified constructional requirements. The Protocol of 1978 relating to the 1973 MARPOL Convention in effect absorbed the parent Convention with modifications.

The MARPOL Convention has six (6) annexes, which deal not only with pollution by oil, but also pollution from chemicals, other harmful substances. It also included regulations for treatment and disposal of garbage and sewage generated on Ships as well as air pollution management. The Convention greatly emphasizes the reduction of the amount of oil, which may be discharged into the sea by ships, and bans such discharges completely in certain areas.

Interestingly in the year 2008, NIMASA formed a specialized Department to handle all marine environment issues with a special focus on MARPOL stating the Convention as the bedrock of marine environment Management.

The Agency through the Department carries out daily inspection of ports, terminals jetties to ensure adequate provision of port reception facilities and that vessels calling at

the ports make proper use of the facilities without causing undue delays to them.

These monitoring activities had created an increased awareness on the availability of facilities. Consequently, vessels calling at the Nigerian ports are now making proper use of these facilities and wastes are disposed appropriately.

In furtherance to the above and to achieve the mandate of the Department, the Agency developed and gazetted regulations on the implementation and enforcement of IMO Marine Environment Management Conventions which Nigeria is party to. Those relating to the MARPOL Convention include:-

- Merchant Shipping (Dangerous or Noxious Liquid Substances in Bulk) Regulations, 2012
- Merchant Shipping (Prevention of Pollution by Garbage) Regulations, 2012
- Merchant Shipping (Prevention of Pollution by Oil) Regulations, 2012
- Merchant Shipping (Prevention of Pollution by Harmful Substances in Package Form) Regulations, 2012
- Merchant Shipping (Prevention of Pollution by Sewage) Regulations, 2012
- Merchant Shipping (Ship Generated Marine Waste Reception Facilities) Regulations, 2012
- Marine Environment (Sea Protection Levy) Regulations, 2012

These regulations has helped the Department in the enforcement of IMO instruments as it carries out regular Coastal State inspections as part of its duties to ascertain the level of compliance on marine environment's conventions by ships calling at the Nigerian Ports as specified by the IMO guidelines.

As a port state or flag state, the Agency does on-board inspections, where officers check various IMO mandatory documents and certificates carried on board for availability and validity as well as functionality and familiarity of equipment by crew onboard. Such certificates are such as CLC, SOPEP, SMPEP, IAPP, IOPP, ISPP, Oil Record Book (Part I&II), Garbage Record Books, etc.

Through the inspections and enforcement, ships calling at the Nation's ports are complying with the guidelines. There is also effective record keeping of

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MEM Officers in action during the Enforcement Operation

oily and garbage wastes by the ships.

Monitoring & Enforcement

The Agency through the MEM Department conducts regular boat patrol of the nation's coastal waters, creeks and channels to ensure that the marine environment is free from all forms of pollution. This is to ensure prompt detection of potential polluters and response to any form of pollution, spills or illegal discharges into the marine environment.

There is a Joint Task Force Team comprising of Cabotage, Maritime Labour, Maritime Guard Command and MEM Departments for effective monitoring of the waterways to ensure compliance with international instruments.

In the course of the enforcement operation, the statutory documents to be carried on-board vessels are inspected and the functionality of relevant equipment would be tested on-board the vessels.

Again these have greatly improved the level of compliance as stakeholders are aware of the watchdog that will not permit any form of illegality to the detriment of the Environment.

Offshore Waste Reception Facilities

To tackle the menace of reception of Offshore wastes in its territorial domain and considering the fact that a large volume of trade also occur on the high sea which also includes but not limited to Ship to Ship (STS) transfers within the Nigerian Maritime territorial Zone, the Agency

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went into collaboration with the Joint Marine Environ Guard Limited (JMEGL) and embarked on robust monitoring of offshore marine installations, oil-handling installations and other marine facilities. This is to ensure that they dispose their wastes in compliance with the Regulation on Merchant Shipping (Ship-Generated Marine Waste Reception Facilities), These activities had led to effective collection and management of wastes from offshore facilities and platforms within the Nigerian territorial waters as well as control of indiscriminate discharge of wastes into the marine environment.

Clearing of Marine Litters along the Nigerian Coasts

The Agency, has concluded arrangements to engage Marine Litter Marshalls which will comprise majorly of locals from littoral states. The objective is to clear the illegally dumped ship-generated wastes by small craft operators along the shoreline which were hitherto seen in hips along the nation's coast lines.

It is worthy to note that, the Agency knew the implications of having these hips uncleared to the marine environment (i.e. marine ecology balance, flora and fauna and the marine aquatic) and human health in general as well as how it impedes navigation.

It is also important to note that the presence of water hyacinth has greatly been Controlled in the Navigational channels through continuous efforts of harvesting the plant with the view to mitigating its

damaging effects on the channels.

Aerial Surveillance

Aerial Surveillance is key to coastal monitoring especially in a bid to detect potential polluters and nip their activities in the bud. Recently NIMASA got approval to procure additional aircrafts to complement and enhance the existing weekly aerial surveillance of Lagos and Niger Delta Coastal zones to ensure effective monitoring of the marine environment while checking incidents of oil/chemical spillages, pipeline vandalization, environmental pollution arising from wrecks etc. Consequently, vital information from the exercise is disseminated to the relevant district offices and organizations for necessary actions.

Issues on Climate Change

Shipping is regarded as one of the most environmentally safe mode of transportation, however it also contributes its own quota to the emission of green house gases to the atmosphere.

The Agency had ratified Annex VI of MARPOL Convention on Air Pollution. In line with this, a Think Tank Technical Committee had been constituted to bring modalities for full and effective implementation of the Annex in order to control the hazardous effects of air pollution and climate change in Nigeria. This will also involve setting emission limits for vessels calling at our ports.

Furthermore, the Agency has in place a Climate Change Observatory Station at the NMRDC Kiri-Kiri. Through the MEM

Department it has also commenced the registration of Local Fuel Oil Suppliers in line with Regulation 18.9.1 of Annex VI of MARPOL Convention and IMO Resolution MEPC. 182 (59).

Jetty Inspection

To ensure a sound environmentally friendly construction works at some Nigerian jetties and in compliance with laid down guidelines on Environmental Impact Assessment (EIA), NIMASA regularly conducts inspections during the commencement of construction works at jetties and terminals.

This procedure is also taken in the auditing of oil terminals and oil handling facilities within some project sites in Nigeria. An example is the Inspection monitoring of the Lekki Deep Sea Port and Badagry Port, respectively.

Laboratory Functions under the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC 1990)

In accordance with the requirements of the OPRC Convention, NIMASA carries out sampling and laboratory analysis of pollution incidents in the marine environment in order to ascertain the level of toxicity to marine lives.

In order to ensure compliance with the requirements of this instrument, the Department has developed various documents, Plans and certificates to meet the provisions of the IMO mandate on carriage and use of mandatory certificates. Furthermore, prior to granting approvals for issuance, officers carry out verification exercises ashore, onboard vessels and on the internet to confirm the claims/information provided by ship-owners on the application forms.

CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER (LONDON CONVENTION), 1972

Indiscriminate dumping of materials at sea has been one of the major challenges of the not only Nigeria but the entire African maritime sector. To tackle this scourge, NIMASA enhanced the implementation of the Convention On The Prevention of Marine Pollution by Dumping Of Wastes And Other Matter (London Convention), 1972. The Convention prohibits unapproved disposal of wastes and certain substances which are known to be particularly harmful at sea.

The Agency has developed sets of instruments to regulate the discharge of

“acceptable waste” contained in the “Reverse List” of the London Dumping Convention and London Protocol. The London Protocol has been domesticated in Nigeria via the promulgation of the Merchant Shipping (Sea Dumping) Regulations, 2012.

Furthermore, NIMASA in collaboration with relevant stakeholders developed permitting system for dumping of wastes, and is about to come out with National Action List and Action Levels as well as situate approved sites. The Agency has also developed a National Action Plan and campaign concept for marine litter and is presently concluding arrangements with Climate Change Technology Network to establish Carbon Capture and Sequestration sites to mitigate the impact of climate change.

Removal of wrecks

Since NIMASA is a Receiver of Wrecks in line with the powers vested in it by the Acts setting up the Agency. The Agency regularly monitors and supervises the removal of wrecks and derelicts from the Nigerian territorial waters for safe navigation and pollution-free environment. The Agency makes a comprehensive report that includes the location, determination of hazards, marking, sending marine notice, receipt of relevant documents and issuance of wreck permits in addition to carrying out Post-wreck removal inspections.

INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIP'S BALLAST WATER AND SEDIMENTS (BWM), 2004

The International Convention for the Control and Management of Ships' Ballast Water and Sediments (2004) is one the IMO instruments which deals with the protection of the marine environment from indiscriminate discharge of ballast water by ships and transfer of harmful and invasive species. The Ballast Water Management Convention (BWMC) entered into force on 8th September, 2017. Nigeria was one of the eight countries to ratify the BWM Convention (BWMC) on 13th October, 2005.

In implementing the Convention, the Agency has conducted various training programmes at National and Regional levels in collaboration with IMO GloBallast Partnership, such as the awareness-creation seminar on ballast water management, Legal Implementation of the provisions of the Convention in Nigeria; biological base line research studies as well as sponsored officers on advocacy to other West Africa countries on ratification of the Convention. The Agency has also developed relevant certificates, guidelines and operational

“
Since NIMASA is a Receiver of Wrecks in line with the powers vested in it by the Act setting it up. The Agency regularly monitors and supervises the removal of wrecks and derelicts from the Nigerian territorial waters for safe navigation and pollution-free environment
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manuals for monitoring and compliance.

Another major achievement of the Agency was the development and gazette of the Merchant Shipping (Ballast Water Management) 2012 Regulations through the exercise of powers of the Honourable Minister of Transportation and the development of the Implementation and Enforcement Manual on BWMC in Nigeria.

INTERNATIONAL CONVENTION ON THE CONTROL OF HARMFUL ANTI-FOULING SYSTEMS ON SHIPS, 2001

Under the provisions of the AFS Convention, Parties to the Convention are required to prohibit and/or restrict the use of harmful anti-fouling systems on ships flying their flag, as well as ships not entitled to fly their flag but which operate under their authority and all ships that enter a port, shipyard or offshore and terminal of a Party.

In this regard, NIMASA developed the Merchant Shipping (Anti-Fouling Systems) Regulations, 2012 and implementation guidelines as follows:

- Guidelines for the Implementation of the International Convention on the control of Harmful Anti-Fouling Systems on Ships;
- Guidelines for Inspection of Anti-Fouling Systems on Ships;
- Guidelines for Survey and Certification of Anti-Fouling Systems on Ships; and
- Guidelines for brief Sampling of Anti-Fouling Systems on Ships.

The Agency also processes applications and issues AFS Certificates to shipping companies and currently working on the establishment of the inventory of paint industries, paint manufacturers and ship repair yards in Nigeria with other activities.

INTERNATIONAL CONVENTION FOR THE SAFE AND ENVIRONMENTALLY SOUND RECYCLING OF SHIPS, 2009

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The Convention is aimed at ensuring that ships, when being recycled after reaching the end of their operational lives; do not pose any unnecessary risk to human health and safety of to the environment. The Convention which is otherwise known as the HKC, 2009 Convention was adopted at a Diplomatic Conference in Hong Kong, China in May, 2009 and was developed with input from the IMO Member States and non- governmental organizations and in co-operation with the International Labour Organization and the Parties to the Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal.

It intends to address all the issues around ship recycling, including the fact that ships sold for scrapping may contain environmentally hazardous substances such as asbestos, heavy metals, hydrocarbons, ozone depleting substances and others. It also addresses concerns about working and environmental conditions of workers in many of the world's ship recycling facilities.

Although the HKC, 2009 Convention is yet to be ratified, considerable progress has been made in our quest for ratification and domestication of the Convention.

In its proactive nature and the fact that ship scrapping and recycling is a global issue now, NIMASA commenced the implementation of the HKC, 2009. This is to ensure compliance with the provisions of the International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009. The Agency supervises and monitors ship scrapping activities in Nigeria. Ship scrapping yards now apply for ship scrapping permits prior to scrapping activities. Some relevant documents had also been developed for its enforcement such as:-

- Guidelines on;
- Implementation;
- Ship scrapping/recycling yards
- Ship recycling facilities;
- Scrapping permits;
- Stop Work Order;
- Inventory of ship facilities and scrapping yards in Nigeria.

Conclusively, with all these guidelines and implementation of marine environment related Conventions, NIMASA has placed Nigeria in a stead to regain its seat in the IMO Council. It is worth mentioning that the level at which other maritime Administrations in Africa seek technical assistance from Nigeria shows the level at which the Agency has tremendously improved the implementation of IMO instruments.

HEALTH



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SEAFARERS' HEALTH AND SAFETY

BY DR ENO PETERS

Seamen as the name implies are people employed to work on board a ship. They range from the Captain of the ship to the cook. The health of the workers is so important as each person is expected to play a role in the day-to-day affairs of the ship. Minimal but adequate hands are most times employed on a ship, so the inability of one person to carry out his or her function will have a negative impact on the overall wellbeing of the entire crew.

Seafaring is potentially hazardous in nature and a high standard of health and continuous fitness is required. Restricted medical facilities are likely to be available on board ships as very few ships carry doctors. More so, medical supplies are limited and there will be delay before full medical treatment is available.

The confined nature of life on board a ship and the need to be able to live and work in closed

community means that the seafarers must be free of all communicable diseases.

The potential need for crew members to play a role in an emergency situation or emergency drill which may involve strenuous activity in adverse conditions means that all seafarers must be fit.

Other areas that need particular attention include the eyesight and hearing of the seafarer, which must be perfect or near perfect with augmentation (eyes).

The ship itself is regularly inspected to meet Health and Safety standards so as to minimize the exposure of the seafarers to hazardous conditions. The medicine chest on board the ship also undergoes regular inspection to make sure that standard and regular medication are available and enough for the duration of the voyage.

Seafarers are therefore, required to undergo medical examination yearly or once every two years to certify their fitness for continuous seafaring.

• **DR. ENO TRACEY PETERS is of the NIMASA Search and Rescue Based Clinic**

PETERSIDE ENCOURAGES EARLY DETECTION AS CURE FOR CANCER SCOURGE

... NIMASA Takes Awareness Campaign To Host Communities

The Director General of the Nigerian Maritime Administration and Safety Agency (NIMASA), Dr. Dakuku Peterside has urged Nigerians especially women to ensure frequent Breast Cancer screening, stressing that early detection will make a lot of difference in tackling the scourge.

Dr. Peterside who led a 2.5 Kilometer walk through streets of Lagos, tagged "Taking Action Together Against Breast Cancer", with the aim of creating awareness for the early detection of the menace.

According to the NIMASA DG, the Agency remains alive to its corporate social responsibilities, and the walk aimed at taking action together against breast cancer has become desirable considering the rate at which ignorance has led to avoidable deaths.

"It is a known fact that prevention is better than cure, never again should any of our relatives or loved ones die because of ignorance. Our goal is to raise awareness and reduce the stigma of breast cancer through education on symptoms and treatment. We hope knowledge will lead to earlier detection of breast cancer which is associated with higher long term survival rates" Dr Dakuku said.

While noting that the Agency's health advocacy is part of NIMASA corporate social responsibility actions, Dr Dakuku announced free preliminary examination for breast related diseases at the Agency's search and rescue base clinic.

Our mission is to ensure NIMASA staff and Nigerians in general

are aware that with adequate education and early detection, this generation can conquer breast cancer. NIMASA will provide support services such as mammograms test for early detection.

The Agency has commenced free mammogram test for all staff and interested stakeholders as part of effort to encourage early detection.

The NIMASA breast awareness campaign is part of the global awareness campaign which is tagged "pink month of October, dedicated to create awareness about breast cancer and how the scourge can be contained.

It should also be noted that the World Health Organisation (WHO) had stated that awareness and understanding of breast cancer in Africa is generally low and in recent years, the organization floated several initiatives to increase breast cancer awareness among African women. NIMASA is also towing this line to create awareness for the deadly scourge.



Dr. Dakuku Peterside

“It is a known fact that prevention is better than cure, never again should any of our relatives or loved ones die because of ignorance. Our goal is to raise awareness and reduce the stigma of breast cancer through education on symptoms and treatment. We hope knowledge will lead to earlier detection of breast cancer which is associated with higher long term survival rates”

BREAST CANCER:

NOT JUST LUMPS BUT OTHER SYMPTOMS



The most common symptom of breast cancer is a newly discovered lump, but this is not the only symptom women should be aware of, according to a recently published research article from the UK.

Nipple abnormalities and breast pain were just some of the other symptoms reported by one in six women involved in research conducted by University College, London.

The majority of women diagnosed with breast cancer initially presented with a breast lump (83%), but one in six (17%) presented with a non-lump symptom. These included nipple abnormalities, breast pain,

skin abnormalities, ulceration, shape abnormalities, an inflamed or infected breast and a lump or pain in the armpit.

Importantly, the study reported that while the majority of women sought help quickly, those who had 'non-lump' symptoms waited up to three months to seek help. Women who had both a lump and 'non-lump' symptoms also delayed seeking help.

The delay in seeking a diagnosis is significant. The earlier a cancer is diagnosed, the better the treatment and survival outcomes.

What you need to know:

Cancer Australia recommends women be 'breast aware'. Knowing what is normal for you will help you detect any changes, including:

- a new lump or lumpiness, especially if it's only in one breast
- a change in the size or shape of the breast
- a change to the nipple, such as crusting, ulcer, redness or inversion
- a nipple discharge.
- a change in the skin of the breast, such as redness or dimpling
- an unusual pain that doesn't go away.

This study reinforces the importance of seeing your doctor as soon as you notice a change in your breasts. Jean Hailes' specialist women's health GP, Dr Amanda Newman, says it's also important for women to know that nine out of 10 breast changes are not cancer, but that these changes need to be monitored by their GP.



NIGERIAN MARITIME ADMINISTRATION AND SAFETY AGENCY (NIMASA)

(Established under the Nigerian Maritime Administration and Safety Agency Act, 2007)

Maritime House: 4 Burma Road, Apapa, P.M.B. 12861, Lagos.

E-mail: info@nimasa.gov.ng Website: www.nimasa.gov.ng

MN/10/17/SN03

MARINE NOTICE

TO: ALL SHIPOWNERS, SHIPPING COMPANIES, SHIPPING AGENTS, SHIP OPERATORS, SHIP MANAGERS, FISHING TRAWLER OWNERS OR OPERATORS, SHIP CHARTERERS, MARITIME STAKEHOLDERS AND THE PUBLIC

IMO NUMBER, PROPER CARVING AND MARKING OF VESSELS AND INSTALLATION OF AIS TRANSPONDERS

Pursuant to the Agency's statutory mandate for the enhancement of maritime safety, prevention of pollution and prevention of maritime fraud, particularly illegal bunkering, piracy/sea robbery and Illegal, Unregulated and Unreported (IUU) fishing amongst other illegalities in Nigerian waters, NOTICE is hereby given as follows:

1. That in line with IMO Resolution A.1078 (28) on IMO Ship Identification Number Scheme, all Nigerian flagged self propelled vessels, including fishing trawlers of 100 gross tonnage and above are required to have IMO Number and same should be clearly written on both the vessel and the Certificate of Registration.
2. That all such vessels including fishing vessels should install Automatic Identification System (AIS).
3. That in consonance with section 23 of the Merchant Shipping Act, 2007, all Nigerian flagged vessels whether self-propelled or not should be marked permanently and conspicuously, the name on each side of the bow, and the name, IMO number and Port of Registry on the stern of the ship on a dark background in white or light background on black letters to be of a length not less than four inches and of a proportionate breadth and a scale denoting the ship's draught of water.
4. That all shipowners, ship operators, shipping agents, ship charterers including fishing vessel owners or operators and the general public are advised to ensure strict compliance with this notice.
5. Take note that failure to comply with this notice will lead to detention and payment of fine or seizure of vessel.
6. Further take note that the enhanced enforcement of the above will commence from December, 2017.

For further enquiries or information, please contact:

The Ag. Registrar of Ships
and Seafarers Nigerian
Ship Registration Office

Email
Eric.oji@nimasa.gov.ng

Telephone
08030816336

The Head Maritime Safety
Standard Department

E-mail
Sunday.umoren@nimasa.gov.ng

Telephone
07034172913

SIGNED: MANAGEMENT



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E-mail: info@nimasa.gov.ng Website: www.nimasa.gov.ng

MN/10/17/SN02

MARINE NOTICE

TO: ALL SHIP OWNERS, SHIPPING COMPANIES, SHIPPING AGENTS, PORT FACILITY OWNERS, TERMINALS AND JETTY OPERATORS, IOCs, MARITIME STAKEHOLDERS, MARINERS, CHARTERERS, BOAT OPERATORS AND THE PUBLIC.

REGISTRATION OF POWER DRIVEN SMALL CRAFTS (PDSC) OF 200 HORSEPOWER AND ABOVE ENGINE BOATS

Pursuant to the agency's statutory mandate to ensure the prevention of pollution, safety and security of the marine environment with a view to curbing the escalating incidences of criminality and illegal activities within the Nigerian waters, and its adverse effect on safety and security of navigation, NOTICE is hereby given as follows:

- I. That NIMASA has commenced the registration of all Power Driven Small Crafts (PDSC) of 200 Horse Power (combined) and above Engine Boats.
- II. That all owners and operators of boats of 200 Horse Power (combined) and above engines are required to register with the Agency at any of its NIMASA offices across the country on the obtainment of an End-User Certificate (EUC) from the office of the National Security Adviser (NSA) prior to the purchase of new boats of 200 Horse Power (combined) and above.
- III. That all mariners, ship-owners, charterers, shipping agents, boat operators and the general public are hereby advised to ensure strict compliance with this notice.
- IV. Take note that failure to comply with this notice will lead to detention and/or seizure of the vessel.

For further enquiries or information, please contact:

**The Registrar of Ships Nigerian Ship Registration Office
(NIMASA)**

Email: eric.oji@nimasa.gov.ng,

Telephone: 08030816336

**The Head Maritime Safety and Seafarers Standards
Department**

Email: Sunday.umoren@nimasa.gov.ng

Telephone: 07034172913

SIGNED: MANAGEMENT



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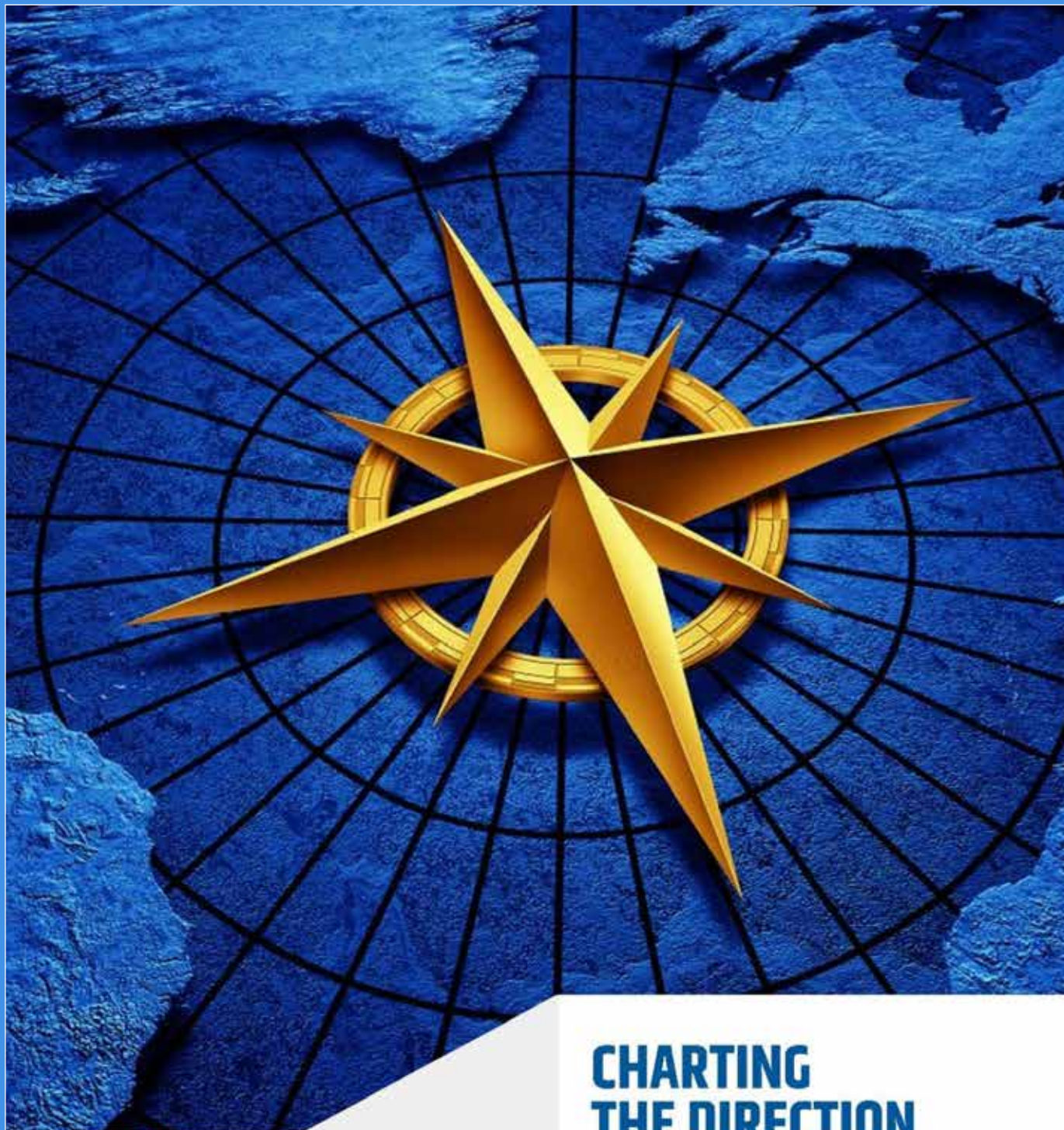
REGULATING THE MARITIME INDUSTRY FOR A BETTER NIGERIA.

Using modern tools that guarantee efficiency and effectiveness, we are developing the Nigerian Maritime sector and creating an enabling environment for all stakeholders to operate.

- Ship Registration
- Search And Rescue
- Cabotage Enforcement
- Shipping Development
- Maritime Labour Regulation
- Maritime Safety Administration
- Maritime Capacity Development
- Training And Certification of Seafarers
- Maritime Pollution Prevention And Control

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REGULATORY | OPERATIONAL | PROMOTIONAL | CAPACITY BUILDING



CHARTING THE DIRECTION FOR MARITIME IN NIGERIA.

With renewed and reinvigorated commitment, we are gearing the Nigerian maritime sector towards global standards.

- Ship Registration
- Search And Rescue
- Cabotage Enforcement
- Shipping Development
- Maritime Labor Regulation
- Maritime Safety Administration
- Maritime Capacity Development
- Training And Certification Of Seafarers
- Marine Pollution Prevention And Control

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