

THE

VOYAGE



VOL.5 NO.4 OCTOBER – DECEMBER 2017

GENERATION NEXT

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NIGERIAN SEAFARERS**



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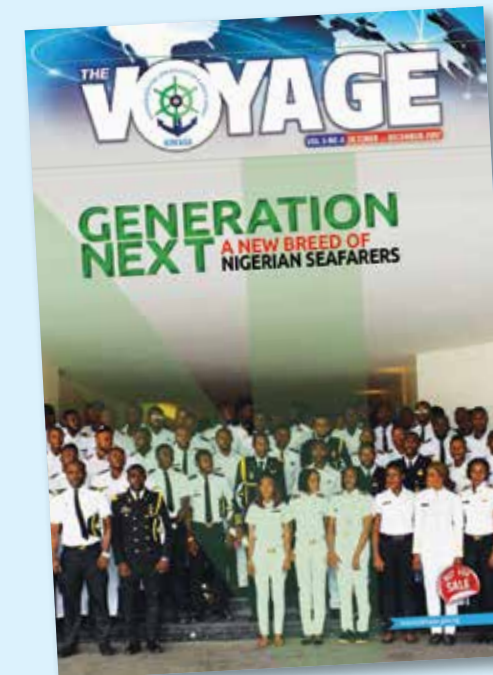
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Dr. Dakuku Peterside,
DG/CEO NIMASA

Sailing On Cruise Control!

I am greatly excited to note that *The Voyage*, has surely firmed up its position of the flagship journal of the Nigerian maritime industry.

I make bold to say that having successfully stabilized the ship and determined a viable sailing course, the Nigerian maritime industry under our watch will be set to assume a state of cruise control on its pre-determined pathway.

The Oil and Gas sector which accounts for a disproportionate component of our cabotage operations is gradually emerging from its deepest depression in close to four decades. Orders for oil service vessels are gradually rising as projections for the financial viability of new oil fields improve.

It is instructive to note Federal Government's publications of a set of Executive Orders- geared towards reinforcing the 'Ease of Doing business in Nigeria' of which the maritime industry received considerable attention. Critical elements of the referenced orders include the compulsory publication of all requirements for accessing services by Federal Agencies,

WORDS ON MARBLE

"Our drive for regional collaboration to enhance safety and security in our territorial waters remain firm as we believe that African countries must cooperate to solve challenges peculiar to the continent. All maritime nations on the African continent have comparative advantage in different areas, and only collaboration will ensure that we complement each other, thus ensuring that the maritime sector contributes effectively to the growth of the continent".

– DR. DAKUKU PETERSIDE

automatic approval of applications that have suffered delay as a result of Agencies' tardiness, communication of findings- especially reasons for rejection in good time and 24 hours operations by the ports.

In the spirit of the rebranded NIMASA, we have instituted the required changes, not only for the purpose of compliance with the Executive Orders, but to exceed reasonable expectations of our stakeholders, hence attain not only a high level of stakeholders satisfaction, but also their delight.

Improved administrative work flows and computerization of functions and processes of the Agency is another perspective. To complement this critical move, Staff levels have also been buffered to meet the 24-hour service as encapsulated in the requirement. We have created a platform for continuous engagement by all Agencies and stakeholders to facilitate an empirical appraisal of progress made.

In NIMASA, we are prepared to enter the year 2018 with a tingle of excitement knowing that this is the season of crystallization of deliberate and painstaking efforts to reposition the industry in the past year and half. We worked with available statistics and tangible realities to prepare a guide called, Nigeria's Maritime Industry Forecast. This piece is to serve as a compass for both local and international investment in the Nigerian maritime industry.

This optimistic outlook of our industry's future is clearly shared by our foreign partners as delegations from the United States of America Coast Guard and the United Kingdom's International Maritime Security Operations Team have indicated interest to visit and hold talks with us in the first quarter of next year. We remain fully focused and proactive as we maintain our pilot's position of the Nigerian maritime industry.

It's my pleasure to welcome you onboard for another voyage in this journey of ours. Wishing you a prosperous 2018.

Enjoy The Voyage!

Dakuku Peterside



Isichei Osamgbi

Catching Them Young!

The growth of the maritime sector is hinged on the expertise of the human capacity component of the sector. A vibrant, mobile, efficient sector always plan for takeover by the budding seafarers that would take the mantle of leadership from the experienced ones facing retirement.

To attain this key and unique goal, and in line with the human capacity building and development, Management designed the Nigerian Seafarers Development Programme (NSDP) to arrest the dearth of trained and certified seafarers in the country to ensure availability of pool of professionals and future leaders in the sector.

Aside churning out over 2000 cadets trained in the best institutions across the globe, the NIMASA Management has taken it a step further to start creating avenues for sea time training for these budding youths which has hitherto been a challenge threatening the progress of the programme and indeed our sector.

In this edition, we will focus on this great attention to human capital development as a conscious effort in recognition of the fact that human capital is the greatest asset and the cornerstone of the Agency's policy initiatives and implementation, which also includes the training and retraining of the Agency's

workforce through an innovative knowledge sharing system; The Knowledge Transfer Sessions.

Also the feature interviews with our Executive Directors as well as contributions by our resourceful editorial team will help bring to the fore the workings of the Agency's successful engine room. Reading the interviews with Mr. Bashir Jamoh, Executive Director, Finance and Administration; Engr. Oluwarotimi Fashakin, Executive Director, Operations will give you more than enough insight into the workings in NIMASA and why the Agency is creating a worthwhile future for the sector; while contributes billions to government revenue just as why it was adjudged one of the most accountable and transparent Agencies by the Minister of Finance, Mrs Kemi Adeosun before the Federal Executive Council.

We equally took a look at Building Effective Maritime Security Towards Compliance with IMO Cyber Risk Management to take you down the road on what is being done to further secure the Global Maritime hub. These and many more you will find in this engaging edition of your soar away magazine.

Bon Voyage

Isichei Osamgbi

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.



Some beneficiaries of the Nigerian Seafarers Development Programme (NSDP)



Growing Capacity by Training Seafarers

BY VICTOR EGEJURU

As part of efforts to develop human capacity in the Nigerian Maritime industry in line with international standards, the Nigerian Maritime Administration and Safety Agency (NIMASA), has continuously sponsored the training and retraining of already qualified seafarers in foreign and local institutions on courses that are beneficial to their profession/employment. As a maritime administration, it has constantly conducted examinations for the award of Certificates of Competency to seafarers.

Under its Nigerian Seafarers Development Programme, it has sponsored the training of over 2,500 young Nigerians in reputable maritime institutions around the globe in the following areas:

- Naval Architecture;
- Marine Engineering;
- Nautical Sciences.

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:-

- Minimum age of 16 years and if night work is involved the minimum age is 18 years (Regulation 1.1);
- Medical certificate issued in accordance with the requirements of STCW (Regulation 1.2);
- Training and qualifications (Regulation 1.3);
- Seafarers shall not work on a ship unless they are TRAINED or certified as COMPETENT or otherwise qualified to perform their duties.
- 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)
- Training and certification shall be in accordance with the mandatory

instruments adopted by the International Maritime Organisation.

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:-

- Improved measures to prevent fraudulent practices associated with certificates of Competency and strengthen the evaluation process (monitoring of parties compliance with the Convention).
- New certification requirements for able seafarers.
- New requirements relating to training in modern technology

such as electronic charts and information systems.

- New requirements for marine environment awareness training and retraining in leadership and teamwork.
- New training and certification requirements for electro-technical officers.
- Updating of competence requirements for personnel serving on board all types of tankers, including new requirements for personnel serving on liquefied gas tankers.
- 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.
- Introduction of modern training methodology including distance learning and web based learning.
- New training guidance for personnel serving on board ships operating in polar waters; and
- 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)

- 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.
- 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:

- Training and administrative and technical personnel;
- Establishment of institutions for



- the training of seafarers;
- Supply of equipment and facilities for training of seafarers;
- Development of adequate training programmes, including practical training on seagoing ships; and
- 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

- MASTER: means the person having command of the ship.
- 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.
- DECK OFFICER: means an officer qualified in accordance with the provision of chapter II of the Convention.
- 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.
- ENGINEER OFFICER: means an officer qualified in accordance

with the provisions of Chapter III of the Convention.

- 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.
- 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.
- ASST ENGINEER OFFICER: means a person under training to become an engineer officer and designated as such by national law or regulations.
- RADIO OPERATOR: means a person holding an appropriate certificate issued or recognised by the administration under the provisions of the Radio Regulations.
- 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

- 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.
- 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)

- 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;
- 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.
- Every Chief Engineer and Second 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;
- 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.
- 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.

- Have completed approved education and training and meet the standard of competence specified in the STCW Code.
- 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:
- Met the requirements for certification as an officer in charge of an engineering watch;
- For Second Engineer Officer, shall have not less than 12 months approved sea going service as Assistant Engineer Officer or Engineer Officer.
- For Chief Engineer Officer, shall have not less than 24 months approved sea going service as Assistant Engineer Officer or engineer officer.
- Completed approved education and training and meet the standard of competence in the STCW Code.

RATINGS

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:

- Approved sea going service including not less than six (6) months training experience.
- 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

TANKERS

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

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

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:

- Crowd management training, to assist passengers in emergency situations.
 - RoRo vessel familiarization training;
 - Safety training (passenger and cargo safety);
 - 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.

OVERVIEW OF CADET TRAINING SCHEMES

Officer Cadet training schemes are a unique proposition. They provide a fully financed solution to higher education.

The courses offered by various maritime Institutions cover a wide range of maritime education and training – from nautical sciences (deck), engineering, naval architecture, electro-technical, sea time training, up to certificates of Competency.

These institutions also provide a range of short safety courses (Mandatory & Non Mandatory) to maritime personnel for the development of key skills such as fire-fighting, sea survival and continuous professional development modules for more experienced officers.

Training facilities in the institutions include:-

- Bridge, engine & cargo handling simulator;
- Ship handling centre;



- Engineering and electro – technical workshops;
- Survival craft facilities;
- Fire fighting centres;
- Radio communication centre;
- Seamanship centre;
- Library;
- IT centre.

MERCHANT NAVY

Merchant Navy is the name given to the International commercial shipping industry. It is made up of a large number of shipping companies who recruit civilians as crew (officers and ratings) who are known as merchant seafarers.

To become an officer in the Merchant Navy, you must undertake an officer cadet training scheme programme, which involves academy backed education integrated with periods of practical training at sea. The maritime education and training must be completed in order to achieve professional seafaring certification and related educational qualifications.

Phase 1 of the training of officer cadets is designed to deliver

necessary skills and academic knowledge which includes safety courses required by International Conventions.

Phase 2 is the training at sea for practical ship board experience where the cadets will put their academic theory training into practice.

Phase 3 involves training, examinations and assessments by the institution to prepare cadets for Certificate of Competency (CoC) examinations which is conducted by the designated maritime authority of a country and thereafter the CoC is issued to successful cadets to qualify as seafarers.

SUBJECTS UNDERTAKEN BY CADETS AT MARITIME INSTITUTIONS (OFFICER CADETS)

- DECK (NAVIGATION) OFFICERS
- Introduction to EDH/PSC & RB and EES familiarization;
- Maritime analytical methods;
- Ship operations
- Metrology;
- Cargo operations;
- Voyage planning;

- Shipboard management;
- Marine Operations;
- Command Management;
- STCW Courses: AFF, EDH, MFA, GMDLS, NAEST(O), PSC&RB, HELM (O);
- Maritime & Commercial Law;
- Maritime Issues in the Contemporary World;
- Marine Technology Management;
- Financial Management;
- Safety Management;
- Port Operations;
- General Ship Knowledge;
- Passage Planning Skills;
- Watch keeping and Communications;
- Stability and Cargo Operations, etc.

• MARINE ENGINEERING

- Mathematics;
- Marine engineering principles;
- Marine electrics;
- Introduction to electronics;
- Mechanics;
- Material science;

- Thermodynamics;
- Further mathematics;
- Marine propulsion (steam);
- Marine propulsion (motor);
- Engineering management systems;
- Resources and advanced marine electric;
- Naval Architecture;
- Advanced marine electrics;
- Further thermodynamics;
- Instrumentation and control principles;
- Further mechanics;
- Workshop skills training;
- Project management;
- Research management;
- Professional engineering management, etc.

LIFE AFTER THE OFFICER CADETSHIP TRAINING

• DECK OFFICERS

Newly qualified (Navigation) officers will usually join company/ vessel as THIRD OFFICERS, Undertaking bridge room watch keeping duties and having

responsibility for the safe and efficient operation of the ship's main propulsion Unit and other vital services.

• MARINE ELECTRO - TECHNICAL OFFICERS (METOS)

Job opportunities and career progression of METOS who remain as ETOs often depend on shipping company concerned but can often lead to the position of Chief Electro – Technical Officer, Chief Technical Officer or Electrical Superintendent.

• NAVAL ARCHITECTS

This group usually work ashore mostly in ship design/ship building companies and their career path and progression is usually determined by the concerned shipping company.

OPPORTUNITIES ASHORE AFTER CADETSHIP TRAINING

Many opportunities also exist for qualified deck, marine engineering and METO Officers ashore.

Shipping companies recruit shore based marine superintendents and fleet operations staff from sea going officers. Harbour authorities recruit experienced officers to train as Pilots, Harbour Masters and Port Operations Managers.

Marine Insurance companies require the officer's skill and experience to fill such roles as hull, cargo and machinery surveyors. The National Maritime Authorities/ Administration also requires them as surveyors and examiners while Maritime Colleges/Institutions recruit them as lecturers and assessors.

MARITIME FACT

“1,000 years is the time taken for the water to complete a continuous journey around the world known as the global ocean conveyor belt.”



NSDP: The Journey So Far

OVERVIEW

The Nigerian Maritime Administration and Safety Agency (NIMASA) initiated as an intervention programme, the Nigerian Seafarers' Development Programme (NSDP) in 2008, with the aim of addressing the dearth of Nigerian seafarers on ocean going vessels and the need to meet the indigenous manning requirement of the cabotage regime. The programme was designed to train Nigerian youths up to degree level in Marine Engineering, Nautical Sciences and Naval Architecture in some of the best Maritime Institutions abroad to position them to compete effectively in the global maritime industry. It was noted that the number of Nigerian seafarers on ocean going vessels was dismal.

At some point, it was said that Nigeria had less than ten (10)

Seafarers on ocean going vessels, while countries like the Philippines had over five hundred thousand (500,000), and currently earn over seven billion U.S dollars (\$7,000,000,000.00) in forex inflow from their seafarers employed around the world. Countries like India, Indonesia and China also have their nationals all around the world working in the maritime industry. It is hoped that with the progress made in the NSDP, Nigeria will soon be among the major players in the global maritime sector.

The Programme is made up of three schemes;

1. Primary window which is collaboration between NIMASA and State Governments. Under this Scheme, the State Government contributes 60% of the funds while NIMASA contributes 40%.
2. Secondary window which is collaboration between NIMASA and Individuals/ Corporate

organisations. The Individual contributes 60% of the funds while NIMASA contributes 40%.

3. NIMASA Full Sponsorship. Under this Scheme, NIMASA pays the entire fees for the Students. So far, the programme has approximately 2,200 beneficiaries.

OBJECTIVES OF THE NIGERIAN SEAFARERS DEVELOPMENT PROGRAMME

1. To develop a pool of Seafarers to bridge the gap that currently exists in the Nigerian Maritime sector.
2. To improve the Nation's overall skill base and encourage the development of capacity in the sector.
3. To contribute our quota to the global Maritime labour demands.
4. To provide Nigerian youths with the skill set required to gain employment.
5. To boost the Country's foreign revenue generation in the long term.



STATES THAT HAVE KEYED INTO THE PROGRAMME UNDER THE NIMASA/STATE COLLABORATION

1. ABUJA
2. AKWA IBOM
3. BENUE
4. BORNO
5. EBONYI
6. EKITI
7. GOMBE
8. JIGAWA
9. KADUNA
10. KANO
11. KATSINA
12. KOGI
13. LAGOS
14. NIGER
15. ONDO
16. YOBE
17. PLATEAU

SEATIME TRAINING

The Agency held a Flag-off Ceremony for the commencement of sea time training of NSDP cadets in November, 2017. The first batch consisted of the 150 NSDP cadets,

CADETS CURRENTLY IN DIFFERENT INSTITUTIONS AS AT 2017

	MARITIME INSTITUTION	NUMBER OF STUDENTS	CADE / REMARKS
01	SOUTH TYNESIDE COLLEGE, UK/ LIVERPOOL JOHNMOORES, UK	99	CADET
02	ARAB ACADEMY, EGYPT	25	CADET
03	CONSTANTA MARITIME UNIVERSITY, ROMANIA	128	CADET
04	LYCEUM OF THE PHILIPPINES	Nil	Nil
05	UNIVERSITY OF CEBU, PHILIPPINES	Nil	Nil
06	PERPETUAL HELP DALTON UNIVERSITY, PHILIPPINES	Nil	Nil
	TOTAL	252	

NUMBER OF STUDENTS THAT HAVE GRADUATED AS AT 2017

	MARITIME INSTITUTION	NUMBER OF GRADUATES	STATUS
01	ARAB ACADEMY, EGYPT	348	READY FOR EMPLOYMENT
02	SOUTH TYNESIDE COLLEGE, UK	11	READY FOR EMPLOYMENT
	TOTAL	359	

whose sea time training is currently being carried out at the Arab Academy for Science, Technology and Maritime Transport, Alexandria, Egypt.

The second batch consists of 89 NSDP cadets whose sea time training would be facilitated this year by South Tyneside College, UK.

Building Effective Maritime Security Towards Compliance with IMO Cyber Risk Management

BY CAPT. ELEI GREEN IGBOGI (Ph.D)

A

typical ship is built with hundreds of sensors and systems that can be remotely operated, though not all systems are directly connected to the Internet. However, their automation & inter-connected nature leaves them

vulnerable.

Despite the tremendous advantages of the ease of navigation and data, made possible by modern technology, electronics, and connectivity, there is serious concern about the disaster that could be caused by hackers, criminals, terrorists, or compromised personnel, to ships' systems and networks to cause serious incidents like;

- System override

- Diversion from set course
 - Collision
 - Property damage or personal injury
- The consequences (safety, economic, environmental) of not being prepared to mitigate potential cyber incidents may be catastrophic for a company, port operator or stakeholder involved in the maritime business.

PORT OF MIAMI

Routine vehicle checks by the Florida Highway Patrol on July 14th 2014, discovered a reefer truck carrying a stolen temperature controlled cargo. The thieves hid a portable GPS jammer inside the truck to aid them against GPS tracking by the port authorities/ cargo owners.

Further investigation by the FBI revealed that the cargo truck was not equipped with any form of GPS tracker, implying that the suspects who planted the jammer thought that there was a tracker secreted somewhere inside the shipment. Hence they planted a jammer to evade any form of electronic monitoring on the cargo they were stealing from the port.

GERMAN STEEL FACTORY

In late 2014, a German Steel Mill was

the object of a cyber attack as hackers successfully took control of the production software and caused significant material damage to the site

The hackers sent fraudulent emails to recipients - authorized personnel, obligating the recipient to unknowingly open an attachment containing a malware. Once the file was opened, the malware was automatically injected into the sales software of the plant. From there it made its way through the network, while damaging numerous systems and industrial automation components.

HACKING OF \$80 MILLION SUPER YACHT

In July 2013, researchers from the Austin, Texas University successfully hacked and hijacked the navigational systems of an \$80 million super yacht, sailing 30 miles offshore in international waters in the Mediterranean Sea from Monaco to Rhodes, Greece. Using a GPS spoofing device, they successfully gained control of the 65-meter super-yacht's systems and subtly drifted it a parallel course several hundred meters from its originally set course without triggering any alarms.

An attack that could override a sailing vessel's navigational signals, without triggering any alarms, to several hundred meters off course when it is close to



Group	Motivation	Objective
Activists (including disgruntled employees)	<ul style="list-style-type: none"> • Reputational • Disruption of operations 	<ul style="list-style-type: none"> • Destruction of data • Publication of sensitive data • Media attention
Criminals	<ul style="list-style-type: none"> • Financial gain • Commercial espionage • Industrial espionage 	<ul style="list-style-type: none"> • Selling stolen data • Ransoming stolen data • Ransoming system operability • Arranging fraudulent transportation of cargo
Opportunists	<ul style="list-style-type: none"> • The challenge 	<ul style="list-style-type: none"> • Getting through cyber security defences • Financial gain
Sponsored organisations Terrorists	<ul style="list-style-type: none"> • Political gain • Espionage 	<ul style="list-style-type: none"> • Gaining knowledge • Disruption to economies and critical national infrastructure

shore or near navigation hazards could have grave consequences to the ship, personnel onboard, cargo, the shipping company, port operator/ authority and the maritime industry players as a whole.

Though the Nigerian maritime industry has not recorded a significant cyber-attack, a major disruption to ship-port operations like container stacking (loading/offloading) systems, turn-around time, etc resulting from a cyber breach on any of our automated port facility systems in any port will result to wide-range disastrous impacts to the port operators, port users, government revenue and the economy

MARINE TRANSPORTATION SECURITY ACT 2002 OF THE USA

Enacted in November 2002 to drive implementation on increased security within US waterways, coastal areas, and ports, using Area Maritime Security (AMS) Plans, Ship Security Plans, and Port

Facility Security Plans as proxy, designed to secure ports, port facilities, and ships to prepare for and deter transportation security incidents.

THE US COAST GUARD CYBER STRATEGY

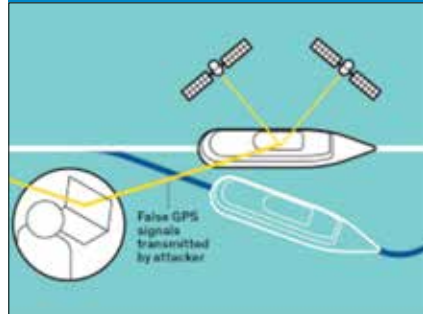
In 2015, the United States Coast Guard enacted a Cyber Strategy aimed to:

- Improve Port-Wide Cyber security Risk Assessment Tools and Methodologies
- Improve Cyber security Information Sharing
- Reduce Cyber Vulnerability for Ships and Port Facilities
- Incorporate Cyber security into Training and Education Requirements

In line with international best practices to address the challenges and risks from cyber activities, the Hon. Minister for Transportation, Rotimi Amaechi disclosed that the Federal Government has approved for an Integrated National Security Strategy (INSS) for the Nigerian

Maritime Fact

“7 per cent of ocean is covered by sea ice.”



Maritime domain, along with countries in the Gulf of Guinea to combat Maritime threat which include cyber terrorism

The International Maritime Organization (IMO) resolution in June 2017 incorporates maritime cyber risk management into the International Safety Management (ISM) Code making it mandatory for the shipping industry.

The Committee's reason for releasing the Guidelines was "the urgent need to raise awareness on cyber risk threats and vulnerabilities." The IMO Guidelines focus on a risk management approach and are designed to be incorporated into existing industry processes and procedures

The Guidelines advocate creating a culture of cyber risk awareness that starts at the most senior level of management and flows through every level of an organization.

The groups above are active and have the capacity to threaten the safe operation and security of ships, port facilities and company's ability to perform efficiently.

Untargeted attacks – the company or ship's system & data are one among many potential targets

Social Engineering: A non-technical technique used by potential cyber attackers to manipulate insiders (individuals, workers) to breaking security procedures (sometimes, unknowingly), through interaction.

Phishing: Sending emails or hyperlinks to a number of potential targets seeking for particular pieces of sensitive or confidential information.

Water holing: Establishing a fake website or compromising a genuine

website to exploit visitors.

Ransomware: Malware which encrypts data on systems until such time as the distributor decrypts the information.

Scanning: Attacking large portions of the internet or an organization's integrated system at random.

Targeted attacks – the company or a ship's system & data are the actual target

Spear-phishing: Similar to phishing but the individuals/ workers are targeted with personal emails often containing malicious software or links that automatically download malicious software.

Deploying botnets: Botnets are used to deliver Distributed Denial of Service (DDoS) attacks

Subverting the supply chain: Attacking a company or ship by compromising equipment or software being delivered to the company or ship.

STAGES OF A CYBER ATTACK

- Reconnaissance
- Delivery
- Breach
- Affect

Cyber security should start at the senior management level of a company and not the Ship Security Officer or the IT department

Prior to commencement of a cyber security assessment on board, the following activities should be performed:

Locate the ship's key functions and systems and their potential impact level
Identify producers/ vendors of critical shipboard equipment

Review logs of critical systems, interfaces

Identify national and local cyber security points-of-contact to establish

working relationships

Review logs on the ship, port facility maintenance and support of systems

Establish procedures and measures for ship-port owners/ operators

Relevant personnel should have training in identifying the typical modus operandi of cyber attacks

Do not post private and confidential information, such as your credit card number, password or other personal information.

Install anti-virus software, firewalls, and anti-malware programs on your devices, including desktops, laptop, smart-phones, tablets, etc., that you use to access social networking sites.

Inspect a link before clicking on it. If it seems suspicious, trust your instincts and don't click, even if the link supposedly originated from someone you know and trust. It is possible that their account was compromised, and could be spreading malware without their knowledge

Third party applications provided by social networking sites might not have the same privacy policy or security model as the social media site. You should not allow these apps to have complete access to your account; your personal data can be stolen or misused

Use strong, unique passwords that only you know. Each account on social media should have varied passwords.

When posting images, change settings accordingly to ensure they are private and can be viewed only by people whom you trust. If you delete your account, make sure all data and pictures are removed.



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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



L-R: Engr. Umotong Ekong of NIMASA Safety Department, the Executive Director, Maritime Labour and Cabotage Services, of NIMASA Mr. Ahmed Gambo and Mr. T. A. Hobba, Regional Coordinator, IMO Technical Committee for West and Central Africa Anglophone

Safety At Sea: NIMASA To Enforce Strict Observance of Regulations

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

The Director General of the Nigerian 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 gave the assurance during the opening of the 4th Regional Technical Search and Rescue Committee meeting in Lagos, 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 of the Agency. Peterside who was represented at the event by the Agency's Executive

Director Maritime Labour and Cabotage Services, Mr. Gambo Ahmed stated that the Agency would keep to this commitment since it is the regional coordinator of search and rescue for West and Central Africa.

He added that aside continuous trainings of Search and Rescue (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 speaking at the event, 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 estimation of 90 per cent of world trade and two thirds of its energy supplies carried by sea which makes safety paramount.

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.

L-R: Dr. Dakuku Peterside presenting *The VOYAGE MAGAZINE*, a publication of NIMASA, to the President General, Maritime Workers Union of Nigeria, Comrade Adewale Adeyanju, while the Executive Director Maritime Labour and Cabotage Service, Mr. Gambo Ahmed, looks on



Maritime Labour: MWUN Rules Out Picketing

...Commends NIMASA on sustained industrial peace

The President General of the Maritime Workers Union of Nigeria (MWUN), Comrade Adewale Adeyanju has commended the Management of the Nigerian Maritime Administration and Safety Agency (NIMASA) led by Dr. Dakuku Peterside for creating the platform for sustained labour stability in the entire maritime sector.

Comrade Adeyanju gave this commendation when national officers of the union paid a courtesy visit to the NIMASA Management in Lagos, saying that as soon as the Agency midwifed and ensured compliance to the National Judicial Industrial Council (NJIC) agreement there has been no rift in the industry. "NIMASA has ensured that there is mutual understanding between workers and terminal operators. The era of picketing is over, we are indeed very grateful to Dr. Peterside and his management team for creating stability at our ports, terminals and jetties", he said.

On his part, the Director General of NIMASA, Dr. Dakuku Peterside assured the Nigerian maritime workers that the Agency would not shy away from its

roles and responsibilities in ensuring that their welfare is guaranteed, as the growth and development of the sector depends on their participation and contributions.

The DG, who further reiterated the Agency's commitment to engaging in meaningful and promising programmes geared towards maritime workers welfare, also called on the Union members to always apply dialogue when addressing issues and shun confrontation, which he noted to be counterproductive in any engagement or input.

In his words, "Let me assure you that NIMASA is a home to every maritime worker. From the advent of this administration, we have noted that you believe in dialogue and not confrontation in dealing with issues as it pertains to our operational relationship. We believe that human element is the greatest asset in our quest to ensure the growth and development of our maritime sector. Without human element our equipment and other resources are useless".

Speaking further, Dr. Peterside acknowledged the complementary and symbiotic roles maritime workers,

seafarers and dockworkers play in the life of any nation's maritime sector and pledged to deploy resources within the Agency's enabling capabilities to support the growth of the nation's human maritime capacity.

"It is heartwarming to note that the MWUN leadership have clearly stated that maritime workers prefer engagement to confrontation, and we all know that confrontation is not usually the best approach. We know that when we engage, we understand each other better. I am glad that you have chosen that approach because I believe it is the way to go and the way to achieve result and enjoy an era of peace and stability in the sector where we work. Our new capacity development initiatives are now tailored towards growing human capacity in the sector for immediate employment", Dr. Peterside said.

It is worthy of note that Dr. Peterside has always reiterated that the workers welfare is paramount to ensuring peace in the sector and this is evident in the speed with which the Agency midwifed the signing of the National Joint Industrial Council (NJIC) Agreement between the workers and operators of Terminals and Jetties.



L-R: Captain Sunday Umoren, Head, Maritime Safety and Seafarers Standards Department, Nigerian Maritime Administration and Safety Agency, Deputy Director, Marine Environment Management Department, NIMASA, Dr. Felicia Mogo SEAGULL Band Leader, Senator Florence Ita Giwa and the representative of Director General, NIMSASA, Director, MEM, Mrs Susan Asagwara at the SEAGULL Band Lecture and Stage Presentation in Lagos

Peterside Calls For Joint Efforts To Address Climate Change

The Director-General of the Nigeria Maritime Administration and Safety Agency (NIMASA), Dr. Dakuku Peterside has stressed the need for joint efforts to tackle the scourge of climate change. Peterside made the call at an event on climate change jointly organised by NIMASA, Heritage Bank and the Seagull Band of the Cross Rivers State organised annual Calabar Carnival, held at the Oriental Hotel in Lagos.

The DG said "climate change presents a serious cause for concern to humankind. The frightening phenomenon has completely altered the atmospheric composition of the earth leading to an intense warming of the globe. It has continued to pose unquantifiable threat to human, social, political and

economic development. Of great devastating effects, is the unprecedented destruction caused by Hurricane Harvey and Hurricane Irma in Texas and Florida respectively". The NIMASA DG who was represented by the agency's Director of Marine Environment Management Department, Mrs Susan Asagwara, also added that the global effects of climate change had challenged every country across the globe to search for mitigating factors. "Warming of the climate system is unequivocal, as it is now evident in over 193 countries including Nigeria.

"These countries are no longer standing aloof; they are taking heed to tame this monster. On a global scale, climate change is having profound impact on ocean warming, decrease in polar ice and glacier, increase in extreme storm events and their intensity, sea level rise and coastal flooding all of which severely

affect lives in many regions of the world". Harping on the role of the maritime sector in climate change, Peterside stated that shipping which depends on global regulatory framework is the most environmentally sound mode of cargo transportation and a modest contributor to overall greenhouse gases emission.

Noting that Nigeria is one of the countries expected to be most affected by the impact of climate change through sea level rise, coastal erosion, storm surges owing to the stretch of her coastline, he disclosed that the agency has come up with various strategies. Which according to him include implementation of the MARPOL Annex VI as well as the regulation of bunker fuels of vessels calling at the country's ports to check the level of sulphur emission fuels and other related gases of concern with which the engines might be running.



NSDP: Maritime Stakeholders Commend NIMASA

The capacity building initiative of the Nigerian Maritime Administration and Safety Agency (NIMASA) through the Nigerian Seafarers Development Programme (NSDP) has again received commendations from Stakeholders and industry players in the Nigerian maritime sector.

This is coming on the heels of the flag-off ceremony of the first phase of the NIMASA fully sponsored sea time training for the cadets of the NSDP scheme, held in Lagos.

Speaking at the event, the former President, Nigerian Trawler Operators Association (NITOA) and the Chief Executive Officer MORBOD Fisheries Limited, Barrister (Mrs.) Margaret Orakwusi commended the Director General of NIMASA, Dr. Dakuku Peterside for his determination and commitment to issues affecting capacity building in the sector.

In her words, "you have made the unemployable people to be employable; this is to say we now have highly trained professionals in the nation's maritime sector". She also used the opportunity to enjoin the beneficiaries to maintain the high standard they have set for themselves by aiming for excellence.

In the same vein, a maritime law expert, Barrister Mike Igbokwe, SAN commended the Dr. Dakuku Peterside led Management of NIMASA and added that the essence of the Cabotage regime is beginning to unfold, as it intends to ensure 100 per cent participation of Nigerians in its Cabotage trade.

While also stating that the Cabotage Act

gave birth to the NSDP training as a result of the gap in the seafaring profession, which is due to the dearth of professionals in the sector, he used the opportunity to call on the Cadets to become trainers of trainees so that there is no gap as far as manning is concerned, thereby allowing room for the full actualization of the Cabotage Act.

Similarly, the Vice President of the Nigerian Ship-owners Association (NISA) and the Chief Executive Officer of Sea Transport Services Nigeria Ltd, Mr. Aminu Umar expressed delight at the opportunity NIMASA has given to the Cadets to make a profession in the maritime sector noting that his company is willing to employ some of them as soon as they have completed their mandatory sea time training.

According to him, there are about 60 per cent Nigerian seafarers in his company and he expressed optimism that in no distant time, it will reach the 100 per cent target of the Cabotage regime. He also called on the Cadets to seize the rear opportunity and maximize it, so that they can become better professionals and make Nigeria proud. "You are the future of the Nigerian maritime sector", he said.

On his part, a Surveyor and maritime Stakeholder, Engr. Emmanuel Ilori also congratulated the Cadets and observed that they have taken up a challenging job that requires discipline. He charged them to be good ambassadors in their host countries and added that they are being expected back in the country to take over the administration and manning of the sector.

He commended NIMASA for the feat attained in its quest to enhance capacity building in the sector and pledged the

continuous support of Stakeholders in the industry to any developmental initiative that can help move the maritime sector forward, so that Nigeria can compete favourably with its counterparts in the international maritime community.

The Vice President, African and Asian Affairs, Arab Academy for Science, Technology and Maritime Transport, who described shipping as a noble profession, also commended the Management of NIMASA for conceiving the NSDP initiative. He also applauded the Cadets for always conducting themselves well during their course of studies.

The high point of the event was the award of scholarship for Master Degrees by the Arab Academy to three female cadets who had distinctions in their fields of study.

Earlier, the Director General of the Nigerian Maritime Administration and Safety Agency (NIMASA) Dr. Dakuku Peterside reiterated the Agency's commitment to capacity building, noting that it is the only sure means of sustenance for the sector.

He congratulated the Cadets for being the chosen ones amongst millions of Nigerians and admonished them to remain good ambassadors of Nigeria in their host country and that they should make Nigeria proud. He also assured that everyone that participated in the NSDP scheme will certainly be given a sea time training opportunity, but hinted that it will be done in batches.

The NSDP scheme was conceived in 2008 and it has continued to receive attention of succeeding government. This is as a result of the commitment and realization of the importance of capacity building to the growth and sustenance of the sector.



2017 NIMASA Competition Winning Essay: Connecting Ships, Ports and People



Minister of Transportation, Rt. Hon. Rotimi Amaechi, being assisted by the Director Special Duties (External Relations & Technical Cooperation) of NIMASA, Hajia Lami Tumaka to present a plaque and a laptop in addition to an education grant of N500,000.00 to Miss Elizabeth Ezekiel, a second year Medical student of the Ambrose Alli University Ekpoma, Edo State who emerged the winner of the Essay Competition organised by the Nigerian Maritime Administration and Safety Agency (NIMASA) to commemorate the 2017 World Maritime Day Celebration

The Nigerian Maritime Administration and Safety Agency (NIMASA), has instituted an annual essay competition as Miss Elizabeth Iregbedeshi Ezekiel from Ambrose Alli University, Ekpoma in Edo State who submitted an essay on "Connecting People Ports and Ships" emerged the pioneer winner of the competition. The competition is aimed at engendering youths interest in the maritime sector

BY **ELIZABETH IREGBEDESHI EZEKIEL**

INTRODUCTION:

Globally, the maritime industry is the backbone of world trade as succinctly captured in the theme of the International Maritime Organization's 2016 World Maritime Day: "Shipping: Indispensable to the World". According to the United Nations Conference on Trade and Development (UNCTAD), over 70 per cent of global trade by volume and value are carried by seas and handled by ports and people. (UNCIAD: 2015). Hence it can be argued that it is one of the major necessities for the sustenance of the human race, and creating a seamless connection between the ports and the people would have a multiplier effect on the economy and also protection of the marine environment.

MARITIME INDUSTRY IN NIGERIA:

Nigeria as a coastal state with extensive coastlines and as an oil producing and exporting country, as well as a consumer nation with a large population, is a large market for foreign goods. 76 per cent of shipping business that takes place

in West Africa is done in Nigeria, which means that Nigeria is very important in the West African sea ladder and ought to be a major player in Africa. (Finintell: 2013). Despite the huge potential of the blue-economy, many years of half-hearted attempts at the reformation and management of the blue economy have made it difficult for the sector to attain full economic capacity. This sector is estimated to be capable of generating N7 trillion and 40,000,000 jobs annually (Agbakoba: 2015), but it generates and employs a far-cry from the figures stated.

According to the Indigenous Ship Owners Association of Nigeria (ISAN), despite the country's large export of crude oil and import of over 100 million tons of cargo, no Nigerian flagged ship is currently plying international routes. Further, Nigeria exports about 900 million barrels of crude oil annually, but foreign vessels earn a freight of about \$2.25 billion yearly, carrying the country's crude with insufficient freight benefits to Nigeria (Myfinancialintelligence: 2016)

THE ROOTS OF MARITIME CHALLENGES IN NIGERIA:

A lot of measures have been put in place towards mitigating the problems militating against the industry's efficiency

like the concession of ports to private operators in 2006, commissioning of regulatory bodies like the Nigerian Maritime Administration and Safety Agency (NIMASA) and legislations like the Cabotage Act and Local Content Development Act. Yet the challenges remain unabated due to various underlying issues which NIMASA and other agencies in the maritime sector have been working to resolve.

• THE PORTS:

The ports which serve as the confluence of most maritime activities are yet to attain international standards. The overdependence on the Lagos seaport has impacted significantly on the aging infrastructures due to overwhelming cargo handling, while other ports remain dormant. The presence of bad roads around the ports has resulted in the damage of fragile goods as well as the creation of gridlocks which has led to slow evacuation of cargoes from the ports and higher demurrage.

Due to the small size of major seaports and shallow depth of the waterways, bigger vessels like the ultra large crude carriers and Post Panamax vessels are not able to land. Also, the distance of the Eastern seaports from the ocean



Group photograph of the winners of the essay competition organised by the Nigerian Maritime Administration and Safety Agency (NIMASA) to commemorate the 2017 World Maritime Day Celebration

are far apart compared to the Lagos seaports.

Security threats bedeviling the ports and their operations such as cargo theft, sea robbery and maritime terrorism have had various consequences on the industry. It is also widely believed that sea piracy is one of the major factors behind the dormancy of other seaports. According to Godfrey Onuoha: "Nigeria loses \$9 million to piracy and \$15.5 million to oil theft annually". (shipsandports: 2016)

• SHIPS:

The low level of indigenous participation in the shipping sector is also a major challenge. The sector is characterized by domination of foreign flagged vessels, and majority of sea freight is still done by foreign companies. This has led to capital flight and losses for indigenous shippers. The government therefore has to implement laws that protect indigenous participation in shipping.

In addition, the lack of a national fleet does not speak well for the acclaimed "Giant of Africa". Nigeria is the only oil-producing nation without a national fleet, whereas, Angola, which recently joined the ranks of oil producing countries, has a fleet for her oil deliveries.

• THE PEOPLE:

Nigeria has not taken adequate steps towards training and manpower development, hence semi-skilled workers control the activities at the seaports. The Maritime Academy at Oron has been in such a state of rot that the federal government had to set up a

committee to address the rot. This will boost the efforts of NIMASA to train seafarers through the Nigerian Seafarers' Development Programme (NSDP).

THE WAY FORWARD:

Having outlined some of the challenges of the maritime industry, addressing these challenges is paramount so as to unlock the enormous potential of the sector. To begin with, the government as the captain of the ship must provide the pivotal anchorage needed for the reformation. This entails not just formation of laws but effective implementation of these laws and also having the political will to do so.

In order to ensure more robust and consolidated action on the sector, there is a need for the creation of a Ministry of Maritime Trade. If the aviation sector which does not generate as much income as the maritime sector has a ministry, then asking for a maritime ministry is not going overboard.

More attention should be paid to expanding the coastal areas by dredging the water ways for bigger vessels. This would increase the bulk movement of petroleum products and other capital goods, therefore increasing the involvement of Nigeria in the vast international trade.

The government should undergo a review of all regulatory and institutional frameworks to create an enabling environment in the sector. This involves enactment of critical bills that would be beneficial to the sector like the Petroleum Industry Bill.

In order to boost indigenous participation, there needs to be effective implementation of existing policies like the Cabotage law. Maritime business is capital intensive, hence government should aid in financing. The Cabotage Vessels Financing Fund should be adequately disbursed, a Maritime Development Bank should be established for provision of loans and more tax incentives should be granted. A national carrier should be established, with the private sector managing it and the government serving as a facilitator.

To increase the efficiency of ports and reduce congestion, the roads within the ports should be rehabilitated, development of multi-modal transportation, establishment of dry ports, 24-hour port operations, digitalization, constant power supply, adequate security, training and manpower development should be a priority of the government and all policy makers.

CONCLUSION:

The opportunities to be derived from the maritime sector are enormous and will boost the economy, provide employment, generate huge revenue and have a multiplier effect on other sectors. Therefore, there is a need for agencies such as NIMASA to continue investing in an interagency approach that addresses the whole range of challenges, including the facilitation of maritime transport, increasing efficiency, navigational safety, protection of the marine environment and maritime security.



L-R: Executive Director, Maritime Labour & Cabotage Services, NIMASA, Mr Gambo Ahmed, Managing Director, Nigerian Ports Authority representative, Capt. Iheanacho Ebuboju, Chief of Naval Staff representative, Rear Admiral Sunday A.G. Abba, Board Chairman NIMASA, General Jonathan India Garba and the Director General, NIMASA, Dr Dakuku Peterside at the harmonized NIMASA Stakeholders Forum tagged: Synergy; An Instrument for Sustainable Development of the Blue Economy held at Eko Hotel, Lagos

Peterside: Maritime is a Catalyst for Economic Growth

...charges stakeholders to collaborate with NIMASA to develop Nigeria's Blue Economy

The Director General, Nigerian Maritime Administration and Safety Agency (NIMASA), Dr. Dakuku Peterside has said the maritime sector's potentials if effectively harnessed, is a catalyst for economic growth.

He equally charged all stakeholders in the sector to be more involved actively with a view to growing the blue economy.

The NIMASA DG dropped the hints while addressing stakeholders at the harmonised NIMASA stakeholders interactive forum held in Lagos with the theme "Synergy: An instrument for sustainable development of the blue Economy".

According to him, the numbers of littoral states in Nigeria and the length of the nation's coastline makes the development of Nigeria blue economy a necessity for the country's benefit.

Peterside however assured his audience that the agency is currently on a mission of changing the landscape of

the nation's maritime domain by putting a policy framework in place to allow maritime business to thrive.

"Maritime provides a veritable opportunity for us to grow our economy. We will ensure we play our role by providing necessary policies for industry players to reap the benefits of participating in the sector in order to develop our blue economy for Nigeria's benefit", he said.

The DG 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 could communicate with it on various issues.

"The industry belongs to stakeholders, we must synergise to get the benefits embedded in maritime, we must work together all the time because it is our priority that those who do business in the industry flourish in order to develop our blue economy.

"That is why we are in the process

of acquiring more surveillance aircrafts and additional fast intervention vessels 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" he added.

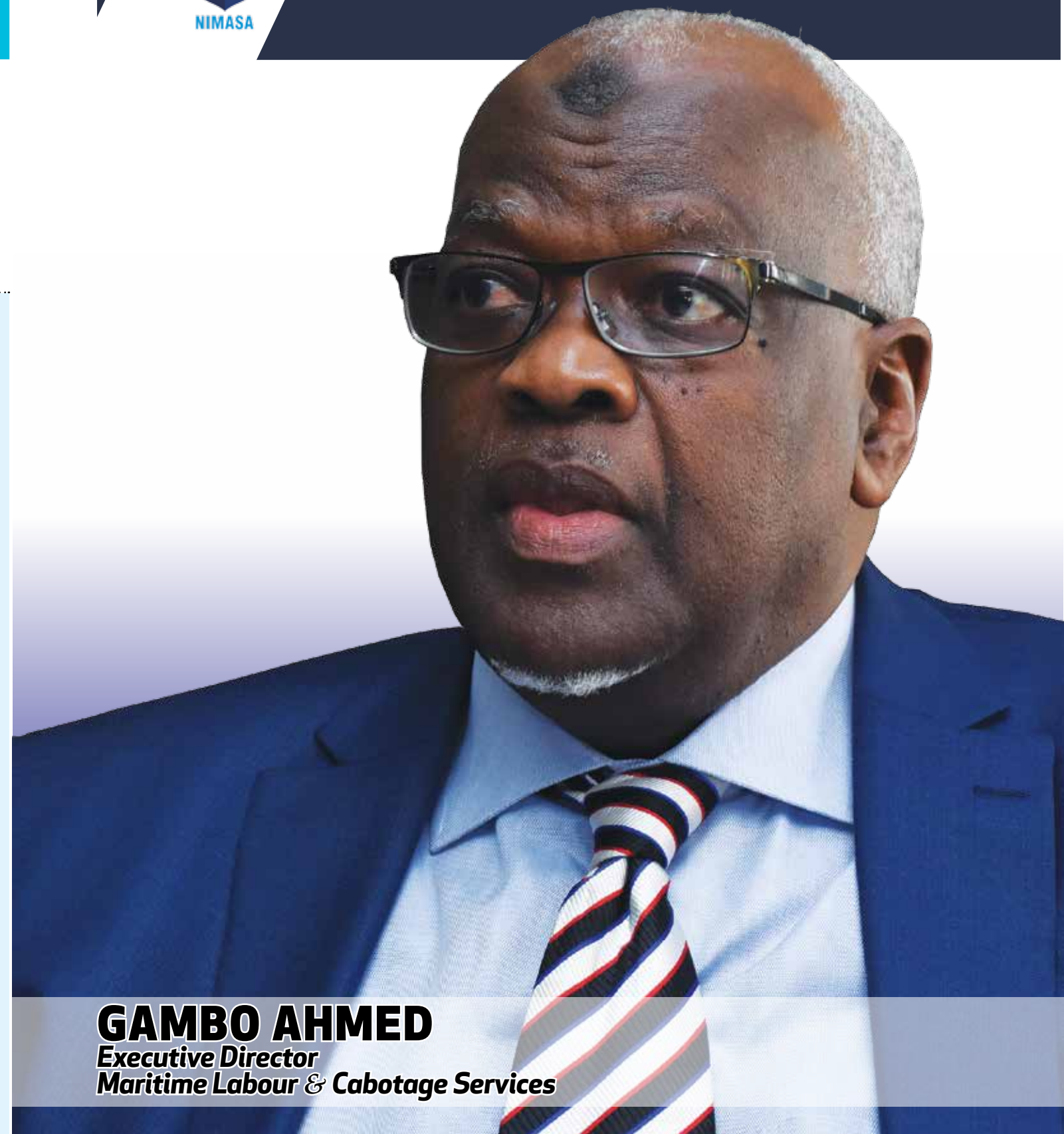
Peterside stressed that the agency has a robust human capacity building plan in place as part of its efforts to ensure Nigerians reap the benefits of the industry.

Towards this end, he said the agency has signed a Memorandum of Understanding (MoU) with some foreign schools to provide sea time training for the graduates of the Nigerian Seafarers Development Programme (NSDP) which had been a challenge.

The Chairman Governing Board of NIMASA, Major General Jonathan India Garba (Rtd.) who was also at the event, said the board would continue to support the Peterside-led Executive Management by giving necessary approvals that would reform the Nigerian maritime sector for economic benefits.



THEVOYAGE EXCLUSIVE INTERVIEW



GAMBO AHMED
Executive Director
Maritime Labour & Cabotage Services

Gambo: Dynamism Is Key

Mr. Gambo Ahmed is the Executive Director, Maritime Labour and Cabotage Services NIMASA. In this exclusive interview with TheVOYAGE Editorial Crew he gave an expose on how the Agency has achieved unparalleled industrial harmony in recent times.

Sir, there has been relative industrial peace in the maritime sector, and as the Directorate responsible for over sighting the Dockworkers activities, how have you (NIMASA) been able to achieve the industrial peace in recent times?

Since the advent of this current Management of NIMASA, we embarked on what I will call engagements with the stakeholders. I must admit the very understanding leadership of the various Unions. Before now it took more than two years, there was no National Joint Industrial Council (NJIC) meeting. When we came in, we organised NJIC meeting.

The NJIC comprises virtually all stakeholders in the maritime sector; the employee, the employers and they sit together and we are the regulatory body; let me say in the middle, they work among themselves, agree what wages to pay and engage themselves.

NIMASA had the first (NJIC meeting) in 2017 early or late 2016, it was very smooth; the employees were happy, through their unions, the employers were happy. Like I said the leadership, especially the Maritime Workers Union of Nigeria (MWUN) right from the time of the immediate past President-General Comrade Tony Nted, they have also



adopted this spirit of engagement. The same with the current leadership under comrade Adewale Adeyanju, the same posture; once there are issues they come, when we have issues we call, so we have been emphasizing engagement rather than violent protest and I am sure this will continue. I do not foresee any deviation from what has been happening.

So basically it is the engagement of Dockworkers and the employers?

Yes, the employers, the employees, all. You know that when the employees go on strike or they protest, is when they think that they are not getting fair deal,

but when you put everything on the table they examined it and agree among themselves. What is their gain to protest? And that is what has been happening we engage them once there is any issue, we call them for a roundtable discussion, and issues are amicably resolved and everybody goes out happy.

In the area of Cabotage, we know that NIMASA under this administration produced a New Cabotage Compliance Strategy. How has this affected the sector?

As it is the case with every new thing, initially there was some little resistance but when it was clear to all and sundry that NIMASA was not out to kill any business, ours is to ensure that the law is complied with and there has been tremendous progress since that regime (Cabotage) started.

Also we do engage, we encourage them if they have issues or complaints to come forward and they have been coming forward. We have been having meetings, we have been making progress we have been getting more and more seafarers employed now, unlike what was happening before, so the level of compliance is increasing and we see it increasing and increasing as we go on.

You just mentioned having Nigerian seafarers onboard for Cabotage operations, how will you describe the situation now compared to how it was



before in having Nigerian seafarers onboard vessels operating in our territorial waters?

Much, much better; as we speak to you now some of our Maritime Labour officers have gone to one company to participate in their interviews for seafarers to be employed. And so much has happened before especially this Cabotage law, this alone has been in existence for more than a decade, maybe they went to sleep and people felt relaxed they were not bothered whether you comply or you don't comply. Some will say it is a matter of coming to pay some small penalty or whatever, but the essence here is not about the money.

As for the employers of labour, what are you doing to grow their capacity?

Well, that is another issue, but you know typically every business opportunity as you see it; when you look at the point of the entrepreneur, the man who is investing his wealth to do a business will naturally want a smooth, convenient and conducive environment to operate, and that we aim to do everything possible to provide, so that they operate smoothly. It is our business to grow their tonnage; it is our aim and objective to grow the fleet volume of Nigerians. That means we are growing capacity in terms of ability to compete, we are growing capacity in teams of manpower.

The issue of Cabotage Vessel Financing Fund (CVFF) has been a very topical one in the maritime industry. What is the agency doing to resolve the issues surrounding the fund?

Yes, the Cabotage Vessel Financing Fund (CVFF) is a topical issue. We are aware that it is everybody's concern and ship owners have been lamenting that the



funds have not been disbursed and in fact it has never been disbursed, I must admit. The issue is why has it not been disbursed? Some applications were processed in the past (I hope you know the guidelines, the actual approving authority to disburse is the Ministry of Transportation). Ours is to put applications together pass through a participating bank, the participating bank will review, get back to say they are recommending this one and that one and part of it is also they will put in their own money as a participating bank and they are expected to put a maximum of 35 per cent. The actual ship owner and the business promoter will pay a minimum of 50 per cent then from the fund a maximum of 50 per cent. Part of the requirement also is that, that 50 per cent will be guaranteed by the participating bank, unconditional guarantee which means the total credit risk on that 50 per cent is on the bank. But that aside in the past there had been similar funds and typically people see it as if it is government money and say government money and they see it as their own share of national cake; once you get you don't think of paying back. And I think that is what the Minister has been saying repeatedly that he wants to review the guidelines that he does not want any money that somebody will go and sit on and think that he has taken his own share of the national cake. He wants to disburse CVFF such that it will be used for the purpose and is repaid, because it is meant for good business

and doing good business for others to come and enjoy.

You said some companies have been pre-qualified before, some primary lenders have been identified before; government is a continuum and administrations change, why do we want to start afresh since there is an Act that guides the submission?

In every business, we cannot say 5 years ago I needed one million dollars to do a business and it will still remain valid after another 5 years without doing that business. You need to revalidate that business. Is that same amount still required, has the man moved on since that time, is he still even in business or not. If he is still in business is that one million dollars still adequate to do what he wanted to do 5 years ago or he needs something more? And you know again since the introduction of the Treasury Single Account (TSA) the banks don't even have this CVFF with them anymore. In the past, the banks that were selected had the money with them and when you have money, you have the strength to also add to them because the chance is that they could leverage with the deposit you have with them. Today, these commercial banks or the money deposit banks don't have that CVFF money; this is severe. But we have said to our ship owners, if you have a good business, approach your bank if your bank is willing to put in that 35 per cent and you yourself are willing to put in that 15% come forward and let us review your application.

Are they aware of this?

Yes, they are aware because I know there was one meeting that the Honourable Minister said to them: I am not going to disburse until I review the



guidelines for fear of people running away with the money. Just recently we did another letter to the Minister saying Honourable Minister, with due respect, the contribution by the fund is guaranteed. So if you have a bank willing to guarantee, the fear of running away is mitigated. And you know a typical bank will not give you money when they don't see their way clearly. But at the same time you will see somebody apply for half a million dollars, is he really trying to borrow for business or just want to dry dock what you have is that cannot compete in the market?

Since you told them that if their banks guarantee them, they should come forward, have you had anybody come forward that has a bank that can guarantee?

We just have applications without commitment from any bank.

Seafarers training is a major challenge we have in our hands. How does the Agency go about the accreditation of maritime institutions, knowing that we are the statutory body that is to accredit every maritime institution in the country? Recently, the Navy set up an Admiralty University; do we have any collaboration with them?

We have a Memorandum of Understanding (MoU) and that has been on for so many years, but the seafarers programme like the Nigerian Seafarers Development Programme (NSDP) is mainly dealing with institutions outside Nigeria, because the Nigerian institutions lack the required capacity. We would love to do everything in Nigeria, if the institutions are available, nobody wants to spend his scarce foreign exchange and train its people outside, if you can train them inside.

We met a program and the number of students out there and I think it's only fair that we see them through the program and that is what we are trying to do.

Are you winding down the NSDP scheme after the current set on training?

I wouldn't say we are winding down. There could be new intakes, but what we want to do is to look at what is the essence of the program itself. The objective is to get the seafarers on international going vessels because we realize that they are lacking in Nigeria. We have dearth of seafarers, so the NSDP came in as an intervention programme, it is not meant to be forever for sure, but for now we still see the need to continue.

The only difference we are reviewing what has happened in the past; look, we have sent out so many. What have been the challenges, what else should we do that we have not done, those who have passed through have they been employed, because the essence is to get them employed; if they have not been employed any particular reason they are not employed; is it because of they are not employable internationally because something is missing, is it because of the economic downturn that is why they are not being employed, we look at it holistically and say; look maybe there are few things we need to add to the programme, maybe there are different areas that we have not addressed that if we are going to do what we call a third phase of the programme, it should address such limitations, so that by the time

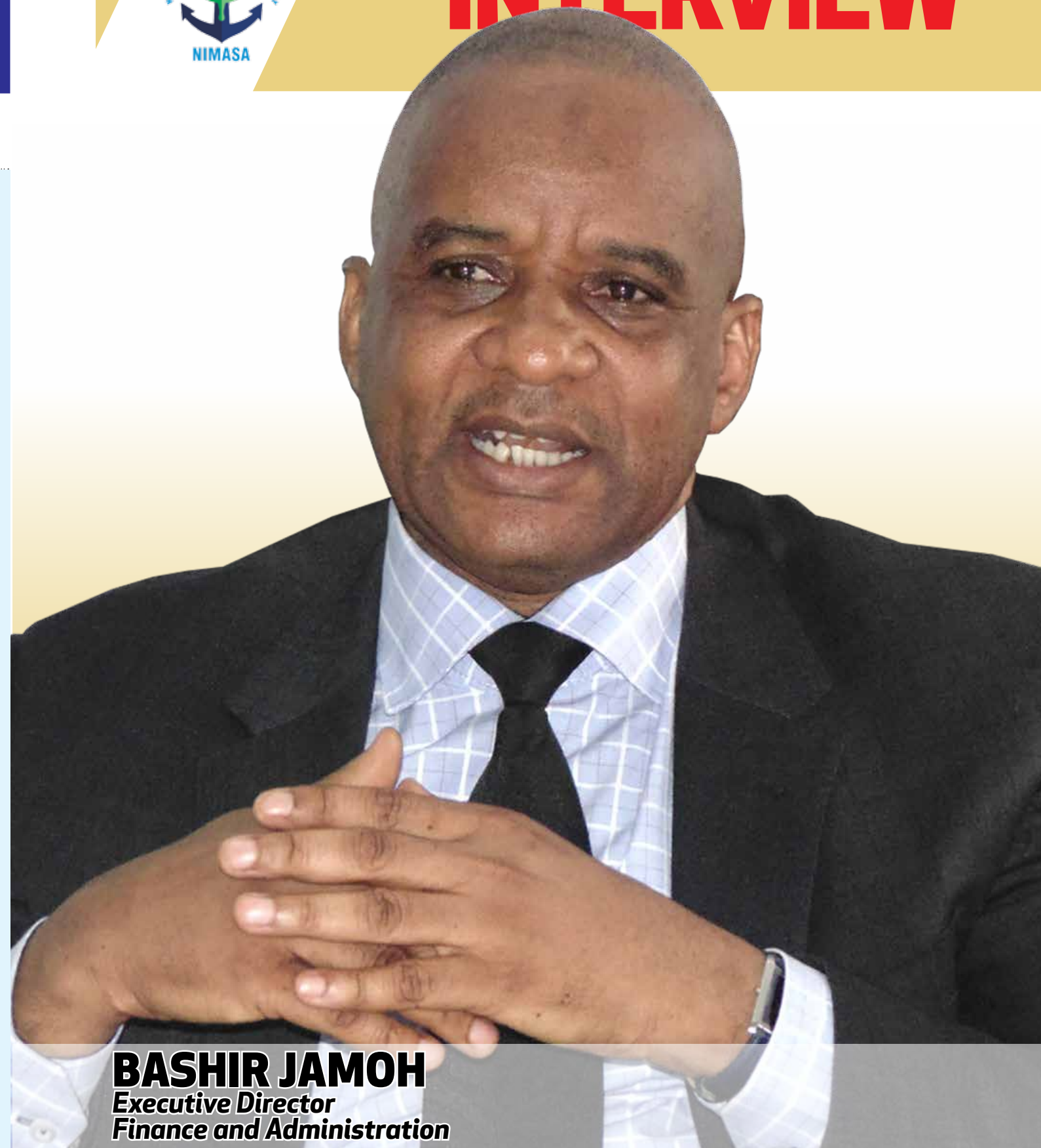
they come out they will be employed because the ultimate aim is to get them employed.

Recently some of our seafarers have been complaining of wage disparity between them and foreign seafarers, we don't know if such complaints have gotten to you and what is the agency doing to address those concerned that the foreigners earn more than the locals and they have the same qualifications?

Yes, we have heard that before, I would not say we haven't heard such cries. We have read in the papers, somebody might accuse NIMASA of conniving with these people to make sure that they don't get what they should get which is not true. Like I said at the beginning there had not been any meeting of the National Joint Industrial Council (NJIC) before this Management and with the dockworkers; we had an agreement with them and their employers, the NJIC met and the collective bargaining agreement was signed and everybody was happy, the employees were happy, the employers were happy. On the seafarer, it is right now ongoing, just recently, I was asking how far with the agreement, because they have met at their level of the employees and the employers; at one point they say that they had reached an agreement at another point they said the employers were saying no, there was no understanding. I have asked for an update on where we stand on that because NJIC must meet to finalize that collective bargaining we cannot afford our people being treated as lesser beings.



THE VOYAGE EXCLUSIVE INTERVIEW



BASHIR JAMOH
Executive Director
Finance and Administration

Jamoh: NIMASA is Working

The management of NIMASA was recently commended by the Federal Executive Council for its quantum leap in her contributions to the consolidated revenue funds of the Federal Government. In this exclusive interview with TheVOYAGE Editorial Crew, Mr. Bashir Jamoh who is the Executive Director, Administrations and Finance, gives an insight into how the current leadership of the Agency had turned things around for the better

Sir, you are almost two years in the saddle as the Executive Director, Finance & Administration, How will you describe the experience?

The experience has been quite interesting. Recall I was a staff of NIMASA before my appointment as Executive Director Admin and Finance. My wealth of experience as a civil servant of almost 23 years came in handy to smoothly manage Executive responsibilities in the past two years.

My focus as Executive Director Administration and Finance has been to provide support in vital areas like; planning, Research and Data Management Services and of course financial services Management.

Within the purview of Administration are issues of Human Resource Management and Administration of the Agency in particular. Providing leadership for three major departments in the Agency which are under my directorate has been challenging,



promising and very interesting.

Having worked as a civil servant in two of these three departments, the transformation

from the position of responsibility to that of authority has been easy sail because I have been in the agency close to a quarter



of century. I am no stranger to the inner workings of these directorates. This I think has made my job a bit easy and enhanced my ability to give quality input from a position of knowledge when it comes to decision making.

NIMASA staff have demonstrated so much commitment to work, how did you manage to achieve this?

Well, since the inception of this management we leveraged on the advantage of having a former staff in myself as member of executive management team to change the narrative. We introduced programs that enhanced productivity of staff, promote discipline amongst staff and motivate them through purposeful leadership under this administration. We eschew all forms of staff harassment and replaced them with policies that motivate them. This administration also painstakingly grew staff capacity and provided all required tools for them to excel in their workplace. This management introduced core values for staff of the Agency. It was clearly spelt out as we call it here, CAPITEL-D. Management ensured that the values were not forced down the

throat of staff, rather the DG led us to engage staff across all our operational base to explain to them the essence of the core values and the need for them to own it. We are building a new team spirit in the Agency based on our core values.

We are glad to note that NIMASA staff are truly reciprocating the gesture from Management with their output.

You can't say its 100% yet, we still have some situations that still require more work, so I will say its work in progress and management is impressed with the improved attitude to work from staff of the Agency. We try to provide leadership based on discipline and all principles contained in the core values and also ensure that they cascade down the ladder to the very least staff of this great Agency.

A few months ago, the Executive Management of the Agency was commended for its stride in revenue generation and its huge contribution to the Consolidated Revenue Fund (CRF) of the Federal Government. How was this feat achieved?

Well the first thing we did, we

decided to define our goal in clear terms. If you can recollect when the Director General, Dr. Dakuku Peterside came, we invited the entire Heads of Departments to make presentations on what they do, where they are, and where they intend to go and after that we decided to introduce a kind of retreat to know exactly what we have not really been doing how we can improve and what we can do right. Then a target was set, and all things required to achieve the set goals were provided to all staff. In the process some loopholes in revenue generation were identified and they were adequately addressed, thus resulting in the improved revenue generation and subsequent contributions to the consolidated revenue fund of the Federal Government. It was simply will power to succeed and keeping our eyes on the ball.

We are yet to get to the promised land, but we will continue to remain focused until we achieve that particular goal. So, in summary, we set our own clear goals and we set the targets on clear terms and we remain focused and we are heading towards there. Everyday we try



to improve on yesterday and that is what we have been doing and that is exactly the secret of how we achieve that feat. The fact that the Federal executive Council commended the Management of NIMASA while sitting in council as one of the best Agencies of government is a major one, and it has put us on our own toes to make sure that we do what is right and we improve on whatever we are doing so that this year will be better.

Digitalization of processes is one of the Agenda of the Agency's Executive Management, geared towards plugging revenue leakages. How successful has this been?

That is very interesting because this question has a direct link to the last one you asked earlier; One thing about the digitalization is for us to ensure that we reduce human interphase as much as possible in all our dealings with stakeholders. When you are generating revenue you must make sure that you reduce such contact and that is what informed our decision to embark on the digitalization process of most of our operations.

Now, on what we have achieved so far, we have achieved over 60 per cent on the digitalization process and our own target by the end of July 2018, the consultant will be able to deliver a full automation

system in the Nigerian Maritime Administration and Safety Agency and in so doing the revenue we are earning now we are expecting additional maybe more than 50 per cent increase of the total revenue after the full implementations of the automation system.

We are also aware that capacity building is topmost on the Agenda of the current Executive Management of the Agency, how has this been implemented and what effect does it have in the day-to-day running of the Agency.

You see, in everything you do training is key, once you are not training and retraining your own staff you are bound to have problems. The world is coming to an age whereby every day new things are coming up, so you need to keep your staff abreast of development for a total and holistic view of the international arena. In doing so you achieve quality human capacity development, so training has been the key of our own programs and so far last year alone we trained over 300 staff abroad. Secondly, we can't achieve the issue of automation or the issue of revenue generation without training. So the training and retraining of our staff is being the key aspect. So what we are doing now on that training is trying to evaluate the impact of

that training on the individual staff we trained and the impact on the Agency whether we can see changes as a direct result of the training we offer, where we have to retrain them in that particular area, where we can retrain them on a new skill. That is topmost priority and we are doing so day in day out; with that we will be able to achieve and succeed in whatever we want to achieve as the management is trying to achieve our own goals and objectives.

Recently, the Agency launched a rebranding campaign. How successful has it been?

I think if you are going through media and online reports that we have been receiving, we have been analyzing that rebranding. First of all, I hope you are aware of why rebranding had to take place? When we came in, what was discovered was that the poor image of the agency in the eyes of the public was a major challenge to the NIMASA brand. Once you mention NIMASA, people associate the Agency with other issues rather than the core mandate. The scandals readily comes to mind. the several mention of the Agency with issues that has to do with litigations on fraudulent issues was so worrying with some members of the public already branding the Agency with all sorts of very

negative brands. So that was why we introduced rebranding. the rebranding project was aimed at changing the narrative of NIMASA.

Rebranding in terms of our own staff, rebranding in terms of the public perception, rebranding in terms of core values. And so far, available statistics shows that the project has truly enhanced the image of the Agency.

Our goal is to serve our stakeholders efficiently and ensure that the NIMASA brand in the sub conscious of stakeholders is the nimasa of our dreams. An Agency of Government that operates in a transparent manner and always ensure that its stakeholders are treated right all the times. So far I think we have achieved more than 65 per cent in terms of rebranding we are yet to get there but we are still trying to see how we can improve. Our consultants are there trying to survey and look at where we are lacking, where we should balance and where we can improve upon. That is on rebranding, over 65 per cent achievement.

Finally Sir, what is your message to the Agency's stakeholders (internal and external) in 2018?

Well, the expectations of most stakeholders have always been the disbursement of the Cabotage Vessel Financing Fund (CVFF). let me say it is work in progress, this administration is committed to the disbursement of the funds.

In fact, the current management has forwarded recommendations to the supervisory Ministry in aid of its disbursement. This was done mindful of the experience of the Ship Acquisition and Ship Building Fund (SASBF).

The issue of Ship Acquisitions and Ship Building Funds is still very fresh on our minds as up till now we have a lot of companies that collected the loan and they did not repay.

So I think that is the major expectation of the Stakeholders and this will help in providing a lot of jobs for the youths and capacity building in terms of owning ships and ultimately assist Nigeria take over the

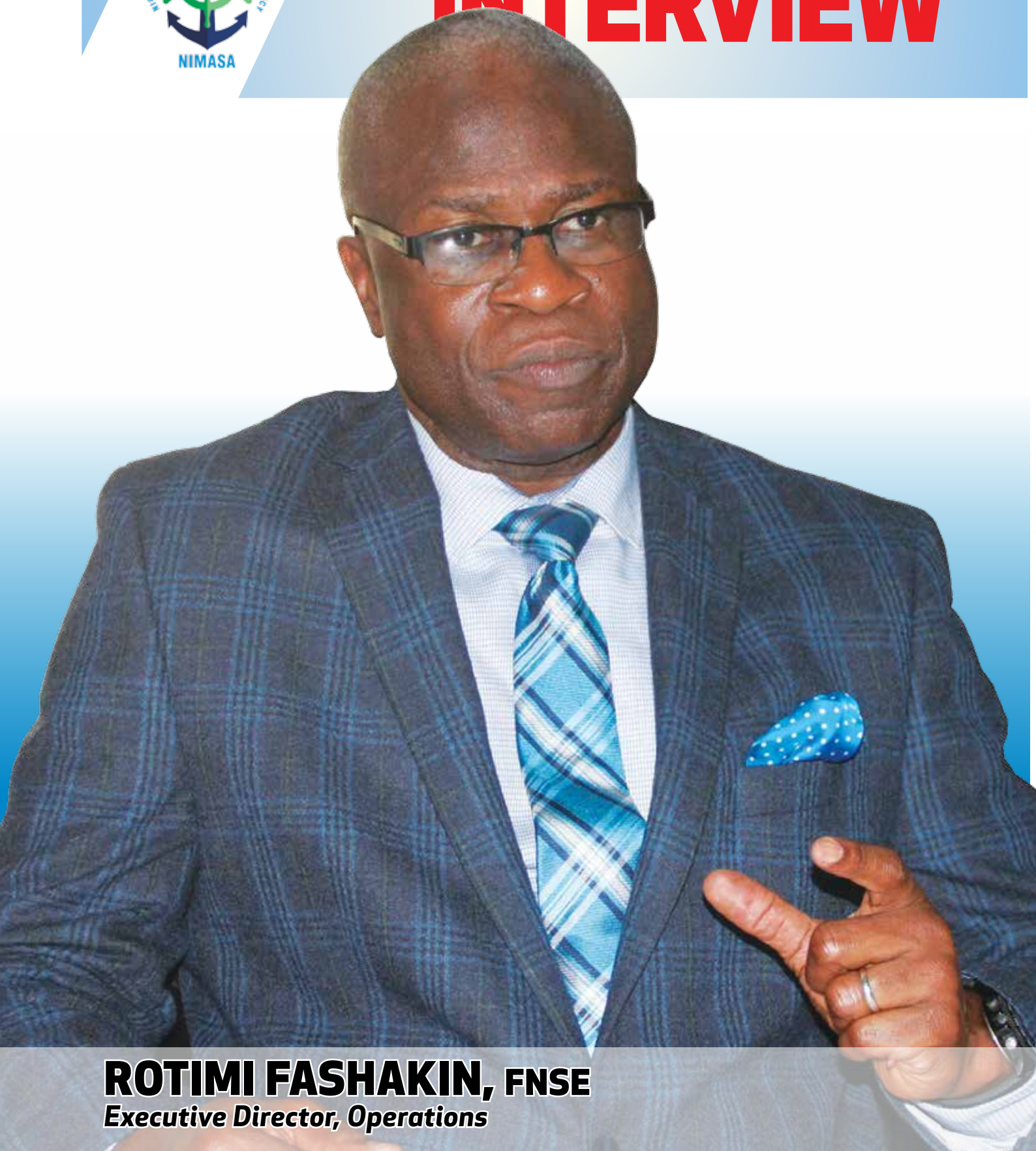
coastal trade that is the cabotage trade itself. So I think that will be my promise to the external stakeholders.

Well, to my colleagues, that are staff of NIMASA; these three key words; **good, better and best** should be their watchword and they should not allow anyone to distract them, they should continue to chase the three words. It is only when they look at what they are doing as good, that they make it better and then from better to best, that is when we will be able to exceed whatever expectations our own government places on us. So when we deliver our own mandate that is when we support whatever goal and target we have, we will then say we have achieved, then we can make the present position better than what we are today.

So, staff should always not relent on their effort in making their good better and better, best and in so doing, we will be able to say kudos to our own staff.



THE VOYAGE EXCLUSIVE INTERVIEW



ROTIMI FASHAKIN, FNSE
Executive Director, Operations

INTERVIEW



Fashakin: We Are Not Resting On Our Oars

*Engineer Joseph Oluwarotimi Fashakin, a fellow of the Nigerian Society of Engineers is the Executive Director Operations of the Nigerian Maritime Administration and Safety Agency, NIMASA. He spoke to an editorial crew from the **VOYAGE MAGAZINE** on steps taken so far by the Agency to enhance safety and security of lives and property on Nigerian territorial waters. Here are excerpts from the interview*

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ir, you have been in charge of this Directorate for quite a while now, how would you describe the experience?

First of all my name is Engineer Joseph Oluwarotimi Fashakin, a Fellow of Nigerian Society of Engineers. I have over 30 years experience in the practice of engineering and coming to

NIMASA has been very challenging and very exciting at the same time. You all know that I have my background in electrical and electronic engineering and I have a stint in Project engineering, management of notable engineering projects. So I am happy that those experiences have paid off in my sojourn in NIMASA so far.

Talking about safety and security in the Agency, which is one of our

mandates; how do you ensure that our waters remain safe for navigation?

Yes, if you know clearly that NIMASA is the Maritime Administration for Nigeria and as such is expected to work collaboratively with the International Maritime Organization (IMO). Additionally NIMASA is expected to implement certain instruments and the conventions of IMO in Nigeria; not just to domesticate them but to also



ensure their implementation within the Nigeria maritime domain. We look at conventions like MARPOL, ensuring that all the Annexes 1 to 4 are not just domesticated but implemented, ensuring that there is safety of life at sea which SOLAS is essentially talking about. And I think we have seen an improvement on SOLAS, which is what ISPS, has come to do.

Now, we recognize as an agency our inability to provide the required teeth. Yes, we have the authority but the power, the teeth in enforcing that authority. The Authority is what the declaration of NIMASA as the MARAD of Nigeria has. Now how do we ensure the enforcement of that authority? So we had to collaborate with the Nigeria Navy that has the power, the force to act in the maritime domain. At first in 2007, that MoU with Navy was first done but now after 10 years we have had reason to renew that MoU in 2017 and with the renewal some add-ons were brought into play; add-ons that also helped to improve on our existing collaboration with Navy. So these are the steps that NIMASA has been doing and taking in ensuring safety of our maritime domain and also ensuring pollution free and cleaner oceans within Nigeria waters.

Statistics out there show that there are still attacks taking place on the Nigerian waters, as MARAD in charge of the safety are you not doing enough? Are we enforcing the use of the AIS and LRIT on our waters?

What are the things specifically that we have done to show that fishing trawlers out there will be safe, know that NIMASA is out there for them?

Good question, you cannot do enough. So long there is criminality out there you have to continue to improve on what you are doing. The fact is that NIMASA is ensuring that we have a situation whereby we continually improve on what we are doing. We have entered into some partnerships.

In fact, recently, the Federal Government has just signed a contract that will plot the Maritime domain in Nigeria with an armada of sophisticated crime fighting machines and that will of course turn the tide. And you know that crime is usually one step ahead of civilized world. They are also thinking of new methods to outwit the civilized world.

In NIMASA, we are not also resting on our oars; we are trying to ensure that we capture the essence of our mandate in real time, all the time by ensuring that we strengthen our collaboration with Navy. We have also made some purchases in terms of contract procurement with some vessel owners, that is; we have also gotten some Fast Intervention Vessels, we have improved on surveillance system so that we will be able to mitigate some of this risks that are threatening existence and threatening safety in our maritime domain.

Still on safety, NIMASA has been talking about wreck removal from our

waterways for safe navigation, but somehow it seems we have not taken action on removal of the wrecks, so what are the bottlenecks preventing us from going out to remove the wrecks, because we had issued a marine notice for removal of the wrecks sometimes ago, which has expired, so what are the challenges?

Yes we have come up with a draft policy, you know in public service it is important that your policy must have wide acclamation and must have wide acceptance. You need to circumspectly ensure that your good intentions are not misconstrued and they are well understood, because after this dispensation shall come some other people who must not only see your transparency, but must also see that you mean well for the best of the country and that you have done your best within the available resources at the time that you did; so, these are the various drawbacks in ensuring all that the draft policy, the process, the procedures to be used conform with the best practices and are very much in line with this administration's quest and desire for transparency.

You are the Chairman of the ICIC in Nigeria, how far is the journey of ISPS Code implementation in Nigeria?

Yes that is true you are quite right; I am the Executive Director in charge of Operations in NIMASA and you know NIMASA is in charge of maritime administration in Nigeria, so definitely I am the Chairman.

The journey so far has been quite interesting and truly we have built on great consensus with other sister agencies within the maritime domain. I am talking about the Nigerian Navy, the NPA, NIWA, the Nigerian Police, DPR and Nigeria Customs Service. Together with these entire sister agencies, we have been able to develop the guidelines for the ISPS code implementation in Nigeria. We now have workable guidelines that have been gazetted by the Nigeria government and because of our seriousness especially within the time of this administration we have been able to move the ISPS implementation in Nigeria from a dismal 13 per cent to over 90 per cent that we now have currently.

We have continuous collaboration with the US Coast Guard; just recently, I had in audience gentlemen from a Department in the UK Ministry of Transport that came specifically to collaborate with us on ISPS implementation. In no distant time they are going to invite us over also on the full payment and sponsorship of the UK government to learn one or two things from them and exchange ideas on ISPS implementation in Nigeria and generally; you know the whole idea is that the world has become a global village.

There is this globalization that ensures and makes it imperative for all hands to be on deck and all nations to work collaboratively with the intent of ensuring that we have a safer world and ensuring that we have a safer and salubrious marine environment. So to that extent we are doing our best; right now the marine instrument that the US Government issued on the Condition of Entry on her ships visiting our ports, is a matter of time that it will be lifted very soon, because US government is already getting happy and happier by the day about the way Nigeria is very



serious with ISPS and ensuring that we are moving positively towards 100 per cent compliance.

Shipping Promotion will aid the diversification drive of the Federal Government, what is NIMASA doing to promote shipping and also tell us how the Agency is ensuring cleaner oceans?

Well in terms of Shipping Promotion, you know that Shipping Development is a Department in the Agency under the Operation Directorate; within shipping development is also shipping promotion. We have been working under serious trail for a while in the agency and I want to announce very happily that by the instrumentality of the DG and the team NIMASA, we have been able to initiate a fruitful dialogue with the Nigerian National Petroleum Corporation (NNPC) towards ensuring change of trading terms from FOB which is Free on Board to CIF, which is Cost Insurance and Freight.

For those that are not in this maritime sector or shipping, it may sound like something that is very uninteresting but when you understand clearly the effect, the total economic benefits that businesses, especially insurance businesses and shipping company stand to gain from that; it means that the insurance industry in Nigeria will blossom.

It will open yet another opportunity for prosperity for the shipping companies and now you will now start having investment in tanker business in Nigeria. So we are desirous of pulling this through and we do hope that we shall continue to have this co-operation with the NNPC so that we can pull this particular discussion through to a logical conclusion, which I believe will help us tremendously. So we are

doing tremendously well in terms of attracting the right investment.

Also you know clearly that we have four legs on which our Cabotage Laws is standing on, in ensuring that the ship doing cabotage business within our inland water ways are owned by Nigerians, they are built in Nigeria, they are flagged by Nigerians and manned by Nigerians. So, all these are the things that we are taking into consideration in our policy formulation and ensuring that we push all these agenda through for the maximum benefits of Nigeria people.

As the Executive Director of Operations in NIMASA, what is your message to shipowners, stakeholders, and what should they expect from NIMASA in 2018?

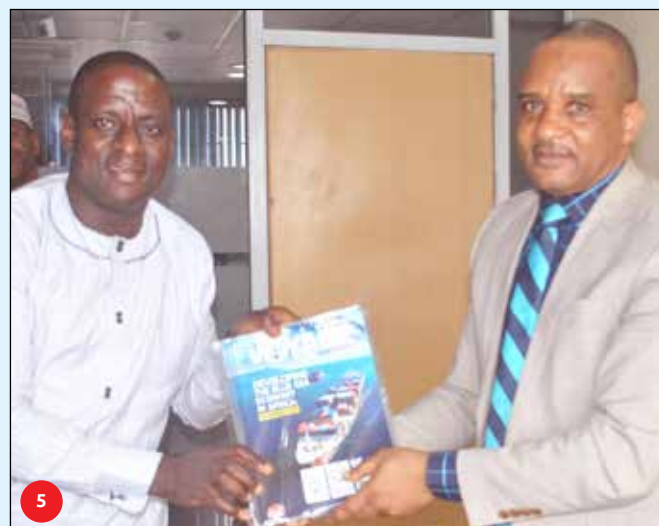
What I will say clearly on this, is the fact that we are working within the broad mandate of the Buhari administration. It is an administration that is anchored on change and change in its totality.

We want to ensure that we lay the proper foundation for development; development of the maritime business, development of the Nigeria maritime domain, development of the Nigerian maritime space, so that generations to come will be able to point at this time as the time that some people came and were given authority and they used it patriotically in a manner that benefited the generality of Nigerians.

So we want to assure the stakeholders in the Nigeria maritime industry that clearly we as a team in this Agency, we are prepared to build on the past success of the one and half years and ensuring that we do more and there are couple of things lined up for this year and we pray that as God gives us life and gives us the ability we shall do our very best for this nation. God bless you all.



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- (1) Dr. Dakuku Peterside, DG, NIMASA in a discussion with Hon. Mohammed Umaru Bago, Chairman House Committee on Maritime Safety, Education and Administration during the harmonized NIMASA Stakeholders Forum tagged: Synergy; An Instrument for Sustainable Development of the Blue Economy held in Lagos.
- (2) Prof. Balbaa Alnosy, Vice-President, Afrian and Asian Affair, Arab Academy for Science, Technology and Maritime Transport, Egypt during the flagoff of Phase 1 of NIMASA full sponsored sea time training for NSDP cadets
- (3) Engr. Emmanuel Ilori at the flagoff of Phase 1 of NIMASA full sponsored sea time training for NSDP cadets
- (4) Mr. Jibril Ibrahim, Director Maritime Labour Services, NIMASA making a presentation to the cadets during the flagoff of Phase 1 of NIMASA full sponsored sea time training for NSDP cadets
- (5) Mr. Bashir Jamoh, ED F&A, NIMASA presenting copies of TheVOYAGE magazine to Hon. Adele Owolabi, Chairman, of Apapa Local Government when the latter paid a courtesy call to the agency
- (6) Dr. Dakuku Peterside, DG, NIMASA, receiving a souvenir after making a presentation on the concept of the blue economy to the management of Nigeria Shippers' Council, in Lagos
- (7) Mr. Bashir Jamoh, ED F&A, NIMASA (6th from left) and Hon. Adele Owolabi, Chairman, of Apapa Local Government (5th from right) in a photograph with some management staff of the agency



The Hague Rules: Struggle for Supremacy Between Ship Owners/Carriers and Cargo Owners/Shippers

BY **AGBAMINOJA PETER**

Thomas Campbell said; "Coming events cast their shadows before." More than any other words of inspired wisdom, this saying epitomizes the portentous emergence and the rise the Bill of Lading to become the pre-eminent document of trade in international shipping in the past hundred years or so and the constantly changing shift in the balance of power between the two parties to the contract typified by the Bill.

So, let's take a second to ponder 'what exactly is the Bill of Lading?' I will take the easy way out and describe the history. The evolution of the super document we all call the Bill of Lading today started with a bid by some frustrated shippers to introduce some uniformity into the international shipping of goods. Of course, they had no idea what they were getting into.

In the case of carriage of goods and international trade at large, it goes without saying that any venture into cross border trade without the guarantee of uniformity of standards for all parties is done at great peril of failure. Practically speaking, every transaction to which the Hague and Hague - Visby rules may apply involves a minimum of two states; that of the shipper and that of the consignee.

In most instances, the carrier is from a third country and other parties such

as carrier's P & I club, liability insurer, cargo underwriter and financing banks are likely to involve another set of states. Without a uniform code, there is no means of guaranteeing the certainty and predictability that all parties require to make rational and commercially viable decisions. This is more particularly so for maritime trade which in the words of P. Manca in the book International Maritime Law, has 'an international character, the logical corollary flowing from this truth is that the ideal legal system to govern it is a uniform one, that is identical in every state...'

A direct consequence of the nature of maritime trade is that carrier and cargo interests need to be constantly clear on who bears the risk of potential loss in order to procure effective insurance. The insurers on their side require uniformity of rules to identify and evaluate risk exposure and to determine their premium. Therefore, uniformity in this sense is not uniformity for uniformity sake but, to quote Lord Diplock; 'uniformity which will facilitate international trade, reduce the costs of sea transportation and what is equally important...that means the same facts ought to give rise to the same consequences in all the different jurisdiction in which the matter may fall to be decided by the courts.'

Consequently, as ships got bigger and safer and global trade expanded, it became necessary to guarantee that neither shippers, carriers or consignees would fall victim to unusual, unreasonable

or unfair standards imposed by errant jurisdictions during their trips around the world. This was therefore the driving force of the international maritime plenipotentiaries who assembled for the Brussels Conventions of 1924 and 1968 when the Hague Rules and the Visby Protocol were signed. But again, let me digress briefly to tell an interesting story...

Another critical reason for the convening of the Brussels Convention of 1924 was the need to find an equitable middle ground to the competing interests of carrier and shipper, which had reached an alarming crescendo with the replacement of sail by steam in the second half of the 1800s.

The popular conception, especially among cargo interests and their proponents is that the Hague Rules were born out of a desire to protect the shipper from the age long dominance of the 'all-powerful' shipowner. It is also noteworthy that the term 'shipowner' when stretched to its full ramifications represented the rich, industrialized nations of Western Europe versus the 'shipper' being the less prosperous, mineral endowed nations of the world. The reality however was that the balance of power between shipper and shipowner was constantly shifting.

During medieval times, the shipowner or carrier was regarded by both common and civil law as strictly liable for the safe keeping and delivery of the cargo. It did not matter if there were extenuating

circumstances that were the fault of the shipper. The shipowner's only escape was to prove that the loss or damage arose from one of the common law excepted perils.

As written contracts become more common, the law implied into every contract of carriage, undertakings by the carrier that the vessel was seaworthy on the one hand and that he would carry out the voyage with reasonable diligence and without unjustifiable deviation, regardless of the intention of the parties. With the emergence of bills of lading, the courts would not allow the carrier to avail himself of the protection of any of the perils of the sea unless expressly stipulated in the bill of lading.

Therefore, it is fair to note that in the early days of shipping the carrier was, for a while, the less protected party in the contract for the carriage of goods by sea and infact remained so until sometime in the 18th century when carriers adopted the strategy of clausing the bills of lading to exempt themselves from liability; starting initially with the common law excepted perils.

The industrial revolution brought about a swing in the balance of power between the shipowner and the shipper. As global trade volumes gradually exceeded the carriage capacity of available ships the shipowner became King. Carriers suddenly found themselves in a situation where they could get away with exempting themselves from liability for various degrees of damages. They took full advantage of this and by the close of the 19th century, were regularly exempting themselves from liability for every conceivable wrongdoing, including for damages or losses occasioned by their negligence.

The consequence of this was growing dissatisfaction amongst shippers, bankers, underwriters and other interests who came together to form pressure groups to resist the dominance of the carriers. It was not however the shipper who was the worst victim of the arbitrariness of the carriers but the indorsee (i.e. where goods in transit are sold to a buyer by endorsement on the bill of lading) who had no say in the terms of carriage on the bill of lading. Banks also suffered when they took such documents as security on a commercial credit as their negotiability became seriously eroded. Bills of Lading in those days were indeed parodies of the documents of title they were supposed to be as they merely passed the risk with little or no rights attached.

The struggle between the carriers and shippers was not limited to Europe. It extended to the dominions (ex-Colonies of the UK) and when somebody eventually did something about it, it was the United States of America, which promulgated the Harter Act in 1893.

The Harter Act was an attempt to find an equitable solution to the stalemate in the relationship between carriers and shippers. It promulgated into law a middle ground (the Harter compromise) which, one century after, remains the dominant philosophy behind shipper-carrier relationship in most states of the world.

In simple terms, the Harter Act provided that the carrier cannot contract out of his duty for seaworthiness and care of cargo and in return he is not liable for negligence in navigation or management of the ship. It therefore devised a unique solution to the problem of the carrier's liability by making a distinction between faults in the navigation and management

of the ship and faults in the care and custody of the cargo, for which the carrier remained strictly liable.

The Harter Act applied only to inward and outward voyages to and from the US and over the years has disclosed some deficiencies, which are however not within the scope of this paper. It suffices to say however that it triggered off a wave of similar enactments in other jurisdiction and eventually led to the Hague Rules which survive till date.

THE HAGUE - VISBY RULES

The Hague Rules were drafted under the auspices of the Maritime Law Committee of the International Law Association at meetings held in London and The Hague in May and September 1921. The rules were also debated by the International Chamber of Commerce (June 1921) and the Comité Maritime International (October 1922) before final signature at the Diplomatic Conference on Maritime Law specially convened by the Belgian Government in August 1924. Since then, the rules have been twice amended by the Visby and SDR Protocols of 1968 and 1979.

As I have stated earlier, the rules incorporated the compromise arrangement of sharing of risks between shipper and carrier pioneered by the US Harter Act of 1893. A critical analysis of the substantive provisions of the Hague - Visby Rules.

The key provision of the Hague Rules is Article 3 (Responsibilities and Liabilities) which lays down two types of responsibilities and liabilities of the carrier, which are to exercise due diligence for the seaworthiness of the ship and to ensure that his duties as



bailee of the goods are undertaken in such a way as to avoid loss or damage to the goods.

The most contentious aspect of the Hague-Visby Rules is Article 4 (1), which provides that the carrier shall not be liable for loss or damage caused by unseaworthiness unless he has not exercised due diligence with regards to the sea/cargo worthiness of the ship. This is fair enough and the Article would probably have escaped the severe scrutiny it has persistently suffered had it stopped there.

However, the Article goes on to list 17 exceptions under clauses (a) – (q), which effectively open a window for the carrier to escape liability for some of the most heinous acts of negligence given the right courts and environment. No other rule personifies (in the mind of the shipper) this lopsided approach to risk allocation as article 4(2) (a) which exempts the carrier from liability for ‘act, neglect, or default of the master, mariner, pilot or the servants of the carrier in the navigation or in the management of the ship.’ This is better known as the ‘nautical fault exception.’

From the perspective of cargo interest, this exception is symptomatic of everything wrong with the Hague Rules being consistent with an apparent disposition to allow the carrier avoid responsibility for virtually all consequences of his actions. These opponents of the nautical fault conveniently omit to mention that it has its roots firmly embedded in the common law.

The common law developed the nautical fault exception in acknowledgement of the special nature of the shipowner/master relationship as ‘navigation of a ship at sea is so much in the hands of the master, officers and crew and so much out of the control of the owners that failure of an owner to establish no actual fault or privity in respect of

navigation in itself is exceptional and striking.’

Indeed Dixon J. in *James Patrick & Co. Pty Ltd. v. Union SS Co of New Zealand*, stated that ‘...the master of a ship is no ordinary servant. Both in responsibility and in authority his position is special... An owner not only may, but must, place his ship under the complete control and authority while at sea of a master duly qualified to navigate and command her.’

As should be expected, the nautical fault exception has gone on to achieve the distinction of being the most litigated provision of the Hague Rules. It has, in some decided cases, been interpreted so broadly by courts that carriers have escaped liability for improper stowage as it has been ascribed to a navigational and management error. This is because of the difficulty in mastering the overlap between decisions on ship management and those solely for cargo management. This has led to some contradictory decisions.

It is perhaps reasonable to assume that the position of the law is that laid down by the House of Lords in *Gosse Millard Ltd. v. Canadian Government Merchant Marine*, where the court held that if cause of the damage is solely or even primarily a neglect to take care of the cargo, the ship is liable, but if the cause of the damage is neglect to take reasonable care of the ship, or some part of it, the ship is relieved from liability. If the negligence is not negligence towards the ship, but only negligent failure to use the apparatus of the ship for the protection of the cargo, the ship is not so relieved.

Without further ado, we should proceed to a summary evaluation of the key challenges of the Hague Rules. Firstly, it suffers from an unclear drafting technique and ambiguous provisions

During the hearing conducted to consider the domestication of the

Hague Rules in Great Britain in 1923 (even before the Rules were eventually signed), there was significant opposition to its adoption led by Scrutton L.J. who was the leading commercial judge of his time. Scrutton L.J. expressed the view that the rules were unclear and would rather than engender uniformity, lead to more litigation. The joint committee of the Houses of Lords and Commons constituted to evaluate the rules expressed the view that the ambiguous drafting ‘was to be expected when it represented compromises and concessions necessarily made in order to secure an agreement.’ (Report from the Joint Committee on the Carriage of Goods by Sea (House of Lords – 16 July 1923) This can however be ascribed to the series of trade offs and compromises involved in producing a multilateral contract between opposing political and commercial interests

Another problem was the difficulty in applying the limit of liability per package which was fixed at GBP 100 sterling gold value as by 1925 the sterling had lost its convertibility into gold and each party state had to make the conversion into its own currency with sometimes very inconsistent results.

The innovation of containers as they were never envisaged by the Act, which had emphatically stated that goods within the contemplation of the Act did not include deck cargo.

Warts and all the Hague Rules has maintained its dominant position as the primary yardstick for determining the contractual right of parties to a carriage of goods agreement which has been codified in a Bill of Lading and was only amended in 1992 and 2009 by the Hamburg Rules and Rotterdam Rules.

These other Rules will be examined in subsequent editions.



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

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
Ericoji@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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MARINE NOTICE

SHIP OWNERS, SHIPPING COMPANIES, INTERNATIONAL OIL COMPANIES (IOCS), SHIP OPERATORS, SHIP MASTERS/ CAPTAINS/ AGENTS, MARITIME STAKEHOLDERS AND THE PUBLIC

PROCEDURE FOR VESSELS TRANSITING HIGH RISK/ PIRACY PRONE AREAS WITHIN THE GULF OF GUINEA

Pursuant to the Agency's mandate to provide Maritime Safety, directions and to ensure compliance with Vessel Security Measures, **NOTICE** is hereby given:

1. That all Vessels transiting through High Risk Areas (HRA) and areas categorized as Piracy Prone Areas (PPA) are advised to adopt measures recommended in the following:
 - a. Best Management Practices Version 4 (BMP4);
 - b. IMO Piracy Guidelines provided in the latest IMO Circulars available on the International Maritime Organisation's Website (www.imo.org);
 - c. Guidelines for Owners, Operators and Masters for protection against Piracy in the Gulf of Guinea Region (Version 3).
2. That all Masters and Crew members are advised to be vigilant at all times and ensure security and safety through the use of recommended/approved “Ship Protection Measures”, HHH (SPM).
3. That the Emergency contact details are as follows:
 - Hotlines: 08030685167, 07053794383
 - E-mail: rmrccnigeria@yahoo.com
4. Please be guided accordingly.

For further information, please contact:

Director,
Maritime Safety and Seafarers Standards Department,
2nd Floor, Admin Block,
Nigerian Maritime Resource Development Centre (NMRDC),
Kirikiri, Lagos.

Email: msstd@nimasa.gov.ng, msstdnma@yahoo.com
Telephone: **+234 7034172913, +2349096417095, +2348030555975**

SIGNED: MANAGEMENT



1. L-R: Executive Director, Maritime Labour & Cabotage Services, Mr Gambo Ahmed, Director General, Ghana Maritime Authority, Mr Kwame Owusu, DG, NIMASA, Mr Dakuku Peterside, Executive Director, Administration and Finance, NIMASA, Mr Bashir Jamoh and the Executive Director, Operations, Engr. Rotimi Fashakin at the signing of MoU between the agencies representing Nigeria and Ghana at the NIMASA Resource Centre, Kirikiri, Apapa, Lagos, 16 October 2017
2. Director General, Ghana Maritime Authority, Mr Kwame Owusu, (left) and the DG, NIMASA, Mr Dakuku Peterside during the signing of MoU between the agencies representing Nigeria and Ghana at the NIMASA Resource Centre, Kirikiri, Apapa, Lagos
3. Chairman of the House of Representatives Committee on Maritime Safety, Education and Administration, Mohammed Umaru Bago presenting cheque of N250,000.00 as education grant to Habeebullah Asudemade, a first year law student of the University of Ibadan and the second runner up of the Essay Competition organised by the Nigerian Maritime Administration and Safety Agency (NIMASA) to commemorate the 2017 World Maritime Day Celebration
4. Chairman, Senate Committee on Marine Transport, Senator Ahmed Rufai Sani presenting a cheque of N350,000.00 as education grant to David Adetula, a 200 level student of Dentistry and Dental Surgery of the University of Ibadan who emerged second in the Essay Competition
5. Director General, Defence Research and Development Bureau, Air Vice Marshall (AVM) Jomo Osahor presenting a plaque to the Director General of the Nigerian Maritime Administration and Safety Agency (NIMASA) Dr. Dakuku Peterside, during a courtesy visit by the Bureau to NIMASA in Lagos
6. From Left: The Director General of NIMASA, Dr. Dakuku Peterside, Executive Director Maritime Labour and Cabotage Services NIMASA, Mr. Gambo Ahmed and The Executive Director Finance and Administration NIMASA Mr. Bashir Jamoh having a chat at the 23rd Nigerian Economic summit which held in Abuja.
7. The Director General of NIMASA, Dr. Dakuku Peterside (Center) and other discussants at the 23rd Nigerian Economic summit which held in Abuja.
8. L-R: The Director General, Nigerian Maritime Administration and Safety Agency (NIMASA), Dr. Dakuku Peterside, Executive Secretary, Nigerian Shippers' Council (NSC), Barrister Hassan Bello and the Legal Adviser of NSC during a presentation on "Introducing the Blue Sea Economy Concept" by the NIMASA DG to the Management of NSC in Lagos.



Some beneficiaries of the Nigerian Seafarers Development Programme (NSDP)



NIMASA Offers Automatic Employment To 20 Cadets With Distinction

...Commences first phase of sea time training
...Hails Amaechi's Commitment to Maritime Growth

It was an emotional moment when the Director General of the Nigerian Maritime Administration and Safety Agency (NIMASA) Dr. Dakuku Peterside announced the decision of the Executive Management of the Agency to offer automatic employment to twenty (20) beneficiaries of the Nigerian Seafarers Development Programme (NSDP) Cadets that passed out with distinctions in

their various fields of study.

The Director General who made this known during the flag-off ceremony of the first phase of the NIMASA fully sponsored sea time training for cadets expressed delight that hope beckons for the Nigeria maritime sector through this feat.

Speaking further, he acknowledged the fact that sea time berth is a global challenge, which the International Maritime Organisation (IMO) also admits, but Nigeria is leaving no stone

unturned in changing the tide, hence the Agency's determination to ensure that all the cadets in the NSDP scheme get the mandatory sea time training in batches.

While giving a breakdown of the beneficiaries of the programme, he stated "so far the NSDP initiative has produced 243 graduates, 1,600 cadets at various stages of completion of the programme out of which 887 are ready for sea-time training".

In the first phase, 150 Cadets under the scheme are

bound for Arab Academy of Science, Technology and Marine Transportation in Alexandria, Egypt to commence their mandatory sea-time training, 89 others are bound for the South Tyneside College, United Kingdom for their on-board sea-time training, making it a total of 239 in the first phase of the programme.

"As some of you may already know, berth spaces are not easy to come by, therefore one of the biggest challenges we had was sourcing for berth spaces for the cadets, coupled with the desire of this administration to follow due process in all our dealings. We are pleased that we did not fall into the temptation of taking short cuts at any time, we have therefore engaged various Maritime Training Institutions to provide this essential service", the DG stated.

He also used the opportunity to congratulate the cadets and noted that they are the ambassadors of the country and enjoined them

to make Nigeria proud as they are expected to return to the country after their training as better professionals that will help develop Nigeria's maritime sector. "The least we expect from you is to make our country proud", the DG reiterated.

Dr. Peterside thanked the Minister of Transportation, Rt. Hon. Rotimi Amaechi for support and commitment to the growth of the nation's maritime sector and assured him of the Agency's continuous support in his quest to transform the maritime sector.

"Let me profusely thank the Minister of Transportation, Rt. Hon. Rotimi Amaechi who has been up and doing about growing the maritime sector in Nigeria and to say to him to count NIMASA as number one supporter and one Agency that will go ahead and support him to turn around the fortunes of the nation's maritime sector", Dr. Peterside said.

The high point of the event was the award of scholarship

for Master Degrees by the Arab Academy to three female cadets who had distinctions in their fields of study.

The Nigerian Seafarers Development Programme was conceived in 2008 as a deliberate policy to ameliorate the dearth in certified and qualified seafarers and of course the depletion of seafarers in our national pool due mainly to age and migratory instinct for greener pastures by seafarers. The NSDP scheme was implemented in September, 2009 to complement full implementation of the Cabotage Act, 2003, which in itself is geared towards strengthening indigenous tonnage capacity with one of its cardinal objectives being that coastal vessels are to be exclusively manned by Nigerians.

The dearth in certified and qualified seafarers in Nigeria was a poignant reminder and a wake-up call for the Agency, the NSDP scheme has not looked back since September, 2009.



1. L-R: Minister of Foreign Affairs, Mr. Geoffrey Onyeama, the DG, NIMASA, 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
2. L-R: Vice President, Arab Academy for Science, Technology and Maritime Transport, Dr. Alsnosy Balbaa, Executive Director, Finance & Administration, NIMASA, Mr. Bashir Jamoh, Director General, NIMASA, Dr. Dakuku Peterside and Executive Director, Operations, NIMASA Engr. Rotimi Fashakin during the flag off of phase one (1) sea time training for the NSDP Cadets in Lagos.
3. L-R: Director General, Defence Research and Development Bureau, Air Vice Marshall (AVM) Jomo Osahor, Director General of NIMASA, Dr. Dakuku Peterside, Executive Director, Operations, NIMASA, Engr. Rotimi Fashakin and Commodore Obenta in a photograph during a courtesy visit by the Bureau to NIMASA in Lagos
4. The Executive Director, Maritime Labour and Cabotage Services of the Nigerian Maritime Administration and Safety Agency (NIMASA) Mr. Ahmed Gambo, Dean, Faculty of Engineering and Technology of the Liverpool John Moore University, United Kingdom, Professor Ahmed Al-Shamma in a photograph with some of the NIMASA sponsored Nigerian Seafarers Development Programme (NSDP) cadets during their graduation ceremony from the Liverpool John Moore University, UK.
5. Deputy Director, Maritime Labour Services of the Nigerian Maritime Administration and Safety Agency (NIMASA) and Coordinator of the Nigerian Seafarers Development Programme (NSDP) initiative of the agency, Mr. Victor Egejuru in a photograph with some of the beneficiaries of the NSDP scheme during their graduation ceremony from the Liverpool John Moore University, UK.
6. L-R: Chairman Senate committee on Marine Transport, Senator Ahmed Rufai Sanni, the Director General of the Nigerian Maritime Administration and Safety Agency, Dr. Dakuku Peterside and the Syrian Head of Mission to Nigeria, Mohammed Abo Serriah having a chat at the Cocktail Dinner in honour of Foreign Missions organized by the Federal Ministry of Foreign Affairs and the Federal Ministry of Transportation
7. DG, NIMASA, Dr. Dakuku Peterside exchanging pleasantries with the Indonesian Ambassador to Nigeria, Mr. Harry Purwento during the Cocktail Dinner in honour of Foreign Missions organized by the Federal Ministry of Foreign Affairs and the Federal Ministry of Transportation.
8. R-L: Director General, Nigerian Maritime Administration and Safety Agency (NIMASA) Dr. Dakuku Peterside, Executive Director, Finance and Administration, NIMASA, Mr. Bashir Jamoh and the Executive Director, Operations, NIMASA, Engr. Rotimi Fashakin at the sideline of the G7++ summit on maritime piracy held at Eko Hotel, Lagos.
9. R-L: Director General, Nigerian Maritime Administration and Safety Agency (NIMASA) Dr. Dakuku Peterside flanked by Executive Director, Finance and Administration, NIMASA, Mr. Bashir Jamoh (left) and the Executive Director, Maritime Labour and Cabotage Services, NIMASA, Mr. Ahmed Gambo at the sideline of the G7++ summit on maritime piracy held at Eko Hotel, Lagos.



L-R: A maritime stakeholder, Engineer Emmanuel Ilori, Director General, Nigerian Maritime Administration and Safety Agency (NIMASA) Dr. Dakuku Peterside, Vice President, Arab Academy For Science, Technology And Maritime Transport, Dr. Alsnosy Balbaa, Executive Director, Maritime Labour & Cabotage Services, NIMASA, Mr. Gambo Ahmed, Executive Director, Finance & Administration, NIMASA, Mr. Bashir Jamoh, Executive Director, Operations, NIMASA Engr. Rotimi Fashakin and another maritime stakeholder, Barrister Mike Igbokwe, SAN in a photograph with the newly graduated Nigeria Seafarers Development Programme (NSDP) Cadets, during the flag off of phase 1 sea time training for the Cadets, organized by NIMASA, in Lagos

NIMASA Flags Off Sea Time Training for NSDP

Address of the Director General of Nigerian Maritime Administration and Safety Agency (NIMASA) on the occasion of the Flag Off of the Phase 1 of NIMASA full sponsored Sea Time Training, for Nigerian Seafarers Development Programme (NSDP) Cadets bound for Arab Academy for Science, Technology and Marine Transport, Alexandria, Egypt and Award of Plaque of Recognition for NSDP Cadets with outstanding academic achievements

Today is a momentous occasion, it represents a watershed moment in our journey and collective resolve to develop maritime capacity in Nigeria and demonstrates our firm commitment to vigorously pursue indigenous human capacity in line with global best practices. I stand before you to announce that One Hundred and Fifty (150) Nigerian Seafarers Development Programme (NSDP) Cadets are bound for Arab Academy for Science, Technology and Marine Transportation in Alexandria, Egypt for the commencement of their on-board training in the first phase of the fully sponsored batch. In addition,

another group of eighty nine (89) cadets also within the first phase will be proceeding to the South Tyneside College (STC), UK for their on-board sea-time training, making a total of two hundred and thirty nine cadets in the first phase of this programme departing to Egypt consist of seventy seven (77) Deck and seventy three (73) Engine cadets.

Permit me, distinguished Ladies and Gentlemen to take you on a brief journey of this programme so that you may appreciate how far we have come. The Nigerian Seafarers Development Programme was conceived in 2008 as a deliberate policy to ameliorate the dearth in certified and qualified seafarers and of course the depletion

of seafarers in our national pool due mainly to age and migratory instinct for greener pastures by seafarers. The NSDP scheme was timeously implemented in September, 2009 to complement full implementation of the Cabotage Act, 2003, which in itself is geared towards strengthening indigenous tonnage capacity with one of its cardinal objectives being that coastal vessels are to be exclusively manned by Nigerians. The dearth in certified and qualified seafarers in Nigeria was a poignant reminder and a wake-up call for the agency, the NSDP scheme has not looked back since September, 2009.

Presently, the programme has over 243 graduates and 1,600 cadets at



Dr. Peterside

various stages of completion of the programme out of which 887 are ready for sea-time training. Sea-time training is a critical aspect of the training of seafarers as it entails practical on board training on sea going vessels, with cadets spending a minimum of nine to twelve months on board ocean going vessels. As some of you may already know, berth spaces are not easy to come by, therefore one of the biggest challenges we had was sourcing for berth spaces for the cadets, coupled with the desire of this administration to follow due process in all our dealings. We are pleased that we did not fall into the temptation of taking short cuts at any time, we have therefore engaged various Maritime Training Institutions to provide this essential service.

I am delighted to announce to you that the agency painstakingly chose the Maritime Training Institutions strategically to position Nigeria in bilateral relationships to boost the acceptability of Nigerian Certificate of Competency (CoC) or tickets in other climes with long term goal of providing more jobs for Nigerian seafarers on board vessels from other nationalities. The process and effort put in by the agency to arrive at this auspicious occasion has been enormous, but it is a social responsibility the agency has shouldered and we are sure that the maritime sub-sector of Nigeria will be better for it as the fruit of the reward will be in multiples.

At this juncture, it is pertinent to first congratulate all the cadets who are on the first list for On-Board Training and reiterate that the whole country is depending on you, you are therefore expected to be good ambassadors of Nigeria in Egypt, we expect nothing but the best, given the choice the nation has made especially at a period in our national lives where other sectors of the economy are yearning for funding, we implore you to bring the flair and "can-do" spirit of Nigeria that has caught the attention of the world in various fields like medicine, engineering, law and even ICT across the globe to bear. For the cadets who did not make the list, there is nothing to worry about, every one of you will be offered an opportunity to go on sea-time in 2018 and beyond according to schedule.

In closing, I have left the best for the last, among us here are twenty cadets who left the shore of this great country and excelled academically, achieving feats in some instances that not even the nationals of the host countries had managed to. I am proud to inform you that these NSDP cadets shattered the glass ceiling in the Philippines, the United Kingdom and Egypt, they will continuously be used as reference points for academic excellence. I congratulate all of you who have made the country proud and to encourage this honour you have brought the nation, management

of the agency will award automatic employment to all those who bagged first class honours in this group that we are presenting this award today. I implore those of you bound to sail to come back with even higher laurels.

On behalf of the Executive Management, I thank Professor Balbaa Alsnosy the Vice President, African and Asian Affairs, Arab Academy for Science, Technology and Maritime Transport and his team for their commitment to the NSDP project, it is on record that you have been a worthy partner. I thank the Ambassador and members of staff of the embassy of Egypt in Nigeria for their continuous support and encouragement and I specially thank the Executive Director, Maritime Labour and Cabotage Services, Mr. Gambo Ahmed, members of Staff of the Maritime Labour Services/ NSDP Unit, the entire management and staff of the agency for working assiduously for the success of the programme and this occasion. Finally, let me profusely thank the Honourable Minister of Transportation Rt. Honourable Rotimi Amaechi, who has been up and doing about growing the maritime sector in this country and to say to him to count NIMASA as number one supporter and one agency that will go ahead to support you to turn around the fortunes of the maritime sector in Nigeria. Thank you all for listening.





Kuje

ILO Select Kuje, Others as Regional Experts on MLC, 2006 Convention

Amos Hosea Kuje, a Chief Maritime Labour Officer in the Maritime Labour Department of the Agency was one of the thirteen (13) globally selected regional experts on Maritime Labour Convention, 2006, as amended (MLC, 2006) by the International Labour Organisation (ILO).

In December, 2017, the ILO in Geneva, Switzerland in conjunction with its training centre in Turin Italy, organised a workshop for experts on the Maritime Labour Convention, 2006 as amended (MLC, 2006). The experts were selected from eleven countries including United Kingdom, France, Argentina, Australia, Italy, Nigeria, Panama, Honduras, Korea

Republic, Cameroon and Singapore. The objective was to consolidate a pool of experts that the ILO could rely on to provide technical assistance to its member states regarding the implementation of the convention and the fulfilment of their reporting obligations from around the world. The programme also covers elements of Convention No.188 of the Work in Fishing Convention, 2007.

The aim was to refresh and update the experts on enforcement of the MLC, 2006; the work of the committee of experts on application of conventions and recommendations; preparation of member states periodical reports pursuant to Article 22 of the ILO Constitution; Drafting Declaration of

Maritime Labour Compliance (DMLC) Part I; Conduct of gap analysis; Introduction to work in fishing, the main differences with the MLC, 2006 and Modern tools for training.

The letter conveying Amos KUJE's nomination to the Nigerian Labour Attache' at the Permanent Mission of Nigeria to the United Nation's office at Geneva Switzerland specifically states that "ILO considers Mr Amos Kuje participation at the experts workshop in the light of his duty in the implementation of MLC, 2006 in Nigeria, his experience in the maritime sector. His membership of the pool of experts and in particular the successful completion and submission of Nigeria's first report on MLC, 2006 as added incentives."

House of Representatives Pass Climate Change Bill

The House of Representatives has passed a bill to provide a legal framework for mainstreaming of climate change responses and actions into government policy formulation and implementation.

The bill proposed the establishment of a council to coordinate climate change governance as well as support the adaptation and mitigation of the adverse effects of climate change in the country.

The sponsor of the bill, Hon. Sam Onuigbo, said that the need for a strong national institution to address the effects of climate change compelled him to come up with the bill.

According to him, the absence of a law on issues of climate change has scared investors from investing in the country.

"Today, there is no law on climate change, all we have are policies and that has been a serious setback for the country as far as climate actions are concerned.

"Climate change is a global issue that cuts across the world and that

is what informed the move of the United Nations' convention on climate change.

"The early coming into force of the 2015 Paris Climate agreement reinforced the necessity of a climate change legislation.

"It will facilitate the domestication of the agreement and enable Nigeria to effectively implement its commitments, particularly the emission reductions target," he said.

The Climate change bill is now before the Nigerian Senate for consideration and onward passage for executive assent.



“It will facilitate the domestication of the agreement and enable Nigeria to effectively implement its commitments, particularly the emission reductions target”

Speaker, House of Representatives, Rt. Hon. Yakubu Dogara

Maritime Fact

“90 per cent of the iceberg is submerged below the water surface.”

Safeguarding International Regime On Liability and Compensation for Maritime Pollution Damage

BY EVI CONSTANCE OMAGBEMI

INTRODUCTION

Maritime pollution will remain a matter of global concern as international trade and carriage of goods by sea continues to thrive. According to the World Bank, over 80 per cent of international goods traded are transported by sea and the volume of seaborne trade is expected to double by 2030 and quadruple by 2050. With the continued growth of maritime commerce also come the risk of maritime pollution and the need for the sustainable use of ocean resources for economic growth, improved livelihoods and ocean eco system health as advocated for by the proponents of the blue economy concept.

There are various types of maritime pollution and it would usually occur when substances or energy is directly or indirectly introduced by humans into the marine environment resulting in harm to living resources, hazards to human health, hindrance to marine activities including fishing, impairment of the quality of sea water and reduction of amenities. The focus of this article is on ship-source oil pollution which is responsible for only about 12 per cent of the oil entering the sea each year but could lead to devastating immediate and long term economic, social and environmental effect on a nation.

In 2001, a cyclone off the island of Yap in Micronesia disturbed the oil tanker USS Mississinewa, which was sunk during the World War II. For two months, thousands of litres of oil and gasoline leaked out of the rusted ship wreck into the beaches of the atoll, stopping the 700 islanders

from fishing. There are also hundreds of other shipwrecked tankers around the world which are potential threat to the marine environment.

Similarly, in the aftermaths of the ill-fated Prestige oil tanker spill, it is reported that over 4,500 fishermen in Spain were left out of work after the oil tanker sunk and its cargo of oil leaked. 22,000 dead birds were also reportedly found in the polluted waters with 4.4 Billion Euros estimated as the total cost of damage arising from the incident. In Nigeria, there have been likewise series of oil pollution incidents resulting in severe losses to the extent that Nigeria was described as the "World Oil Pollution Capital" in a 2010 editorial by BBC's Caroline Duffield.

Indeed the framework on international liability and compensation for oil pollution damage was birthed following the tanker incident of the "Torrey canyon" and other chains of oil pollution incidents. The Torrey Canyon was a Liberian super tanker which grounded off the southwest coast of England in March 1967, spilling about 80,000 tones of crude oil along the British and French coast and causing pollution in a 200 mile arc.

The accident caused the largest single oil spill in maritime history at that time and raised critical questions in international public law and international private law on pollution damage compensation. It is noteworthy that prior to the Torrey Canyon incident, there was no international agreement to protect persons who suffered damage as a result of oil pollution. In the Torrey Canyon incident, damage claims in Great Britain amounted to GBP 6 Million and to FRF 40 Million in France. In the absence of an effective compensation system, most of these claims could not be settled, thus resulting to injustice for

some of the victims who had to resort to the arrest of the owner's other assets, her sister-ship. Also, where an accident occurred outside a State's jurisdiction, international law was powerless to address the questions of liability and compensation.

Following the Torrey Canyon incident, it became apparent that traditional legal principles were inadequate to deal with the consequences of pollution from ships and it was against this background that the framework for the International liability and compensation for oil pollution from ship was developed.

THE INTERNATIONAL REGIME FOR LIABILITY AND COMPENSATION FOR OIL POLLUTION DAMAGE

Today, the International legal regime for liability and compensation for oil pollution damage is primarily codified in three treaties of the International Maritime Organization which are;

- The International Convention on Civil Liability for Oil Pollution damage 1992 (The "1992 CLC")
- The International Convention on the Establishment of an International Fund for Compensation for oil pollution Damage 1992 ("The 1992 Fund Convention"); and
- 2003 Protocol to the International Convention on the Establishment of an International Fund for Compensation for oil pollution Damage 1992. ("Supplementary Fund Protocol").

These three Conventions which are generally regarded to as the "new regime" on liability and compensation for oil pollution damage introduced three tiers of compensation for victims of oil pollution damage. Only two tiers are applicable to Nigeria, as Nigeria is not a signatory to the 2003 Protocol.



The Conventions apply to spills of persistent oil from tankers that cause pollution damage in the territory (including territorial sea) or the Exclusive Economic Zone (or equivalent area) of a State party to the respective treaty instrument. They apply to ships which actually carry oil in bulk as cargo i.e generally laden tankers, as well as to spills of bunker oil from unladen tankers in certain circumstances. The Conventions do not apply to spills of bunker oil from ships other than tankers. Spills of gasoline, light diesel oil, kerosene, etc, therefore do not fall within the scope of the Conventions.

The 1992 CLC and Fund Convention have been widely accepted as evidenced in the number of ratifications. Currently, 137 States have acceded to the 1992 CLC, 114 States to the 1992 Fund Convention, while the Supplementary Fund protocol has been ratified by 31 State.) Absent from the list of signatories to the new regime however is the USA; a major shipping country, but also well-known for declining to sign most maritime international treaties. The USA has its own very different pollution prevention/compensation regime known as the Oil Pollution Act 1990.

Preceding the "new regime" was the 1969 International Convention on Civil Liability for Oil Pollution Damage and the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution, referred to as the "old regime". While both the 1969 CLC and the 1971 Fund Conventions have been denounced by a number of States, the 1971 Fund Convention ceased to be in force on 24th May 2002 when the number of 1971 Fund member States fell below 25. This paper will therefore focus on the new regime and examine the key principles on liability and compensation as set forth therein.

It is noted that for the applicable regime to be triggered, the resulting incident must come within the meaning of pollution damage as defined under the Conventions. The 1992 CLC define pollution damage as damage caused by contamination and include the cost of preventive measure to prevent or minimize pollution damage. This definition is key as it forms the basis of determining the admissibility of claims under the new regime.

Nigeria has ratified both the 1992 Civil

liability Convention and the 1992 Fund Convention. The 1992 Conventions have also being made part of Nigerian law by specific Ratification and Enforcement Acts of the Federal Republic of Nigeria and also by virtue of Section 335(1) of the Merchant Shipping Act, 2007.

The Nigerian Maritime Administration and Safety Agency is vested with the responsibility of implementing maritime conventions by virtue of Section 22(1)(q) of the NIMASA Act 2007.

KEY PRINCIPLES ESTABLISHED BY THE INTERNATIONAL REGIME

i. Strict Liability

The Convention imposes strict liability (i.e. liability with or without fault) on ship owners for pollution damage caused by oil spilled from the tanker as a result of an incident. An exemption from liability under the Civil Liability Conventions will arise only if the Shipowner can prove that:

- the damage resulted from an act of war, hostilities, civil war, insurrection or a grave natural disaster, or
- the damage was wholly caused by sabotage by a third party, or
- the damage was wholly caused by the negligence of public authorities in maintaining lights or other navigational aids.

ii. Right to Limit Liability

The owner of a ship can limit his liability in respect of any one incident to an aggregate amount calculated according to the tonnage of the ship. The current limits of a shipowner's liability as revised by the Legal Committee of the IMO are as follows:

- for a ship not exceeding 5000 units of gross tonnage, 4,510,000SDR (US\$6,574,362.3 million);
- for a ship with a tonnage between 5000 and 140,000 units of tonnage, 4 510 000 SDR (US\$6,574,362.3) plus 631 SDR (US\$920) for each additional unit of tonnage; and
- for a ship of 140,000 units of tonnage or over, 89,770,000 SDR (US\$130,860,422.1).

The owner's right to limit his liability under the Convention would however be extinguished if it is proved that the pollution damage resulted from his personal act or omission, committed with the intent to cause such damage, or recklessly and

with knowledge that such damage would probably result.

iii. Compulsory insurance

The owner of a tanker carrying more than 2000 tonnes of persistent oil as cargo is obliged to maintain insurance to cover his liability and such insurance certificate attesting the insurance coverage is required to be carried aboard at all times. Claims for pollution damage under the Convention may be brought directly against the insurer of the owner's liability for pollution damage.

iv. Channeling of liability

Claims for pollution damage under the 1992 CLC can be made only against the registered owner of the ship concerned as claims against the servants or agents of the owner, the pilot, the charterer (including a bareboat charterer), manager or operator of the ship, or any person carrying out salvage operations or taking preventive measures are expressly prohibited. This however does not preclude victims from claiming compensation outside the CLC from persons other than the owner.

Claims for compensation for pollution damage may also be brought directly against the insurer or other person providing financial security for the owner's liability for pollution damage. In such case the defendant may, even if the owner is not entitled to limit his liability according to CLC avail himself of the limits of liability prescribed therein. He may further avail himself of the defences (other than the bankruptcy or winding up of the owner) which the owner himself would have been entitled to invoke. Furthermore, the defendant may avail himself of the defence that the pollution damage resulted from the willful misconduct of the owner himself, but cannot avail himself of any other defence which he might have been entitled to invoke in proceedings brought by the owner against him.

v. Competence of courts

Actions for compensation under the CLC and 1992 Fund Convention against the shipowner or its insurer may only be brought before the Courts of the State Party to the Convention in whose territory, territorial sea or EEZ or equivalent area the damage occurred.

vi. Obligation of the 1992 Fund

The obligation of the fund would only arise where:

- the shipowner is exempt from liability



- under the 1992 Civil Liability Convention because it can invoke one of the exemptions under that Convention; or
- b. the shipowner is financially incapable of meeting its obligations under the 1992 Civil Liability Convention in full and its insurance is insufficient to satisfy the claims for compensation for pollution damage; or
 - c. the damage exceeds the shipowner's liability under the 1992 Civil Liability Convention.

The 1992 Fund would however not pay compensation under the following situations:

- a. the damage occurred in a State which was not a Member of the 1992 Fund; or
 - b. the pollution damage resulted from an act of war or was caused by a spill from a warship; or
 - c. the claimant cannot prove that the damage resulted from an incident involving one or more ships as defined.
- vii. Limit of compensation

The maximum amount payable by the 1992 Fund in respect of an incident occurring before 1 November 2003 was SDR 135 million, including the sum actually paid by the shipowner (or its insurer) under the 1992 Civil Liability Convention. The limit was increased by about 50.37% to SDR 203 million on 1 November 2003. The increased limit applies only to incidents occurring on or after this date.

viii. Admissibility of Claims for Compensation by the Fund

The 1992 Fund can pay compensation to a claimant only to the extent that his claim is justified and meets the criteria laid down in the 1992 Fund Convention. To this end, a claimant is required to prove his claim by producing explanatory notes, invoices, receipts and other documents to support the claim. For a claim to be accepted by the 1992 Fund, it has to be proved that the claim is based on a real expense actually incurred, that there was a link between the expense and the incident and that the expense was made for reasonable purposes.

The 1992 Fund considers each claim on the basis of its own merits and in the light of the particular circumstances of the case. It is noted that the claims submitted to the Fund from Nigeria in respect of two incidents involving the Redferm and JS Amazing were rejected by the Fund for several reasons such as time bar and the lack of credible information to back up the claims. It is worthy to point out that the National Standing Committee on the IOPC Fund implementation in Nigeria which is chaired by the Federal Ministry

of Transportation is currently developing Guidelines that will assist potential victims in the submission of claims for damages to the IOPC Fund. It is believed that the Guidelines once in place would go a long way in aiding successful claims by Nigerian victims in the event of an incident.

THE SPANISH SUPREME COURT JUDGEMENT ON "THE PRESTIGE" INCIDENT

i. Brief facts on the incident

On 13th November 2002, the Bahamas-registered tanker Prestige (42 820 GT), carrying 76,972 tonnes of heavy fuel oil, began listing and leaking oil some 30 kilometres off Cabo Finisterre, Galicia, Spain. On 19th November 2002, whilst under tow away from the coast, the vessel broke into two and sank. It released an estimated 63,200 tonnes of cargo and impacted Spain, France and Portugal.

The Prestige was an oil tanker which had been in service for some 26 years, after having been built in Japan in 1976 at the yards of Hitachi Shipbuilding & Engineering Co. The Prestige was commanded by Captain Apostolos Ioannis Mangouras, aged 67, who was taking medication following heart surgery; the Chief Officer was Ireneo Maloto, aged 38 and the Chief Engineer was Nikolaos Argyropoulos, aged 63. None of them had a criminal record. The crew was composed of 24 seafarers of Philippine nationality, almost all of whom were young and inexperienced. At the time of the incident, France, Portugal and Spain were Parties to the 1992 CLC and the 1992 Fund Convention. The Prestige was insured for oil pollution liability with the London P&I Club.

The limitation amount applicable to the Prestige under the 1992 CLC is approximately SDR 18.9 million or €22 777 986. In May 2003, the shipowner deposited this amount with the Criminal Court in Corcubión (Spain) for the purpose of constituting the limitation fund required under the 1992 CLC.

ii. The Spanish Proceedings

In July 2010, upon conclusion of an investigation into the cause of the incident, it was decided by a Criminal Court in Corcubión that four persons should stand trial for criminal and civil liability as a result of the Prestige oil spill, namely, the master, the Chief Officer, the Chief Engineer of the Prestige and the civil servant who had been involved in the decision not to allow the ship into a place of refuge in Spain. In the decision, the Court stated that the London P&I Club and the 1992 Fund were directly liable for the damages arising from the incident and that their liability was joint and several. The Court also decided that

the shipowner, the ship's management company and the Spanish Government were vicariously liable.

The proceedings were transferred to another court, the Audiencia Provincial in La Coruña, to conduct the criminal trial. Since the Chief Officer of the Prestige could not be located, the proceedings continued only against the master, the Chief Engineer of the Prestige and the civil servant who had been involved in the decision not to allow the ship into a place of refuge in Spain. Under Spanish law, civil claims may be submitted in the criminal proceedings as the criminal court will decide not only on criminal liability but also on civil liability derived from the criminal action. The criminal court had the powers to award compensation for losses suffered as a result of the spill.

The Audiencia Provincial (Criminal Court) in La Coruña issued its judgment on 13 November 2013 and found the master, the Chief Engineer of the Prestige and the civil servant who had been involved in the decision not to allow the ship into a place of refuge in Spain, not criminally liable for damages to the environment. The master was convicted of disobeying the Spanish authorities during the crisis and was sentenced to nine months in prison. He did not however serve any additional time in prison since he had already served a period under detention.

As regards the damages arising out of the incident, the Criminal Court can only declare civil liability when there has been a criminal offence. The judgment found that the only criminal offence was the disobedience of the master. However, since this was not the cause of the damage, the Court could not make a pronouncement on any civil liability arising from the damage.

The decision of the criminal court was appealed and in January 2016, the Spanish Supreme Court rendered its judgment after consideration of the appeals submitted against the judgment of the Criminal Court. The Supreme Court judgment overturned the judgment of the La Coruna Court of Appeal as follows:

- Criminal Liability - The master was

found guilty of a crime against the environment. The Court considered that the master, as the person responsible for the safe navigation of the ship and found that the master had breached his duty of care, with recklessness in relation to the importance of the affected natural resources, and the foreseeability of the risk. The master was given a two-year prison sentence. It was held that the master sailed in a risky navigation, transporting a dangerous cargo which exceeded the vessel's capacity, on board an old vessel on which the autopilot system and coils used to heat the cargo did not work and which had a stern towing system that did not comply with the applicable standards. The judgement also found that the master repeatedly rejected the towage requested by the Spanish Maritime Authority.

- Civil liability - Under Spanish criminal law, the person with criminal liability also has civil liability for any damage caused by the criminal act. In relation to the civil liability arising from the criminal act, the Court consequently found the master liable for damages.
- Civil liability of the Master - After recognizing the channelling of liability under the 1992 CLC, the Court considered however, that the master could not benefit from the protection under Article III(4) of the 1992 CLC because the damage was a consequence of the master's recklessness, with the knowledge that the damage could occur. Thus, the Court justified a finding of civil liability of the master.
- Civil liability of the shipowner - The Court held that the shipowner had subsidiary civil liability upon the consideration that the shipowner was responsible for the lack of proper maintenance of the ship and that the fault that caused the fracture of the ship was due to a structural failure known to the shipowner. The judgment also stated that the same considerations which applied to the master also applied to

the shipowner. The Court therefore considered that the shipowner had acted recklessly and with the knowledge that damage would probably result and that therefore, applying Article V(2) of the 1992 CLC, the shipowner could not benefit from the limitation of liability established by the Convention.

- Civil liability of the Insurer - The judgment found that the insurer, the London P&I Club, had direct civil liability, up to the limit of the insurance policy of US\$1 000 million. The Court applied domestic law (criminal law, law of insurance and law of maritime transport) to decide that the insurer should pay compensation up to the amount in the policy of insurance.
- Liability of the 1992 Fund - The judgment recognized that the 1992 Fund has strict liability which was limited according to the 1992 Fund Convention.
- Damages - The judgment established that the quantification of the damages will be made at a later stage in separate legal proceedings in the Criminal Court and will be based on the evidence submitted by all the parties, including experts' reports.

Following the Spanish Supreme Court judgment, in November 2017, the Court in La Coruña (Audiencia Provincial) which was initially seized of the proceedings delivered a judgment on the quantification of the losses resulting from the Prestige incident. It confirmed that the 1992 Fund is liable for damages resulting from the spill in accordance with the 1992 Fund Convention and awarded over €1.6 billion in compensation which includes €1.57 billion payable to the Spanish Government, €61 million to the French Government as well as various amounts to individual claimants. It must be noted however that the maximum amount of compensation under the 1992 CLC and the 1992 Fund Convention is SDR 135 million which corresponds to about €171 520 703.

IMPLICATION OF THE SPANISH SUPREME COURT JUDGMENT

The judgment of the Spanish Supreme

Court on the Prestige incident have been met with much criticisms by the international maritime law community/stakeholders who contends that the judgment contradicts established principles of the international regime and may be deployed to break the shipowner/insurer's right to limit their financial liability under the Civil Liability Convention.

Following the judgment the Spanish Maritime Law Association held a monographic session dedicated to the judgment, where there was a widespread view that the judgment was flawed from a maritime law point of view. One of the chief criticism of the judgment is that an error in law occurred when it broke the limits of liability of the CLC by holding the London P&I club liable for amounts in excess of the CLC Limits. The limits of liability set out in the conventions are the essential *quid pro quo* for shipowner's for agreeing to a strict liability under the Civil Liability regime and the judgment could seriously undermine the system of shared liability that has been granted therein.

At meetings of the IOPC Fund in London, State parties to the Conventions have also expressed concerns on the judgment. The delegation of Spain to meetings of the IOPC Fund however maintains that the judgment is not inconsistent with the Conventions and that since there were varied views on the judgment, it's probable that the judgment had been misunderstood.

It is however astonishing that a notable number of stakeholders could have misunderstood the judgement by the Spanish Supreme Court. According to the spokesman for the London Club who was the insurer of the prestige tanker, there are several complicated and outstanding legal issues that need to be addressed from the judgment. He described the judgment as extremely surprising, highly unusual and rendered through a contorted application of law to facts. The view expressed by the International Chamber of Shipping is that the judgment seemed entirely unbalanced; as it applied different standards in assessing the blame-worthiness of the master of the





vessel to those applied to the Spanish government officials.

In view of the number of disquiets by international maritime stakeholders on the Spanish Supreme Court judgment, the importance of ensuring the effectiveness of the international regime, especially with respect regards to interpretation and application of the established principles by national courts continues to be echoed by international observers. The possible impact of the judgment on the international shipping industry also remains a matter of concern.

Notwithstanding the widespread criticisms of the Spanish Supreme Court Judgment, Article X (1) of the Civil Liability Convention is to the effect that any judgment given by a court with jurisdiction and which is enforceable in the State of origin and no longer subject to ordinary forms of review should be recognized in any contracting State.

Despite the London P&I Club being ordered to pay up to US\$ 1,000,000,000, by the Spanish Courts, on 13 February 2013 an arbitration award was issued in London against Spain (another arbitration award was issued against France on 3 July 2013), pursuant to which, it was established: that any claim made against the London P&I Club in excess of €22,777,986 (the limit of the insurer's liability, according to article VII.8 of the CLC) must be subject to arbitration pursuant to the Rules of the London P&I Club. The award also established that the London P&I Club has the right to apply the "pay to be paid" rule for any amount of compensation that it must pay in excess of the aforementioned amount, from where it follows that in the absence of a prior payment by the member, the London P&I Club would not be, liable to pay any amount to Spain. The London P&I Club sought permission to enforce the arbitration award as a judgment, which was granted by the High Court on 22 October 2013.

It is noteworthy that the Spanish Supreme Court judgment makes no reference whatsoever to the above mentioned award or the subsequent court judgment. However, it has been opined that it is unlikely that a Spanish judgment that is not compatible with a prior English ruling will be enforced in the United Kingdom based on relevant EU Regulations. (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

By virtue of Article 34 of the EU Regulation No. 44/2001, A judgment shall not be recognized:

i. if such recognition is manifestly



contrary to public policy in the Member State in which recognition is sought;

ii. where it was given in default of appearance, if the defendant was not served with the document which instituted the proceedings or with an equivalent document in sufficient time and in such a way as to enable him to arrange for his defence, unless the defendant failed to commence proceedings to challenge the judgment when it was possible for him to do so;

ii. If it is irreconcilable with a judgment given in a dispute between the same parties in the Member State in which recognition is sought;

iii. if it is irreconcilable with an earlier judgment given in another Member State or in a third State involving the same cause of action and between the same parties, provided that the earlier judgment fulfils the conditions necessary for its recognition in the Member State addressed.

CONCLUSION

While the question of complete uniformity and reciprocity in the practices of States as regards the international compensation regimes relating to oil pollution damage continue to be debated, it must be noted that the regime remains one of the most successful compensation schemes in existence over the years. Consequently, the preservation of the regime is most desirable in order to continue to afford victims of oil pollution incidents access to international relief.

In order for this to be achieved, the concerted effort of international maritime stakeholders is required. In particular, national courts of State parties

to the international Conventions are to uphold the principles set forth in these Conventions in interpreting questions of law when they arise.

A judicial pronouncement on the limitation of liability principle established by the international regime is not probable by the courts in Nigeria anytime soon in view of the fact the damages sought by the Claimants in the action instituted on the Redferm incident is within the limits of liability of the 1992 Conventions, while the action instituted by the Claimants in the JS Amazing incident was dismissed in December 2016, following a notice of discontinuance filed by the Claimants.

Nevertheless, the position of the law in Nigeria with regards to the applicability of international treaties remains settled as the courts have held that the object of an international treaty is to provide a uniform international code in the areas that it covers. In the case of Cameroon Airlines vs. Otutuizu (2012) 4 NWLR (Part 1238) p. 215, Hon. Justice Rhodes-Vivour, JSC declared thus:

"...All Countries that are signatories to an international treaty apply it without recourse to their respective domestic law".

In the Cameron Airlines' case, the applicable convention was the 1999 Montreal Convention (formally, the Convention for the Unification of Certain Rules for International Carriage by Air) and the Supreme Court of Nigeria in an unanimous decision set aside the judgment of the lower court which awarded damages in excess of the liability limits set forth in the Montreal Convention.

Arising from the foregoing, it may therefore be safe to predict what the attitude of Nigerian courts would be on the applicability of relevant international treaties, including the 1992 Civil Liability Convention and the 1992 Fund Convention.

Finally, as the idea of the blue economy continues to gain momentum in Nigeria, in addition to the push for a change in Nigeria's export trade terms from FOB to CIF which is expected to further boost the maritime sector, the need to honour international maritime obligations also becomes key in order to gain trust internationally.



Maritime Medical Certificates: Purpose, Process and Pitfalls

BY DR ENO TRACEY PETERS

HISTORY OF SEAFARING

D

octor Emilio Ruiz, captures the essence of maritime medical certification in the quote according to (Nieto Antúñez- 1968), says: "A ship was a place of suffering" without light in the compartments without ventilation, flooded by sea water, filtrated through the seams and accumulated in the bilges, where in decomposed and mixing itself with detritus and organic remains of all type rotted wood and gave off stinking gases which stuffed the air. Further on, they never worried about clothes and nourishment, they did not store the food supplies in a good place, there was a bad pipe system for water and it got polluted. Sailors wondered around in dirty and filthy clothes and when they got sick they where put 'underground', where not even the healthy ones survived. They did not care about the crew's wellbeing and they accepted the casualties for the sake of sailing".

MEDICAL CERTIFICATES

A medical certificate is a legal document from a Doctor confirming the state of someone's health.

A valid national seafarer medical certificate must be issued in accordance with the requirements of the Maritime Authority of any country.

TYPES OF MEDICAL CERTIFICATES IN MARITIME

- Medical certificate of fitness
- First aid certificate
- Advanced Medicare certificate.

COMPONENTS OF A MEDICAL CERTIFICATE

- Employee's details
- Precise diagnosis or description of the condition and symptoms
- Cause of the condition
- Date of injury
- Date the employee first sought treatment for the condition
- Details of any pre-existing or contributing factors
- Recommended treatment
- Fitness for work/ Not work
- The legally qualified medical practitioner's signature and date.

TYPES OF CERTIFICATES GIVEN FROM SARBC

- Pre-Cadet Medical Certificate
- Pre-Sea Medical Certificate
- Periodic Medical Certificate

PURPOSE OF MEDICAL CERTIFICATES IN MARITIME INDUSTRY

- To determine individual who can safely and effectively perform their routine and emergency duties at sea.
- To reduce risk of disease spread to other crew members e.g. from food handlers, sexually transmitted diseases

- For safe operation of ship e.g poor eye sight
- To safe guard personal health and safety

PROCESS OF MEDICAL CERTIFICATION

- Accreditation of hospitals
- Seafarer presents to the clinic/ check the list of accredited hospitals online
- Required History taking, Physical examination and relevant investigations are carried out
- Issuance of certificates of fitness if fit
- If candidate is found unfit, he /she is given the options to either
 - Contest the results
 - Treat identified medical conditions
 - Re-present for Medical Evaluation after treatment

CRITERIA FOR ACCREDITATION OF FACILITIES FOR MEDICAL CERTIFICATION

- Presence of qualified medical practitioners
- Accessibility of facilities
- Assessment of facilities
- Attendance of two seafarers medical workshop.
- Compliance with NIMASA's guidelines on the procedures for the conduct of Seafarer's medical examinations.
- Understands the ethical position as examining medical practitioners acting on behalf of NIMASA, by ensuring that any conflicts with this are recognized and resolved.
- Will refer any medical problems found, when appropriate, for further investigation and treatment, whether or not a seafarer is issued with a medical certificate.

ROLE OF SARBC IN MEDICAL CERTIFICATION

- Pre certification counseling
- Selection and accreditation of hospitals
- Auditing of selected hospitals
- Periodic evaluation of accredited hospitals
- Regulate the issuance of certificates
- Record keeping of certificates
- Research

PITFALLS

- Infrequent seafarers workshops
 - Infrequent training for staff involved in Maritime Health
 - Forgery of certificates
 - Lack of electronic documentation of medically certified seafarers for confirmation by stakeholders
 - Delays in procurement process in production of certificates.
- In conclusion, every seafarer holding a certificate issued under the provision of the STCW convention, who is serving at sea must also hold a valid seafarers medical certificate issued in accordance with the provisions of STCW convention.

• DR. ENO TRACEY PETERS, M.B.B.CH, MSC, GRADIOSH, DIPOCMED.

Nigerian Super Eagles Drawn in Group D



Amaju Pinnick, President NFF



Gernot Rohr, Super Eagles Coach

BY OSAGIE EDWARD

The Super Eagles of Nigeria will begin their 2018 World Cup campaign against Croatia on June 16th 2018.

The three-time African Cup of Nations winners who qualified for the World Cup for a sixth time will face Croatia at the Kaliningrad Stadium in their opening game.

Gernot Rohr's side will face Iceland at the Volgograd Arena six days later on 22nd June.

The Super Eagles will face Argentina in their final group game on 26 June at the Saint Petersburg Stadium.

The Super Eagles have met Argentina four times at the World Cup and lost all the games but have never faced Croatia and Iceland in the tournament.

Nigeria qualified from the African zone with 13 Points. The team won three of their group games and drawing two in Group D that had Zambia, Algeria and Cameroon. The only match Nigeria lost was due to technical reasons. FIFA deducted three points from Nigeria's total after it was discovered that the country fielded an ineligible player in the final match against Algeria.

32 teams are participating in the world cup finals in Russia. During the qualifiers, 209 teams participated from 6 confederations

and 2,454 goals were scored in 868 matches.

Nigeria scored 14 goals in 8 matches during the qualifying series.

NIGERIA	1-0	ZAMBIA	
CAMEROON	1-1	NIGERIA	
NIGERIA	4-0	CAMEROON	
NIGERIA	3-1	ALGERIA	
ZAMBIA	1-2	NIGERIA	
NIGERIA	2-0	SWAZILAND	
SWAZILAND	0-0	NIGERIA	



History of Super Eagles Participation at the World Cup Finals

As Nigeria will be one of Africa's representatives at Russia 2018 FIFA World Cup, it is pertinent to historically examine the participation of the team in the past 2 decades at the senior

FIFA World Cups.

It should be noted that Nigeria has participated in 5 FIFA World Cups since her debut participation in USA '94 only missing out of the 2006 World Cup in Germany. It is also worthy to note that the Super Eagles of Nigeria have faced the Argentine national team at every edition of the world cup they have participated and the 2018 edition will not be any different as they have been drawn in the same group again.

USA 1994 WORLD CUP

Nigeria reached the World Cup for the first time in 1994. They were managed by Clemens Westerhof. Nigeria topped its group which included Argentina, Bulgaria and Greece. In its first game, Nigeria defeated Bulgaria 3-0 with goals from goal King, Late Rashidi Yekini, Daniel "The Bull" Amokachi and Emmanuel Amunike. The team lost its second game 2-1 to Argentina. Nigeria qualified for the second round after a 2-0 victory over Greece.

In the second round, Nigeria played Italy and took the lead with a goal from Emmanuel

Amunike in the 25th minute. Nigeria were within two minutes of qualifying for the Quarter finals of the 1994 World Cup in the game against Italy but Roberto Baggio scored to take the game to extra time. He also scored the eventual winning goal that made the game end in a 2-1 in favour of the Italians.

FRANCE 1998 WORLD CUP

In 1998, Nigeria returned to the World Cup alongside Cameroon, Morocco, Tunisia and South Africa. Optimism was high due to its manager Bora Milutinovic and the return of most of the 1994 squad members coupled with the inclusion of Atlanta 1996 Olympic Football Gold Medalists. In the final tournament, Nigeria were drawn into Group D with Spain, Bulgaria and Paraguay. Nigeria scored a major upset by defeating Spain 3-2 after coming back twice from being 1-0 and 2-1 down with goals from Garba Lawal, Mutiu Adegboye and a stunning half volley from outside the 18 yard box by Sunday Oliseh. The Eagles qualified for the second round with a 1-0 win against Bulgaria with the help of Victor Ikpeba's

goal and a loss to Paraguay. The team's hope of surpassing its 1994 performance was shattered after a 1-4 loss to Michael Laudrup led Denmark.

Since then, the Super Eagles have participated in all the world cup finals except the 2006 edition which took place in Germany.

In Korea/Japan 2002, Vincent Enyeama made his debut in a team led by Coach Chief Onigbinde and in 2010 in South Africa, the Super Eagles failed to qualify from their group as they lost two matches to Greece and Argentina, and picked up just a point from a draw with South Korea.

In 2014 world cup in Brazil, Super Eagles drew their opening match with Iran, defeated Bosnia and Herzegovina one nil in the second match and lost 2-3 to Lionel Messi led Argentina, yet qualified for the second round where the team faced the French national team. The Joseph Yobo captained team lost that match by two goals to nil making our dream of reaching the quarter finals at the world cup to wait another four years. 2018 is at hand and history beckons for the Mikael Obi led team to excel.

NIGERIA'S 2018 WORLD CUP GROUP SCHEDULE:

16 June, 2018: Croatia vs Nigeria (Kaliningrad Stadium)

22 June, 2018: Nigeria vs Iceland (Volgograd Arena)

26 June, 2018: Nigeria vs Argentina (Saint Petersburg Stadium)

NIMASA Employee of the Month



TITUS AJAYI
OCTOBER 2017



ORU ORUBAU INETSOL
NOVEMBER 2017



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/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: 07034472913

SIGNED: MANAGEMENT



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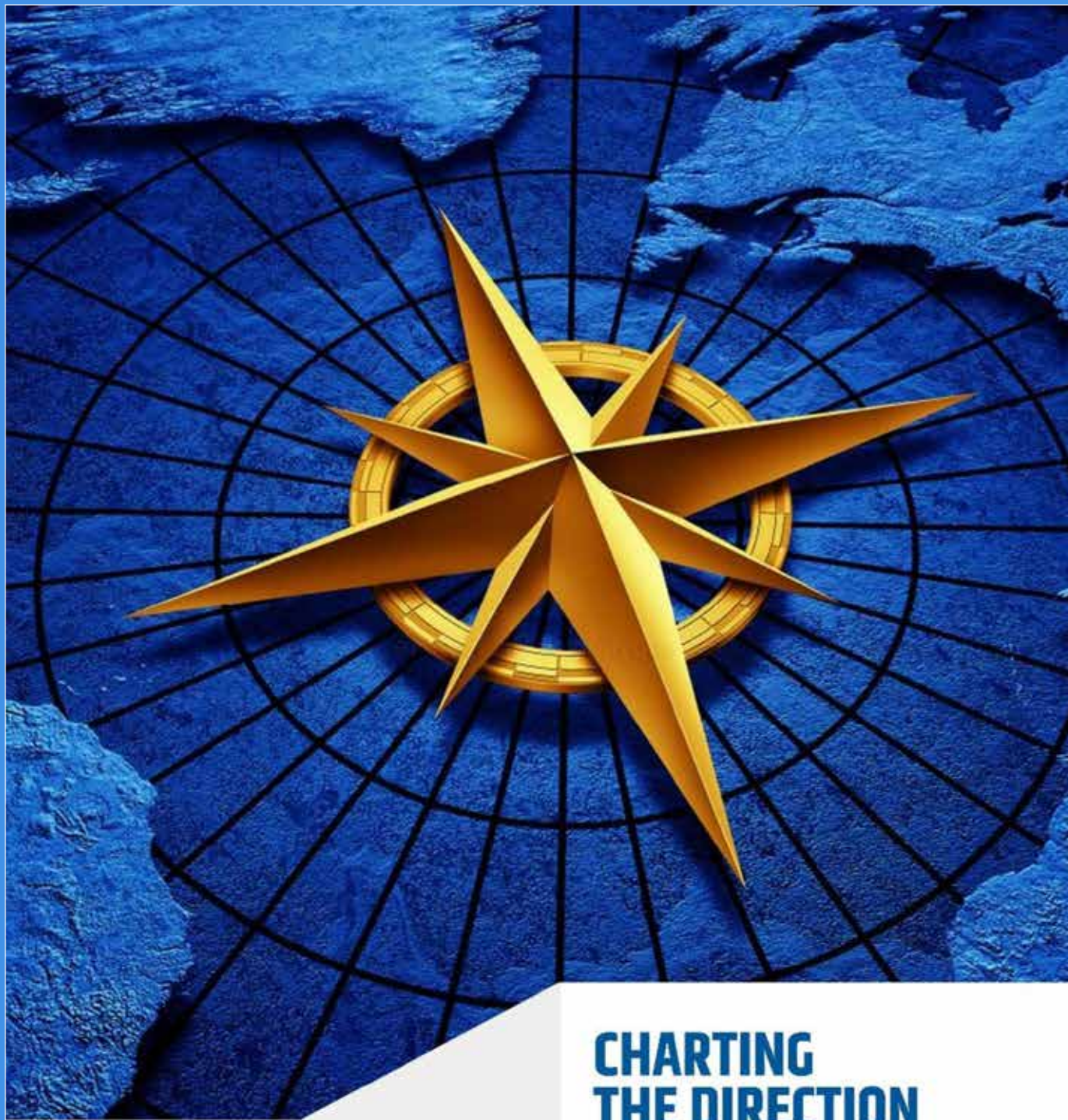
REGULATING THE MARITIME INDUSTRY FOR A BETTER NIGERIA.

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

#WeAreNIMASA

REGULATORY | OPERATIONAL | PROMOTIONAL | CAPACITY BUILDING



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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
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- Shipping Development
- Maritime Labour Regulation
- Maritime Safety Administration
- Maritime Capacity Development
- Training And Certification Of Seafarers
- Marine Pollution Prevention And Control

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