

The Presidential Order and Challenges of the Maritime Sector in Nigeria

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Abstract

This paper evaluated the 2017 Presidential order and the challenges of the Nigeria Maritime Sector as it hampered the smooth, efficient and effective running of the activities within the maritime sector. These challenges ranges from operational delays, marine theft or robbery, hijacking or kidnapping, piracy, militancy, illegal maritime operations and the likes. The implications are enormous as they have over the years significantly impacted negatively on critical sector of the economy ranging from transportation, production, oil and gas sectors and more importantly, threatened the growth and advancement of the regional maritime trade. This paper adopted several literatures and from their assessment and analysis, it was found that, significant relationship existed between the presidential order and the ease of doing business within the maritime sector. The study also found that there is a significant relationship between the presidential order and infrastructural development of the maritime sub-systems. It was also recommended that going forward, government's approach to maritime policies and issues should be devoid of any form of ad-hoc, fire brigade or kill-and -go methods that have never helped us in this part of the globe. Hence, stakeholders' engagement is dimmed necessary for an effective, efficient and sustainable maritime security and safety to prompt maritime operational activities.

Keywords: Maritime Sector, Presidential order, Economy, Business.



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1.0 Introduction

Maritime industry activities all over the world, are seen as a major lifeline of any economy, be it developing and advanced economies. These activities are complex, strenuous and subject to international conventions and regulations. These conventions and regulations seem to obviously guide the functions, directions and service operations within the confines of the industry. Thus, the international outlook of the industry is to the extent that, any national policy that disrupts the smooth running of the industry, will definitely and negatively affect the efficiency, effectiveness and well-being of the entire society. This is because, maritime activities serve as the driving force for the bulk movement of people, information, raw materials and finished products from one place to another, in order to build and maintain a society. However, despite the tremendous contributions of the maritime industry to the Nigerian economy, the industry cannot be described as healthy. This means that, the present level of operational performance in the industry can be improved upon, to give it the necessary tonic and impetus to grow and, thus, compete favorably with its counterparts in the global maritime industry. The global maritime industry is a highly technical, professional, competitive, reflective, functional and complex industry. But the Nigerian maritime system is obviously bedeviled by serious fraudulent and highly unwholesome sharp practices, which have made the nation's ports highly unattractive, unfriendly and less competitive, when compared to other ports of west and central African sub-regions (Ndikom, 2011). Over the years, the maritime industry has suffered not only from the multiple stress of funding problems, but also from a well calculated and obvious policy inconsistencies. These also, have hampered the efficiency, productivity and operational functioning of all the sectors of the maritime industry at the end (Ndikom, 2006). It is very obvious that, the arm-twisting and waiting game concept of maritime policy initiations and implementation have been a problem of initiation and implementation, which have been a problem of the industry over the years, which dates back to the pre-colonial days. The issue of an obvious lack of a shipping policy over the years, in our maritime industry landscape, has been a contributory factor in the elongation of the foreign domination of the shipping industry (Ndikom, 2011). Government has consistently paid lip services to this crucial issue and most times, complicates the worsening situation by the issuance of ambiguous and inconsistent policies over time (Ndikom, 2004). No doubt, the maritime industry is one that must operate with clear-cut conventions, rules and regulations in conformity with international set standards. To this end, the industry has witnessed problems relating to operational in efficiency and inconsistency. Port operators have on several occasions been confused in coping with the problems arising from such policy inconsistency by government. The changing of destination inspection policy regime to pre-shipment inspection regime in 1978 generated so much operational confusion, misgivings and misinterpretations, which hindered productivity and operational performance at the ports. The importers and exporters were badly hit and thus resulted in fraudulent practices such as concealments, wrong cargo classifications, under declaration, importation of contraband goods, under-devaluation and over-valuation, under-invoicing and over-invoicing of goods, leading to capital flight and also that has led to loss of revenue to government (Ndikom, 2004). It also led to a diversion of cargo to other neighboring ports, thereby rendering most of our ports inactive in terms of operational performance. More so, government policy inconsistency on port operations in 2001 which led to serious port congestion, caused low productivity and port inefficiency, which was another issue for consideration. Obviously, this policy inconsistency by government caused serious misinterpretations and apparent confusion within the operators of the industry, which skewed the ever progressive operational performance of the ports system at the end

(Ndikom, 2004). There are many negative policies enunciated by government which often times, have rippling effects on the operational performance of the industry at the end of the day. That, to a large extent, has never helped the ever expected growth and development of the shipping industry, most especially the obvious lack of operational and functioning shipping policy in place which has ever worsened the situations; within the confines of the maritime landscape (Ndikom, 2015).

At every stage of nation's development and growth of its maritime industry economy, it is expected that, either the pre-shipment inspection policy or the Destination inspection policy will be adopted to superintend and manage its importation policy procedure at a time and not this obvious adoption of both policies to run concurrently. This should not be allowed to stand, as its operational and functioning problems if actually put into place, will outweighs its intended objectives as honestly desired by our Senators. These points to the fact that, the non-inclusion of a professional and technical advisers in the amendments of these industry bills currently going on, will negatively affects the entire Nigerian maritime industry economy at the end. It is important for the National Assembly to seek to the advice of industry professionals and technocrats in the formation and subsequent amendments of some of these industry bills, so as to give it some level of operational leverage status and tonic to function in an efficient and effective manner and also stop the obvious misgivings and confusion such current amendments can cause at the end (Ndikom, 2017). The current port reform policy involves the separation of private and public functions in the rendering of port services by the creation of a new institutional frameworks for ports, thereby changing the operations and management of the various ports-such as a change from the concept of service port or tool port to that of Landlord port, with an appropriate dockworkers labour scheme to guarantee greater participation of the private sector in port operations. The reforms have been able to re-awaken the consciousness of port users and also to make ports more creative, user and investor friendly one. It has also helped to achieve Commercialization, Privatization and concessioning of ports in line with the economically profitable modern trends (Badejo, 2009).

1.2 Policy Reform - Imperatives for Maritime Transport Development

All the maritime transport subsectors in Nigeria suffer from excessive government intervention in the area of appropriate provision on infrastructure and service delivery policy. In the face of competing demands from all other sectors, most requirements in the transport sector cannot be met by government (Ndikom, 2008). This unfortunate situation is manifested in the shortage of funds for rehabilitation and maintenance of transport infrastructure. The occasional injection of funds into patching up the system without due consideration for the long-term effect is still a big problem in the maritime sector. The various situations discussed above call for policy reforms or a new policy direction in the provision of an adequate, efficient, and safe and environmentally sound maritime transport system in the country that will be effective in meeting the demand of the industry (Ndikom, 2011). One other reason for initiating port reforms is the desire of local operators to take over the maritime sub-sector, which has, for far too long, been monopolized by foreign investors. This foreign monopoly puts local entrepreneurs at a disadvantage, as they are muscled out of the sector through superior financial strengths (Ndikom, 2011). Foreign domination of the maritime sector has also adversely affected our capacity for ship building and related industries, and this impedes employment opportunities, economic growth and national development. Foreign monopoly of the maritime sector stunts the growth and development of import/export business. It is pertinent to note here that, there has been a

persistent call to government to ensure proper modernization and development of ports services and operations through the enunciation of sound and enduring policy framework (Ndikom,2015). This emphatic call for the development of a well thought-out plan for the improvement of port infrastructure and services is now very imperative more than ever before (Ndikom, 2011). The maritime industry is a highly technical, professional, competitive and complex industry. It is labour and capital intensive in nature, and also subjected to international conventions, rules, regulations. Its operations are international in nature, contents and context. Hence, there is need for international rules, conventions and regulations to guide their operations in Nigeria (Ndikom, 2004). Against these backgrounds, there are statutory regulations laid down by government for the effective performance and efficiency of port operations. The statutory reforms in the maritime sub-sector of the Nigeria National Economy have been general in nature. The specific post-independence attempt at legislating in the area of shipping and general maritime operation in Nigeria include as follows: the first was the 1961 Maritime Insurance Act, followed by the Admiralty Act of 1962 and subsequently, the Merchant Shipping Act of 1962, (Ndikom, 2004). It is very interesting to note here that, these acts as stipulated above were meant to actually regulate operations and modalities of ports operations as at the time in question, as management of the ports and shipping operations were becoming obviously uncontrollable. Next, was the promulgation of the Federal Revenue Court Act of 1973, which was to greatly strengthen the administration of these legislations to a fruitful end; but all to no avail? Regrettably, the 1962 Merchant Shipping Act suffered a setback, because of its colonial framework, outlook and contents as they were not in right tune with the current realities of the Nigerian industry settings at the end of the day. This was followed by the Shippers Council Degree 36 of 1978. This decree 36 of 1978 was specifically set up to protect shipper's interest and to achieve cheaper freight rates, with a better condition of affreightment and also to move towards surviving a bilateral monopolistic market setting. This decree specially abolished the destination inspection that was on then and re-introduced the pre-shipment inspection policy framework which has been in existence since 1962, although, the west and Central African Countries adopted it in the 1970s (Ndikom, 2015). Notably, this concept was applied in South America and Asia and that gave them a high level of breakthroughs in their domestic shipping operations and commercial trade business linkages. Hopefully, for a sub-region that operates an import-oriented economy, monitoring inward traffic, which constitutes over 65% of annual non-oil cargo throughput, is very imperative. Before 1970s, when the scale tilted in favour of imports with the collapse of export of primary goods, countries of west and central Africa derived a large chunk of their revenues from the export of primary agricultural products (Adesola, 1996).

1.3 Abysmal failure of Nigerian Maritime Subsector Economy.

The abysmal failure of the shipping-maritime transport sub-sector of the enlarged Nigerian maritime economy, is due largely to the continued government's undue interferences on the management and control of its operational performance over the years as that is a serious issue of great concern and contention that needs to be reversed, if we must make significant progress in this critical sector that is the bedrock and pillar of our economic existence as a nation. Also, this undue interference of government's control and management of the entire shipping-transportation sector operational performance and its attendant effects of policy summersaults, regressive policy inconsistencies over maritime – ports operational issues and the aged long problem of lack of serious funding and investments in huge infrastructural facilities for the growth and development of various modes across board over the years,

which is highly unfortunate and regrettable (Ndikom, 2015). The obvious lack of an enabling and functional existing Maritime-transport policy in this critical industry over the years, has manifested it's self in the low operational performance on all the subsectors of this industry. This has also manifested in the highly uncoordinated operational posture in all spectrum of the sub-sectors of the enlarged shipping industry to a large extent. The worsening effects of this obvious lack of a functional shipping policy in place, is reflected in the resolute desire of the undue insistence of government to hold firmly to the management and control of some of these critical cash-cow-Agencies that really should by now be concessioned and have a structured PPP driven initiatives as it is done in all over the globe, such like the Railways, the Air transport industry and the NNPC to mention a few (Ndikom, 2016). More so, the government has from time to time initiated some abrasive policies that have had serious structural deformity with no clear cut legislative backings whatsoever that will give it some form of legal bedrock and impetus to function efficiently and effectively in its place, as that will and has also need to produce a holistic benefits to the industry and the society at large. It is pertinent to state here that, it is obviously commendable for the efforts of the present National Assembly in putting pen and paper to just harnessing a well thought-out structural national transport policy which I do hope will soon be placed on the industry table; as it is important for the leaders of the National Assembly to critically consider the views to critically invite core professionals and technical experts to have a brain-storming sessions with them in harmonizing the present transport bills in a segmented sectorial format for its effective and efficient need delivery in conformity to international best practices (Ndikom, 2017).

1.4 A Synthesis of Maritime Policy Misconceptions

In spite of the devastating effects on ports operations occasioned by the obvious arm-twisting and Goal-post-shifting policy game plan of most government's maritime policies, it has largely witnessed serious misconceptions and misinterpretations by maritime stakeholders and operators of the industry. The problems have over the years, led to low productivity and inefficient operational situation of the port's system. It is common knowledge to note that, the maritime industry has ever since suffered both from multiple stress of funding problems and obvious government policy inconsistencies over the years. This no doubt, has led to most of the government policies to be misconstrued and misconceived by operators of the industry at one time or the other (Ndikom, 2008). This occasionally has led to a serious worsening situation, culminating into serious operational crisis at every segment of the maritime landscape. The possibility of governments efforts to introduce the pre-shipment inspection policy with all good intent and purposes in 1978, which was apparently a replacement to destination inspection policy was inadvertently misconstrued the policy of initiation of government for an obvious reasons by having negative effects on the operations of the industry at the end (Ihenacho, 2005). The decree 36 of 1978 tuned out to establish the Nigerian Shippers' Council, which aimed is to protect shipper's interest and to achieve cheaper freight rates, with a better condition of affreightment and a move towards surviving a bilateral monopoly market setting (Ndikom, 2004). The aspects of some of this policy framework by government were without gross misconceptions from members of the maritime community. This is because, these positive changes as good as it might seem to look, are coming at the time, when our ports are heavily congested with imported goods, with no clear cut solutions on sight. Another source of worry then was the slamming of \$150 policy per any delayed container returned late to the port by government. This is very obvious that, any delayed return of containers at the ports may not be the only problems complicating current port's congestion, but due to government's pronouncement policy ban on some

imported goods. This has led to the abandonment of some of the goods at the ports, as it was alleged that the policy ban was rather too hasty on importers and ill-timed. It was also alleged that, the policy pronouncement on the reduction of days of grace to importers from 90 days to 14 - 30 days period was also rather hasty even though used by government as one of the panacea to resolving ports congestion problems, it was also alleged that, some of these policy pronouncements on ports operations and its operational functioning game plan, are not indeed importers friendly in nature. This to a large extent has complicated the ports congestion problems recently, as stakeholders were not being carried along in most of these policy pronouncements. Thanks to the evacuation of some of the block-stacked containers at the Apapa container terminal to the Ikorodu lighter terminal (Ndikom, 2008). It is interesting to note that, the steps taken to send these containers that are long overdue (overtime cargo) to Ikorodu lighter terminal was a very potent strategy for solving ports congestion problems as at then. It was also alleged that the policy framework of disposing off these overtime cargo at Ikorodu lighter terminal within 30 days of grace period, was another hasty decision by government without due considerations to the importer's plight and the expected reductions of accrued demurrages from cargo owners, which were no fault of theirs at the end of the day (Ndikom, 2006). Basically, the intention of government to establish the inland container depot and inland freight stations (ICDs and IPS) across the six geo-political zones of the country and its apparent take off delay for over thirteen (13) years now, is another source of worry and an issue of misplaced understanding of the appropriate agenda for the industry, (Ndikom, 2004). It is very obvious that, the establishment of ICDs and IPS across six geo-political zones will definitely improve the productivity, efficiency and operational performance of the industry (Ndikom, 2011). It is needful to state that, the level of misconceptions and misrepresentations that actually trailed the introduction of Cabotage law, has been justified lately by the manifestation of the operations of the law on a paper concept and the continued relevance and elongation of foreign dominance in the carriage of our local generated cargo. There were serious misrepresentations in the cabotage operational guidelines and the concept of its waiver modalities at the end. The issue of 15 years-age-limitation of vessels expected to operate in cabotage were not resolved even now, as this will have rip-off effects on the proper implementation of the law at the end of the day (Iheriacho, 2005).

1.5 Implementation and Implication Problems of the Shipping Policy: The NMA/NIMASA Focus Strategy

With the promulgation of the National Shipping Policy Decree 10 of 1987, it became evident that, the Federal Government of Nigeria has laid the foundation for a definitive policy framework for the country's shipping industry which was unfortunately cut short due largely to obvious structural problems and lack of administrative coherence and dynamics at the end. However, this actually elicited the desired effects in the short run operational efficiency of the nation's ports. This framework was based on the UNCTAD Code of Conduct for liner Conferences, and had as its primary goal on the promotion of Nigeria's national interest. UNCTAD is a code for cargo-sharing process that seems to give primary concerns to cargo-originating countries in the appropriation of shipping trade benefits. It is a cargo sharing formula whereby sea borne cargo between any two countries are expected to be shared for 40% each, while the remaining 20% is left for other flag carriers. Note that, seventy countries ratified it in 1983. While many countries, particularly those of South and Central American decent have enjoyed tremendous benefits under the code, it was domesticated in Nigeria under the National Shipping Policy Act of 1987, which saw the establishment of the National

Maritime Authority (NMA). In practices, it turned out to be a huge joke, producing numerous brief case shipping companies. Unfortunately, on a weekly basis of cargo allocation to supposedly indigenous shipping companies went straight to foreigners who simply waited on the wings to buy up then cargo allocations immediately after. Business was good, but UNCTAD policing framework of 40:40:20 failed in Nigeria at the end (Ndikom, 2011). The Decree 10 of 1987 gave birth to the National Maritime Authority (NMA) as a regulatory institution for the implementation of the National Shipping Policy. Critically, observers of the maritime industry have been swift in pointing out the rather limited scope of the then shipping policy. Indeed, while the shipping policy document (Decree 10 of 1987) covers areas relating to carriers and carriage of pure sea trade, operators and earnings there from, its treatment of the equally important issues of maritime education, technology, environmental and specific monetary and fiscal tools, matters dealing with safety as well as shipping and freight forwarding agencies was somewhat ambiguous. What Nigeria as a Maritime Nation of note has up to now therefore, is a segmented shipping policy document which is usually functional and operational on paper structure wise, as opposed to the more comprehensive Maritime policy that will reshape, redirect and re-structure the industry topographical landscape and acts as a serious check to dysfunctional aberrations from all sides. Critically, the first major problem in the implementation of the shipping policy document then was for a structural nature. While the shipping policy was quite unambiguous regarding where the focal authority on maritime issues resides, the relatively meek position of the NMA in then hierarchy of government was much less so. This problem was most glaring in that, the Head of the Authority reports to a relatively junior position in the governmental structure. This sort of arrangement as at the time in question robs off the NMA of the confidence it needs to boldly pursue its mandate of advancing the nation's interest in the area of Maritime trade (Ndikom, 2008).

1.6 Principle of the Reflection on Presidential Order – 1 on Ports Operations – Concept of Ease of doing Business Policy

Over the years, the Nigerian maritime sub-sector of the economy has not been seen as the main strategic propeller, wheel and spoke that overhauls, rejuvenate and igniting a pivotal engine that can drive the entire gamut of the nation's economy aright, if right measures of synergistic efforts are applied (Ndikom, 2019). This is because, it is very obvious that the Nigerian maritime sector is an overlooked natural oil mine due largely to managerial incompetence, policy inconsistencies over the years and, lack of professional and technical know-how and poor investment and funding of the sector at the end. The principle of the presidential order – It was anchored on Ease of Doing Business Policy which was signed in May 2017 by the Acting President – Prof. Yemi Osibanjo. This was principally aimed at the reduction of documentation process and procedures for business and commercial transactions at our Nations Ports and Border Stations across the country. This policy framework and measures also included the reduction of documentation requirements from 10 (ten) desk points to 7 (seven) for exports and from 14 (fourteen) desk points to 8 (eight) desk points for our imports (Adeosun, August, 2017). Adeosun (2017) posited that, government's attention in this regard was principally focused on measures to ensure reduction in time spent on processing of both export and import of goods in and out of the country and primarily also to ensure 24-hour clearance of large imported goods into the country at the end. She also announced that, the Nigerian Customs Service (NCS) shall coordinate the mandatory joint examination procedures and sign-off form within the official working hours, including Saturdays. She maintained also that, it is expected that the NCS shall

by principle make available the shipping manifest documents on imports to other examination agencies as soon as they are received, aimed at enabling enough time for risk assessment forms for imports to be completed on time. Also, she was of the opinion that, the Nigeria integrated Customs information system (NICIS) should be strengthened to accommodate more agencies and make the process more credible. She affirmed that, shipping lines shall transmit to the NCS and Nigerian Ports Authority (NPA), the cargo manifest before leaving the last Port of call to Nigeria and shall ensure that Nigerian bound containerized cargo are palletized. Adeosun (2017) posited also that, the Nigerian Ports Authority (NPA) shall receive cargo manifests from shipping lines before the ship leaves the last port of call and circulate to other regulatory agencies for Risk Assessment, accurate and profiling. According to Adeosun 2017 in leadership newspaper, NPA shall be responsible for traffic management of vessels and shall ensure pilotage of vessels. She pointed out that the import guidelines would be fully implemented with effect from January 1, 2018. She emphasised that, although, the guidelines for imports may not be perfect to sincerely address all concerns but maintained, that the government will in fact monitor its full implementation closely, aimed at addressing emerging and unforeseen situations at the end. On the achievement of 24 hours cargo clearance at our ports, the executive order postulated a strategic process of streamlining the number of government agencies to operate within the ports environment. On streamlining of agencies at the ports according to Finance Minister Adeosun's directives, as reported in the leadership newspaper of August, 2017 is that, the Nigerian Customs Service is to take a lead role among the remaining agencies at the ports while others would be sent for when their services are required. The seven approved agencies after the executive order as regarding streamlining process was done were, Nigerian Ports Authority (NPA), Nigerian Customs Service (NCS), Department of State Services (DSS), Nigerian Maritime Administration and Safety Agency (NIMASA), Nigerian Police Force, Port Health, and Nigerian Immigration Service (NIS). The Executive Order One, 2017 stipulated that, there shall be no touting whatsoever by any official and unofficial persons at any ports in Nigeria. It stated that, the Agency Staffs on duty shall be identified by their uniforms and official/identification cards (Augustine Saint June, 2017 in Prime time reporters). Augustine therefore posited that, the policy stipulated that, the off duty staff shall stay away from the ports except with the express permission of the agency head. He also maintained that, the policy seeks an offence of removal from duty and applying disciplinary and criminal sanctions to any erring official on duty. The policy stipulated a new single window interface station and reflecting same location for all the regulatory agencies operating in each of our ports. This is aimed at capturing, fast-tracking of goods within the confines of the ports system, record information on all goods arriving and departing from Nigerian Ports and remit same captured information to the head of the MDA and the head of National Bureau of Statistics on a weekly basis. Augustine (2017) reported that, the policy expects each port in Nigeria to really assign an existing export terminal to be dedicated to the exportation of agricultural produce within 30 days of this order and that the Apapa Port shall resume 24 hours operations.

Reflectional Responses on the Executive Order - 1

On the Ease of Doing Business Policy in accordance to the Executive Order I of this present government seems not to reflect anything of new concept as such has been initiated over time by past successive governments which in fact yielded negative impacts on the operationalisation of the ports system (Ndikom, 2019). This is because, over the years, doing business transactions within the confines of Ports environment is seemed to be very difficult, user and investor unfriendly, very costly, hostile and abrasive responses from operators

reflecting serious confusion and misunderstanding of the Ports Systems Operations (Ndikom, 2019). Over the years, it has been found that operations within the nations ports have been viewed as mysterious and highly complicated in nature, and therefore requiring specialised training to understand (Gwandu, 2001). Against this background, most freight forwarders without such specialised training had a lot of difficulties in carrying out their businesses and transaction within the confines of the Ports System. This is because, Maritime industry sub-sector of the enlarged economy is one that seems to obviously promotes mediocrity, in regard to maintaining educational standards necessary to move the industry forward within the comity of Nations, reflecting global best standard practices (Ndikom, 2019). It is pertinent to note here that, on 6th February 1997, the Nigerian Ports Authority (NPA) reviewed its cargo release procedure (CRP) to make it possible for importers to get their goods within forty-eight hours after undergoing the initial customs procedure. This effort was wasted as the efforts of 1998 Port Reform policy in reducing the number of marketing tables from 28 to 4 in all ports were a nullity as it did not last. Hence, it reversed itself by the corrupt system which snowballed into fraudulent sharp practices and vices such as concealment, purchase of contraband goods, under-declaration, under-valuation, under-invoicing and over-invoicing which led to capital flight (Ndikom, 2006). It is very pertinent to note here that, the destructive forces and fraudulent evil practices and vices that did not allow the efforts of government in 1997-1998 port reform initiatives to succeed, will also probably not allow the operations and effectiveness of the Executive Order - 1 to function at its optimal level so that we can achieve expected reductions from 10 to 7 for exports and 14 to 8 table points for imports and do have 24 hours operations in all our ports at the end (Ndikom, 2019). It was observed that, some concerned stakeholders were seriously worried over the workability of this order within the confines of the Maritime industry due largely to state of infrastructural facilities which includes ports access road, lightings, security of the goods. They maintained their views that, if government was so keen about seeing this order work, there were basic things it needed to do before issuing this order, arguing that issuing the order first before looking at the factors that could mar the success of the order was like putting the cart before the horse (Saint Augustine, June 19, 2017). Shittu (2017) former President ANLCA posited that, the order came from the blues as it met them unprepared adding that, they were expecting that government would have set up a committee to go round and fish out those bottlenecks as explained by the association. Also, Finance Minister would have looked at the view of others who must have made inputs to moving the ports forward; and that the committee, would have rolled out comprehensive Policy Reform approach to it, which government can rely upon on such issues and can now go ahead to issue such a land mark breaking policy reform aimed at improving ports efficiencies, effectiveness and output at the end (Augustine, June 19, 2017).

This is because, the present current situation of ports access roads is one that takes a truck an average of four to five days to go into the ports and load and possibly another four to five days to come out before getting to the particular destination (Augustine, 2017). Shittu maintained that the 24 hours cargo clearance policy of the Executive Order – I, is a very ambitious one, but it could have happened a long time ago if we must get it right as a maritime nation as it is in other nations of the world, be it developing and developed economies. He also urged at what point do this 24 hours cargo clearance starts? He queried that, is it at the time the cargo arrives at the port or from the time the cargo is put in the terminal till when customs exist such cargo or when it passes through the gate or when it is delivered to the owner.

1.7 Railway Infrastructural development as a potential stimulus to an efficient ICDs/CFSs operation:

Over the years, it is a known fact that the provision and availability of a functioning railway infrastructural facilities seem to serve as boost to an efficient and effective functioning of inland container depots and container freight stations to their very best optimal performance. This is because, it is obviously expected that, for a successful operation of each ICDs/CFSs, the apparent development of a functional moderate speed rail system is very imperative; as this system should be functioning in full capacity, as it reflects a component of a successful ICD operations (Ndikom, 2004). Incidentally, since ICDs/CFSs cannot function without Rail Infrastructural development as a potential stimulus to an efficient ICDs/CFSs operations in place principally in isolation to an effective rail line network, it behooves therefore that the provision of a functional Railway infrastructures will serve as a catalysts to elicit an efficient and effective ICDs/CFSs operations within the confines of any hinterland sites as of such critical national facility (Ndikom, 2015). This is because, ICDs/CFSs are seen as catalysts for every national socioeconomic development as they will help to resolve problems of the current recessional Nigerian economy which will become part of the international multi-modal transport system and also ensures that, she become a key player in the global logistics chain; as this will obviously help the country to link landlocked neighboring countries to the international logistics chain at the end. However, for ICDs to achieve the desired objectives, it is expected that, the government must provide an integrated intermodal transport facility in the country. This is because, without an effective integrated transport system, the project would fail, as rail transport is seen as an obvious pivotal stand point pusher to inland container depot operations (Ihenacho, 2005). Their operation involves large and extra-large containers and other composite equipment being conveyed from ports of discharge to any possible ICDs areas/sites through moderate speed rail lines as expected there from (Ndikom, 2011). However, considering the current condition of the Nigerian railway corporation as considering its clear-cut funding problems, one obviously doubt if it has the needful capacity to meet up with its obligations towards the smooth take-off of these ICDs/CFSs across the country. However, it is expected that, the present new government moves and efforts in the rehabilitation of old rail lines and construction of new once across the country, must ensure a proper linkage to each of these already approved ICDs/CFSs in the six geo-political zones with moderate speed rail lines which will act as a fillip to an efficient, effective and obvious functional ICDs/CFSs operations at the end (Ndikom, 2011). Moreover, as a matter of urgent policy issues, it is expected that, the government should ensure that, the existing rail lines at each of the various ports across the country must be rehabilitated, as a way of resuscitating an inter-modal system within the confines of the ports system, which over the years, have been seem to be dead, as it has affected ports productivity, efficiency, output and revenue generation at the end (Ndikom, 2011). The current moves of the present government to resuscitate the Lagos—Ibadan rail-line which will be a potent move to truly link-up Lagos ports complex with the Oyo-State sited ICDs at Erunmu in Egbeda LGA, which will facilitates faster cargo deliveries between both states and improve their latent economies of scale and preference at the end(Ndikom,2015).

1.8 Challenges of Maritime Operational Modalities in Nigeria

Government Policy Summersault: Over the years, the maritime industry has been badly hit by several government policy summersaults or policy inconsistencies, which by nature are very abrasive and reflecting some level of negative impacts both in the productivity and

operational efficiency of the sub-system of the entire economy. For instance, on September 22, 2001, the Government announced a policy reform and changes that would have ordinarily boosted our economy by asking all importers to bring in used vehicles of no age limits into Nigerian ports as at the time. As we are in a globalized world with a shrinking geographical distance at our beck and call, through the astonishing revolutions of transport and communication technologies that have reduced our world into a global bedroom, and where costs of transferring ideas and vital information such as that are now distance free. The importers and other stakeholders alike were able to flood the ports with used vehicles (tokunbo) and other essential non-banned items. Surprisingly, the Government within a space of two weeks of this particular pronouncement revised its policy and placed an outright ban from 1st October, 2001 on the importation of second-hand vehicles or more than 5 years old into the country and other used items such as fridges and air conditioners (Business Times 2001).

Lack of operational shipping policy: The lack of an operational shipping policy framework has brought some form of crisis situation in terms of holding some level of trust and confidence in the operations of the industry. This is a recipe for underdevelopment and inefficiency of the national economy. This lack of an operational shipping policy framework has also ignited an attitude of nonchalance among operators, stakeholders, ship-owners, ship agents, and freight forwarders, also hell has let loose within the confines of the operational system, as there is no policy reprimand for offenders and this has affected negative impacts in the operational modalities of the system. There is need therefore for an institutionalized maritime policy framework, to serve as an operation roadmap for the industry and also put a stop to the pervading sharp practices at the end.

Concept of Joint Examination/Single Window Platform: Over the years, the agencies operating within the confines of the Ports System has never observed any form of joint examination for both containerized and loosed cargoes. This absence of joint examination concept by operational agencies within the confines of the port system has brought strong negative impacts regarding the high costs of doing business in our ports, as is obviously unfortunate (Ndikom, 2019). This is because, each agencies tries to conduct the examination of a particular product on different times and days thereby bringing high cost of burden to the consignees, who most times are not ready and also in shocks to absorb these over-bearing costs that drive the concepts of ease of doing business out of place in our ports system (Ndikom, 2019). There is need at this time and age to bring in the concept of single window platform where the users and stakeholders will receive the services of the operational agencies within one roof. This is aimed at improving efficiency, effectiveness and increase the productive outputs of our ports to a very high level. This also is aimed at increasing the ease of doing business and reduce costs implications for business purposes (Ndikom, 2019).

Ports Access Road: Nearly a decade now, users of ports services and other stakeholders have been having a herculean tasks in accessing the services from the ports due largely to bad roads. The gridlocks witnessed on both Apapa and Tinian Island roads on a daily basis by users of the ports seemed an unfortunate situation. This is a situation where trucks are packed on top of the Apapa bridges and Tinian Island roads continuously for months, thereby making assessment of the ports services by users a much difficult issue, thereby eroding expected efficiency and increasing the costs of doing business within the confines of the ports system. The gridlocks effects on ports operational performance has eroded the expected

benefits on the ease of doing business within the confines of the ports system (Ndikom, 2019).

Transit Truck Parks and Call-Up System: The disturbing issues of the menace of trucks, trailers and tankers leading to serious gridlocks on Apapa Ports roads in particular and that of the Tincan Island roads has indeed assumed an embarrassing and unbearable dimension in recent times which has increased the costs of doing business within the confines of the ports system (Ndikom, 2019). The issuance and continuously disturbing behaviour by these drivers of the trucks on Ports Access roads has nullified the concept of ease of doing business as indicated in the executive order. There is need to adopt a strategic and wholly coordinated call-up systems for these trucks when their services are needed in the Ports as a way to resolve these disturbing gridlocks problems at the port. Unfortunately, there is no concerted efforts by government in this regard at the moment (Ndikom, 2019).

Payment of \$50,000 Waiver Policy Fee Issues: Note that the payment of \$50,000 fee as a waiver on ownership of vessels by Nigerian ship-owners does not reflect a right policy framework. It should be noted that, the amount should be exclusively for foreign-owned vessels, and not for Nigerian-owned vessels. However, one rationale for this fee is that, it would make it hard for Nigerians to seek waivers that would encourage foreigners to partner with them to own, crew or man the cabotage vessels. But is this rationale right enough? The issue here is No, as such an aggressive policy had really denied Nigerians for owning vessels that can be deployed in the cabotage trade (Ndikom, 2006).

2% Double Charge Cabotage Vessel Finance Funds: Really, the application of 2% charge for cabotage vessel finance funds is a policy aberration, which amounts to a double charge for the same cargo under the transshipped cabotage experience. This is because, the 3% on total freight paid by importers is not in reality with the depreciating effects within the private sector to which importers belong, who may intend to redistribute the same cargo from one port to another under cabotage regime (Ndikom, 2006).

1.9 NIMASA and Cabotage Policy Perspective

The initiation and promulgation of the National Shipping Policy Decree 10 of 1987 gave a clear picture for the federal government of Nigeria to have laid down the obvious foundation for a definitive policy framework for the country's shipping industry. Realistically, the same decree gave birth to the National Maritime Authority as an Apex regulatory institution for the implementation of the shipping policy. Notably, the framework of the policy was based on the UNCTAD Code of Conduct (40:40:20) meant for liner conference and has its primary goal of promoting Nigeria indigenous interest. The UNCTAD code was a type of policy purely designed to protect the interest of local shipping operators as against the tide of an increasing foreign domination in the maritime sector of the economy. It is noteworthy that a close observation of the maritime industry has shown the rather limited scope of the shipping policy. Indeed, while the shipping policy decree of 1987 covers areas relating to carriers and carriage of pure sea-trade, operators and earnings therefrom, its treatment of maritime education, technology and environmental issues, specific monetary and fiscal tools, matters of safety as well as shipping and freight forwarding agencies were somewhat ambiguous. Thus, the Decree only established National Maritime Authority (now its merger with "Jomalic" and thus gave birth to Nigerian Maritime Administration and Safety Agency (NIMASA) and also did not give the nation any credible shipping policy in place (Ndikom, 2008). To this end,

there is need for government to initiate a comprehensive shipping policy that is peculiar to our local needs. There is need to review the said Decree with the singular aim of producing a shipping policy that is tailored to our local operations and needs. The time for us to do this is now; as government should thus call on all maritime professionals to critically review the issues on ground and come up with a comprehensive shipping policy for the country.

1.10 Port Privatization and Concessional Policies

Port privatization policy is a form of Reform policy that are aimed to restructure the port system and re-order, re-direct it in such a way that will ignite efficiency and productivity. In total privatization, there is the outright transfer of state ownership of public infrastructure of private hands. But in concessioning, there is the contracting out of the management of the public infrastructure (such as a port) to private hands for a period of time. Concessioning is a reform process that is aimed at improving the management and operational efficiency of the day to day running of an enterprise, such as a port (Ndikom, 2011). By this type of privatization policy, it is expected that, the port authorities are advised to hire private companies to operate and manage their facilities, to reduce costs and increase productivity and efficiency. Either way, the management of a port will be handed over to private operators for an agreed period of time. There are four types of concessioning policies and arrangements that are relevant in the privatization programme of government in Nigeria, as these are Build Operate and Transfer (BOT), Build Own Operate and Transfer (BOOT), Lease Operate and Transfer (LOT) and Public Private Partnership (PPP). It is interesting to state that, all the Nigerian Ports Authority terminals were concessioned under a BOT basis, while the ICDs/CFSS were concessioned under a BOOT basis at the end.

1.11 Nigerian Customs Service, CRFFN and Reform Policies

The Nigerian customs service has, over the years, been the most misunderstood, misinterpreted and misrepresented government agency due largely to its primary role and operational performance of revenue collection. It is pertinent to state here that, it has been perceived by Nigerians as conniving with other stakeholders to defraud government, thereby complicating the port, clearing process (Ndikom, 2004). The strategic position of Customs, as a heart of the financial survival and sustainability of the Nigerian economy and Maritime business environment, cannot be overemphasized. The change from service port the needed policy model to the landlord port policy model relieves the Nigerian ports authority of the role of being an active revenue generation agency for government, and makes it instead a more powerful regulatory agency. But this role swap provided Customs the opportunity to statutorily collect revenues for government and check the excesses of terminal operators who had taken over the realm of port operations and management for more than 12 years now.

1.12 Manpower Planning and Human Capital Development in Nigerian Maritime Economy

In Nigeria, manpower planning and human capital development activities within the confines of the maritime industry, over the years, have been left in the hands of the whims and caprices of some unprofessional managers, who know nothing about the exact challenges and rudimentary foundations of the maritime industry peculiar manpower needs and also its related problems as of the nature of its workforce. This is because, they seem not to understand that the proper management of this critical workforce, and its attendant development progression (that is the instrumental engine and evolving motive power, reflective of the industry) seem to be a critical pointer to growth, development, reflection of

the increase in operational performance, output, productivity and success of the administration of all this vital industry at the end (Ndikom, 2008). Manpower planning seeks to maintain and improve an organization's ability to achieve objectives by developing strategies for increasing the present and future contributions of manpower to the progressive growth and development of the maritime industry (Appleby, 1981). However, manpower planning is an essential aspect of the overall corporate planning of any maritime-activity based organizations. Frank & Bemanke (2007); kwon, (2009) defines human capital development as an amalgam of factors such as education, experience, training, intelligence, energy, work habits, trustworthiness, and initiative that affect the value of a worker's marginal product. Almedia, et al. (2004) opined that, the concept of human capital development not only enhances the ability of a maritime sector to develop its own technological innovations in terms of the local structured training and sectorial educational modalities, but that which also may seem to increase its capacity to adopt technologies already developed elsewhere and thereby facilitates technology/knowledge transfer within the confines of its local manpower needs at the end.

Conclusion

Over the years, the Maritime-transport industry has been in need for a comprehensive review and restructuring of the nature and effects of an obvious maritime-transport policy arm-twisting structure of the operational functionality of the port system. The concept of an obvious consistent postponements of most government policies on maritime issues over the years, has led to a disjointed maritime operations culminating into low productivity, operational performance and inefficient services and poor deliveries of the ports industry. The apparent lack of an operational shipping policy framework within the confines of our maritime landscape has manifested into the obvious elongation of foreign domination over the carriage of our local generated cargo. In spite of the fact that, the Cabotage law has been in operation for close to fourteen (14) years now, does not seem to still resolve the problems of the perceived ills of foreign domination over our maritime operations, which sign posts a dangerous trend in our implementation of a cardinal policy act that seem to reserve commercial transportation of goods and services within in Nigerian Coastal and Inland waters to vessels flying the Nigerian flag and owned by the Nigerian citizens. Regrettably, the operational misgivings on some of the government policies on maritime operations have been justified, through the Cabotage law that has been only operational on paper, since its commencement date of fourteen (14) years ago, and the present situation of our local ship owners have ever since remained worse-off, mostly as the allocation of our locally generated cargo and through the instrumentality of the operational policy framework of the NNPC, PPMC on their undue political interest and non-stream lined policy wisdom, that have consistently denied our local operators (stakeholders) the needed first refusal patronage option of carriage of our goods just because of lack of provision of protection and indemnity clause (P & I) certificate against the choice preference of foreign vessels, thereby rubbishing the tenets of our Cabotage law. Indeed, this, over the years, has actually impoverished our local ship owners as their vessels have remained idle and subsequently salaries of the crew members and the shipping company's staff have remained unpaid for months thereby leading to unwarranted retrenchments, leading to complications of high unemployment rates within the confines of our maritime industry. There is need, therefore, for the government to play its fundamental role in charting a new course of action for the Nigerian maritime industry and its attendant economy. Hence, it is expected that, the government should endeavor to pursue a vigorous national maritime transport policy that has great potentials reflective of

checkmating every deviational and fraudulent sharp practices and repressive vices that have hindered the growth and development of the industry over the years. Obviously, the existing shipping policy in place now cannot achieve the desired goals of the maritime sector for the 21st century. (Ndikom, 2016).

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