



Symphony and Maintenance of Seized Ships: Experimenting U.S Maritime Court's Practice in Nigeria

Abdulrazaq Owolabi Abdulkadir¹, Saheedat O. Lawal²

¹University of Ilorin, Nigeria, Email: kadir.or@unilorin.edu.ng

²University of Ilorin, Nigeria, Email: lawalso@gmail.com

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Maintaining and managing seized ships is a critical aspect of the maritime industry worldwide. In countries such as the United States, measures are implemented to ensure that seized vessels are adequately managed and maintained during maritime proceedings. In contrast, when a ship is seized in Nigeria, there is often little assurance that the responsible authorities will maintain the vessel efficiently. Therefore, it is essential to investigate the reasons behind this lack of assurance and to identify potential solutions to improve the current state of the country's maritime sector. This research employs a doctrinal methodology, analyzing statutory provisions and case law to collect data from legal textbooks, journal articles, and various online resources. This paper aims to discuss the circumstances under which states can seize ships, the procedural framework for ship arrest in Nigeria, and the forfeiture of vessels. Additionally, it compares these procedures with practices in the U.S. maritime sector, examines the challenges faced by the Nigerian maritime industry, and offers recommendations for improving ship maintenance. These recommendations include the establishment of a dedicated Maritime or Admiralty Court and the implementation of a bond system by the owners of seized vessels for their release pending the resolution of maritime proceedings, as practiced in the U.S..

A. Introduction

The Symphony of the Seas, the fourth Oasis-class cruise ship constructed by STX France for Royal Caribbean International, is notable for being the largest cruise ship in the world. Built at STX's Saint-Nazaire shipyard, it measures 362 meters in length, 70 meters in height, and 66 meters in width, with a gross registered tonnage of 228,081 gross tons. The vessel can accommodate over 6,000 passengers in more than 2,000 cabins, available in various configurations, and is supported by a crew of over 2,000 international members.¹ Given the ship's substantial size, managing it entails considerable costs, particularly in maintenance. The expenses associated with ship maintenance constitute a significant portion of overall operational costs, especially in instances where a vessel is seized or arrested due to pending maritime claims.

In Nigeria, the responsibility for maintaining confiscated ships falls to the Nigerian Navy. The Navy has reported that the maintenance of confiscated warships imposes a significant financial burden due to the extensive resources required to keep them in optimal condition.² Furthermore, delays in court proceedings hinder the timely destruction of seized vessels under Navy control.³

This paper aims to contribute to the discourse by investigating methods to enhance the maintenance of large cruise ships that have been seized or arrested for legal violations through the establishment of a dedicated Maritime or Admiralty Court. It seeks to explore potential solutions to the challenges of maintaining such vessels in custody. The objectives of this paper include discussing the circumstances under which states may seize ships, detailing the arrest procedures in Nigeria, comparing these with the procedures employed in the U.S. Maritime Sector, identifying the challenges faced by the Nigerian Maritime Sector, and proposing recommendations for improved vessel maintenance based on insights drawn from the U.S. model.

The paper employs a comparative analysis of the legal frameworks governing ship arrests in Nigeria and the United States. Key regulations under consideration include the Admiralty Jurisdiction Procedure Rules (AJPR) 2011 in Nigeria and the Manual for United States Marshals in the U.S. Additionally, a micro-comparative approach is utilized to address the issues of arrest and maintenance of seized vessels. By "micro comparison," we refer to a comparative law methodology that examines specific approaches used in other jurisdictions to address particular challenges within the Nigerian

¹Ship Technology, *Symphony of the Seas Cruise Ship* accessed on January 20, 2022 at <https://www.Ship-technology.com>.

²*Ibid.*

³Udora Orizu, Navy: Maintenance of Seized Vessels Affecting our Finances (2021) available at <https://www.thisdaylive.com/index.php/2021/11/24/navy-maintenance-of-seized-vessels-affecting-our-finances/>

context.⁴ This method is particularly relevant as it highlights the benefits of effectively implementing the legal frameworks of both countries.

The novelty of this research lies in its focus on the seizure of vessels in Nigeria, where practical implementation often lacks assurance regarding the effective maintenance of seized ships by the responsible agencies. Therefore, it is crucial to investigate the underlying reasons for this lack of assurance by comparing the circumstances that warrant vessel seizures, the arrest procedures in Nigeria, and the comparable practices within the U.S. Maritime Sector.

B. Discussion

1. Commencement of Action in Admiralty Jurisdiction

a. Writ of Summons

An action in *rem* is initiated by filing a writ of summons⁵, which must be accompanied by a Statement of Claim and copies of all documents intended to be relied upon during the trial. Following the service of the summons, the Plaintiff is required to file written witness statements within seven days, which will be admitted into evidence under oath at the trial. The summons must conform to Form 1 in the schedule of the applicable rules and must specify a particular defendant relevant to the maritime claim in question, including details regarding the ownership of the ship or related property. Consequently, the writ of summons must explicitly name the ship or other property involved in the action, as this legal procedure pertains to an action in *rem*, which is directed against a tangible object, specifically a ship. This establishes a clear distinction between an action in *rem* and an action in *personam*.⁶

b. Witness Statement

The witness statement is not required to be on oath at the time of filing but must be adopted on oath during the trial.⁷ If a witness is unavailable in Nigeria at the time of filing the court documents, the writ of summons may still be filed, with the witness statement on oath submitted at a later date. Thus, it is not necessary for the witness to be present in Nigeria when the action in *rem* is initiated.

c. Filing of Defence

In legal proceedings, a defense refers to the response of the individual against whom an action has been filed in court. The Admiralty Jurisdiction Procedure Rules 2011 do not specify the procedures by which the Defendant is expected to respond to the action. Consequently, the provisions of the Federal High Court (Civil Procedure) Rules apply in such cases, as the Federal

⁴Zweigert K. and Kotz H. *Introduction to Comparative Law*, (Oxford: Clarendon Press, 1987), p.5.

⁵ As in Form 1.

⁶Ibid.

⁷ See Order 3 Rule 3(2), Admiralty Jurisdiction Procedure Rules (AJPR) 2011, which applies to actions in *rem*.

High Court has jurisdiction to adjudicate admiralty matters in Nigeria. This approach reflects a fundamental aspect of the practice within the Federal High Court.⁸

2. The Arrest of Ship in Nigeria

The arrest of a ship entails its detention pursuant to an order from a court of competent jurisdiction, intended to secure a maritime claim. However, it is important to note that the arrest of a ship in this context does not encompass the seizure of a vessel for the execution or satisfaction of a judgment or any other enforceable instrument.⁹

While the arrest of a ship serves as a powerful mechanism to ensure the appearance of shipowners and the availability of security for judgments in maritime proceedings, it poses significant challenges regarding the maintenance of the seized vessel pending the outcome of such proceedings.¹⁰ Therefore, it is essential that the ship is maintained in proper and safe working conditions to enhance its operational effectiveness.¹¹ If adequate maintenance cannot be achieved, alternative options should be considered instead of merely assessing the ship's value while the maritime proceedings are ongoing. This approach would enable the party responsible for the ship's custody after the proceedings to maximize its commercial potential. Neglecting the proper usage and maintenance of seized vessels can lead to deterioration, resulting in substantial losses in commercial value.¹²

3. The Legal Framework of Arrest of Ship in Nigeria

The Admiralty Jurisdiction Act (AJA)¹³ and the Admiralty Jurisdiction Procedure Rules (AJPR)¹⁴ together establish the legal framework for admiralty matters in Nigeria. The Federal High Court serves as the appropriate jurisdiction¹⁵ for such cases, functioning as the court of first instance for admiralty-related issues.

a. Pre-Judgment Arrest of a Ship

A pre-judgment arrest of a ship refers to the detention of a vessel prior to the issuance of a judgment. This procedure involves invoking the court's

⁸ Similar practice is application in election petition matters in Nigeria.

⁹ Emeka Opara, *Nigeria: Arrest of Ships In Nigeria: An Overview of the Procedure* Kenna Partners Mondaq (2021) accessed on January 20, 2022 at <https://www.mondaq.com>

¹⁰ Thomas J. Schoenbaum, *Admiralty and Maritime Law* (Fifth edn., Thomas Reuters: St. Paul, MN 2012) 895.

¹¹ Arrest of ship is carried out by making an ex parte application at the Federal High Court and it is heard in chambers. The application can be made three days before the ship is expected to arrive within the court's jurisdiction. The arresting party must first ensure that a caveat against the arrest is not in force on the ship by conducting a search in the caveat book before filing application. where the application the application is granted, the validity period is 6 months and may be renewed for another 6 months.

¹² K.K Anele, *Rethinking the arrest of ship regime in Nigeria* Commonwealth Law Bulletin, (2019) Vol. 0, No. 0, 1–28 available at <https://doi.org/10.1080/03050718.2019.1656091>.

¹³ The Admiralty Jurisdiction Act of 1991.

¹⁴ The Admiralty Jurisdiction Rules of 2011.

¹⁵ See the Federal High Court Act, Laws of Federation of Nigeria 2004, section 7.

jurisdiction in rem.¹⁶ The arrest can be initiated in the judicial division of the court where the res is located or is expected to arrive within three (3) days. In the case of *MV Sirius-B v. MSSCI Ltd*¹⁷, the court held that the primary objective of a pre-judgment arrest in admiralty proceedings is to prevent the transfer of a specific ship from the jurisdiction, thereby ensuring that the vessel remains available to satisfy a potential judgment in favor of the Plaintiff. In essence, a pre-judgment arrest necessitates that the ship provide security equal to the amount claimed against it.¹⁸

b. Judicial Sale of a Ship

Verifiable data indicate that numerous ships have become stranded in Nigerian territorial waters due to the inability or unwillingness of various ship owners to provide bail for the release of vessels under arrest. One significant disadvantage of a ship's arrest for an owner—beyond concerns of deterioration and loss of business—is the court's authority, upon the application of the arrestee or another interested party, to order the sale of the ship held in custody if bail or adequate security has not been provided within six (6) months from the date of arrest.¹⁹ When a sale order is issued, the Admiralty Marshal is responsible for selling the ship. The proceeds from the sale will be deposited into an interest-bearing fixed deposit account in the name of the Admiralty Marshal.²⁰

4. Power of States Over Seized Vessel

Nick Barber of Stephenson Harwood has argued that coastal states possess two critical legal frameworks that empower them to seize ships flying the flag of or owned by another state.²¹ These frameworks include national laws and the United Nations Convention on the Law of the Sea 1982 (UNCLOS), which is widely accepted and regarded as customary international law, thereby binding on states even if they are not signatories.

As a consequence of the authority granted to coastal states under these frameworks to seize non-compliant vessels, states also have certain jurisdictions extending beyond their territorial seas, albeit with exceptions. UNCLOS guarantees the right of innocent passage and transit passage through straits used for international navigation for ships of all states in the territorial sea. Thus, it is contrary to international law to seize a ship exercising these rights. Nevertheless, states retain the authority to enact laws and regulations governing innocent or transit passage, taking into account concerns related to the protection of living resources, maritime safety, and environmental

¹⁶ Order 3 Rule 3 AJPR 2011.

¹⁷(2017) 10 NWLR (Pt.1572) 135.

¹⁸Emeka Opara, *supra*.

¹⁹*Ibid*.

²⁰ Order 9, Rule 6(2).

²¹David Osler, *When can a state seize a vessel?* Lloyd's List (2019) accessed on January 15 2021 at <https://lloydslist.maritimeintelligence.informa.com/LL1128496/When-can-a-state-seize-a-vessel>

protection. Importantly, states have very limited authority to seize ships on the high seas. However, the right of “hot pursuit” is often invoked, particularly when an infringing vessel is chased from the Exclusive Economic Zone (EEZ) of a coastal state into the high seas.²²

In Nigeria, when ships are seized, the standard practice involves the arrest of vessels suspected of engaging in criminal or illegal activities by patrol units. A preliminary investigation is then conducted to determine whether an offense has been committed. Once a *prima facie* case is established against the ship, it is handed over to the relevant agency responsible for prosecuting the offending vessels. Typically, this includes agencies such as the Nigerian Maritime Administration and Safety Agency (NIMASA)²³, the Economic and Financial Crimes Commission (EFCC), the Nigerian Security and Civil Defence Corps (NSCDC), and the police.²⁴

However, a significant challenge arises when the errant ships are handed over to the EFCC²⁵, which complicates maintenance issues—the focal point of this research. As a government agency primarily responsible for tackling economic crimes, the EFCC lacks facilities for the proper custody of seized ships. Consequently, some of the confiscated vessels have sunk in Nigerian waters, while others, detained under various allegations of corrupt practices, have sustained damage due to inadequate maintenance.²⁶

Based on the data collected regarding the maintenance of seized ships in Nigeria, it is evident that over thirty (30) seized vessels are currently located in Port Harcourt, while Warri Port has ten (10) seized ships, and Bayelsa Port also has ten (10), all of which are under the custody of the Nigerian Navy. Notably, these seized ships were forfeited to the Federal Government of Nigeria through the Economic and Financial Crimes Commission (EFCC), the agency responsible for their prosecution. However, the EFCC lacks the technical expertise necessary to maintain and protect these vessels effectively. Consequently, the responsibility for safeguarding the seized ships falls to the Nigerian Navy.

Furthermore, the EFCC is unable to reimburse or provide funding for the Navy's maintenance expenses for these vessels. In this context, the Nigerian Navy has expressed concerns about the burden of maintaining the seized ships and the decline in the quality of these assets.

Importantly, the lack of proper maintenance of seized ships by the government in Nigeria (via the EFCC) has significant implications for criminality in the maritime domain. The Navy, which initially played a key

²²Ibid.

²³ See Abdulrazaq O. Abdulkadir, (2016), “Nigerian Maritime Administration and Safety Agency: An Explication of its Powers of Enforcement in Nigerian Maritime Domain”, *University of Jos Law Journal*, Vol. 11, at page 172.

²⁴Ibid.

²⁵Ibid.

²⁶Abdulrasheed Bawa, *90 ships seized by EFCC rot away in Lagos*, others accessed on January 15 2022 at <https://mmsplusng.com/blog/90-ships-seized-by-efcc-rot-away-in-lagos-others/>

role in the enforcement mechanisms for the arrest and seizure of ships²⁷, has become disenchanted with the prospect of making further arrests²⁸, particularly when the seized vessels are deteriorating and languishing in Nigerian waters. It is evident that when the burden of maintaining seized ships becomes apparent, there is a heightened risk that the Navy may compromise or refrain from arresting other vessels committing similar offenses, allowing them to evade accountability.²⁹

5. Experimenting with Ship Seizure Procedure in the US

It is essential to examine other jurisdictions to glean insights into how seized ships are maintained and managed, thereby drawing inspiration and lessons applicable to the situation in Nigeria. This comparative analysis can provide valuable perspectives on areas for improvement within the current predicament. For this research, the focus will be on the United States of America, which has demonstrated efficiency in maintaining seized vessels within its maritime sector.

In the United States, the arrest of a ship is integral to the process through which an Admiralty Court assumes jurisdiction over maritime matters. Maritime practice in this context is referred to as an action in rem, meaning that the action is directed against a "thing" rather than a person. In an action in rem, for example, when a lien is placed against a ship, the jurisdiction resides with the Federal Court. Conversely, if the action is directed against an individual for breaching a fiduciary duty—such as misusing a loan granted for the ship's specific purpose—this constitutes an action in *personam*.

This distinction was highlighted in the case of *Cemar Shipping Inc. v. M/T "Cindy Gaia" & Ors*³⁰. In this case, the appellant initiated an admiralty action in rem against the respondent in the Federal High Court in Lagos, seeking the delivery, title to, and possession of the M/T "Cindy Gaia," along with damages amounting to USD 6,581,684.13 (Six million, five hundred and eighty-one thousand, six hundred and eighty-four dollars and thirteen cents) to be delivered to the second respondent in Singapore. However, the appellant's motion to the Federal High Court³¹ for the arrest of the first respondent vessel was denied on the grounds that the court lacked jurisdiction, as the action was

²⁷*Ibid.*

²⁸ Nigerian Navy has major roles to play towards ensuring maritime security and safety. The Arm Forces Act empowers the Nigerian Navy to coordinate the enforcement activities of the Nigerian Immigration, Customs, etc. in respect of the national and international maritime law, conventions, practices and safety regulations in territorial waters of the Nigerian Exclusive Economic Zone. Abdulrazaq O. Abdulkadir at p.177. See also section 271 (1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

²⁹*Ibid.*

³⁰(2007) ALL FWLR (pt. 349) 1087 @ 1104.

³¹ See 2 (2) (a) of the Admiralty Jurisdiction Act 1991.

determined to be one in personam. Ogunbiyi JCA (as he then was) ruled as follows:

An action in rem is a legal mechanism aimed at a ship alleged to be involved in wrongdoing, typically employed to enforce a maritime or statutory lien or in a possessory action concerning a ship whose possession is claimed. A judgment in rem has universal applicability, affecting all parties, and while it does not imply that the vessel itself is the wrongdoer, it serves to hold the ship accountable for the actions of its owner. This approach allows the court to bring the owner, as the defendant, before it. It is widely accepted in legal theory that an action in rem is procedural in nature, primarily intended to ensure the appearance of the ship's owner. In contrast, an action in personam targets the individual at fault, relying entirely on the plaintiff's ability to effectively serve a summons on the defendant, particularly when the parties are situated in different jurisdictions.

In the United States, the general principle is that the ship is liable for the payment of mortgages, liens, and associated liabilities that may arise. When a ship is encumbered by a First Preferred Ship's Mortgage, it implies that the vessel itself guarantees the payment of the mortgage rather than the owner. Conversely, the owner may enter into separate agreements, thereby incurring liability in the event of a default. The arrest of a ship is a sine qua non for establishing court jurisdiction; without the ability to seize the vessel, the court's jurisdiction cannot be invoked.

In the U.S., an arrest is a physical act whereby a U.S. Marshal boards the ship and takes physical control of it. Following this, a copy of the Notice of Arrest must be sent to both the owner and the master or other persons in control, as well as posted on the vessel itself. Furthermore, this notice must be published in a newspaper authorized to publish legal notices. Any other lienholders claiming an interest in the vessel must receive actual notification. Once a ship is arrested, the court retains possession, facilitated by a marshal or substitute custodian, effectively depriving the owner of further control.³²

The court typically allows the owner to post a bond or other appropriate security to mitigate the adverse effects on commerce that may arise from the arrest. Once the security is accepted, the ship is returned to its owner, while the legal proceedings continue with the security serving as collateral for the execution of any judgment rendered. In this context, letters of undertaking are assurances issued by the owner or their insurer to contest any claims as though the ship were still under arrest. Should a judgment be entered, the owner or the insurer is responsible for satisfying the debt, thereby minimizing disruption to the owner's business during legal proceedings and delineating the jurisdictional authority of the admiralty court.³³

³²*Ibid.*

³³*Ibid.*

The responsibilities of the U.S. Marshal after seizing a vessel include ensuring the safety and security of the vessel and its equipment. Unless explicitly directed by a court order, the custodian of the seized vessel is generally expected to avoid interfering with the cargo or other typical operations of the vessel while it is docked. The "Manual for United States Marshals" details the duties and responsibilities of the Marshal, emphasizing that the Marshal does not provide hull insurance for confiscated vessels. Therefore, it is the responsibility of the vessel owner or plaintiff to secure adequate port risk coverage to protect their interests against potential losses.³⁴

If a vessel is not released after the posting of security, the court may authorize an interlocutory sale. This type of sale occurs before the conclusion of the court case and is typically not permitted for four months unless specific circumstances arise—such as if the vessel is perishable, at risk of degradation, or if the costs of retaining it become prohibitively expensive.³⁵

The auction buyer does not acquire ownership of the vessel until the court approves the sale, whether it is an interlocutory or judgment sale. The court holds the authority to invalidate an auction and mandate a new sale if a higher bid is submitted within three days. Once the sale is confirmed, the purchaser receives a title that extinguishes all other liens, thereby granting them a clear and unencumbered title. During an action in rem, no prior debts can be established or enforced against the vessel since such actions resolve all claims globally.³⁶

Sale proceeds from the auction are deposited into the court and allocated to cover any maintenance costs related to the vessel and the fees of the Marshal. Any remaining balance after these costs is distributed to the claimants, and any excess funds are returned to the vessel's owner. In cases where the proceeds are insufficient to cover all claims, claimants must proportionately contribute to the remaining balance or shortfall. Importantly, the ship's owner cannot claim compensation for lost profits or damages resulting from the arrest unless the claimant or plaintiff acted in bad faith during the seizure.

Furthermore, a ship sold at a marshal's sale to satisfy a maritime lien or mortgage does not qualify as "U.S. built" under the Jones Act, which stipulates that vessels operating between U.S. ports must be American-made. However, if the vessel is forfeited to the U.S. government due to drug offenses, customs violations, or other seizures, it is regarded as "U.S. built" when purchased at a marshal's sale.³⁷

6. Challenges of Maintenance of Seized Ships in Nigeria

³⁴*Ibid.*

³⁵*Ibid.*

³⁶*Ibid.*

³⁷*Ibid.*

When ships are seized in Nigeria, the Nigerian Navy is responsible for their maintenance until a decision is made regarding their fate. However, both the Navy and the Nigerian maritime sector encounter several challenges concerning the proper maintenance of these vessels. For instance, if the ship Symphony is seized in Nigeria, it may not be adequately and efficiently maintained due to the absence of effective procedures and protocols for its upkeep. The challenges associated with the maintenance of seized ships in Nigeria include:

a. Delay in Court Processes

The primary challenge facing the maritime sector is the slow pace of justice administration and the congestion of the courts in Nigeria.³⁸ A situation in which a ship is seized by the Navy and subsequently handed over to an enforcement agency, such as the EFCC, but remains unresolved for over a year undoubtedly impacts the commercial interests and concerns associated with the seized vessel. As mentioned earlier in this paper, such ships may suffer damage or even sink before any maritime proceedings can be initiated against them.³⁹

1) Lack of Funds for Maintenance of Seized Ships

The Nigerian Navy has repeatedly reported and complained that it could not fund, monitor and maintain the seized ships in its custody. One of the major complaints is that the Navy, responsible for overseeing the seized, does not have a budgetary allocation to maintain them, thereby damaging and submerging those ships.⁴⁰

2) There is the challenge of the wide gap between forfeiture and sale (auction)

Verifiable data have shown that most of the ships seized in Nigeria were forfeited over five years ago. There are indications that the minimum period by which some ships have been seized is two years ago, which would no doubt affect those assets. These assets cannot be abandoned for long because they are depreciating assets.⁴¹

C. Conclusion

EU legislation and regulations establish a framework that conceptualizes immigrant status as binary. This framework serves dual purposes: it provides a legal designation and an analytical lens. While the "binary structure" of legal epistemology is common, asserting that the law can only comprehend human behavior in terms of legality or illegality is an overstatement. The EU

³⁸K.K Anele, *A Comparative Analysis of the Arrest of Ship Procedures in Nigeria and Korea: The Need for a Paradigm Change*, Journal of Korean Law (2020) Vol. 19, 191-226 p.224.

³⁹Emeka Opara, *supra*.

⁴⁰Ibid.

⁴¹Abdulrasheed Bawa, *supra*.

delineates the requirements for legitimate admission and residency regarding standard immigration practices; however, member states retain the authority to regulate the number of applicants from outside the EU who are permitted entry.

Despite EU policies addressing migrant workers and numerous regulations governing labor movement, the majority of undocumented migrant workers encounter challenges regarding their residency status. Consequently, “illegal” migration continues to persist within the labor migration market. This “binary” nature of migrant labor—characterized by an influx of high-skill labor and ineffective management of low-skill labor—creates significant gaps within the EU and many other countries.

Numerous authorities aim to reinforce their legal systems by imposing restrictions on migrant entry, as they seek to protect their sovereign rights. Various documents, including both binding and non-binding instruments concerning the rights of migrant workers, including those classified as undocumented, have been promulgated by the UN. One potential solution for controlling undocumented migration flows is the ratification of binding agreements, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMRW).

The status of migrant workers is binary because international labor integration and the management of irregular workers must occur concurrently. The measures implemented by Spain align closely with the current realities faced by migrant workers. The government’s proactive initiatives, including the extension of work visas and collaboration with partner organizations, have addressed two significant issues: reducing the number of undocumented migrant workers and fostering strategic partnerships for labor mobility.

D. Recommendations

The following recommendations are proposed to enhance the maintenance of seized ships in Nigeria:

1. Establishment of a Maritime or Admiralty Court: The creation of a dedicated maritime court would represent a significant step forward, provided that Nigerian lawmakers enact the necessary legislation. An admiralty court, once established, would handle maritime cases exclusively, facilitating the swift administration of justice. Moreover, adjudicating maritime cases, particularly those involving the arrest of ships, would alleviate the caseloads of regular courts.⁴² This specialized court would possess exclusive jurisdiction over admiralty cases, thereby promoting professionalism within the judiciary. Judges with expertise in maritime law should be appointed to ensure the informed interpretation of existing laws and the proper adjudication of ship arrest cases.

⁴²Udora Orizu, *supra*.

2. Introduction of Release of Ships on Bond: Drawing from practices in the United States and aligning with recommendations from the Nigerian Navy, the introduction of a bond system is advisable. Upon establishment, the Maritime or Admiralty Court could require ships to secure a bond. This arrangement would mitigate the issues associated with the prolonged detention of seized vessels.
3. Establishment of a Commission for Handling Seized Ships: Currently, when the Navy seizes a ship, it is transferred to the Economic and Financial Crimes Commission (EFCC). However, as noted earlier, the EFCC lacks the capacity to maintain these vessels effectively. It is recommended that an independent agency or commission be established specifically to manage and maintain seized ships. Alternatively, this responsibility could be assigned to one of the existing regulatory agencies within the maritime sector.
4. Creation of a Distinct and Reputable Admiralty Registry: The establishment of a separate and distinct Admiralty Registry in Nigeria is also recommended.

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