



Effect of Nigeria Inability to Implement Ratified Imo' Maritime Conventions and Obtain Permanent Seat

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ABSTRACT

The International Maritime Organization (IMO) is an agency of the United Nations which specializes in control of measures for the improvement of the safety and security of international shipping and prevention of pollution from ships, while governments are accountable for executing them. When a country's government ratifies an IMO convention, it reaches an agreement to make it part of its national law and to implement all its provisions. Since 1960, Nigeria has actively participated and discharged her obligations in various subject areas; however, in respect to certain treaties related to humanitarian issues which are considered critical and much importance attached to, Nigeria has been recorded to fall short of expectations and breeched their obligations. This study examined the effect of Nigeria inability to implement ratified IMO' Maritime conventions and obtain permanent seat. It was an exploratory study where nonprobability sampling method was adopted in selecting 50 respondents from the marine environment of the Nigeria port authority, The Nigerian Maritime Administration and Safety Agency (NIMASA), and shipping companies, who are experts in the study area. Questionnaire was used for data collections and the data collected was subjected to descriptive analysis. The result of the study, among other things indicated the following effect on non-implementation of ratified IMO in Nigeria: widespread pollution of the coastal water; hindrance of effective prosecution of pirates and maritime criminals in Nigeria; restriction of the IMO's areas of activity in the country; the non-implementation and enforcement of the IMO maritime conventions affects its return to the organization; and the non-implementation and enforcement of the IMO maritime conventions affects investments in the country as investors are concerned about issues of uncertainty in dispensation of litigation and implementations of laws. Based on this result, the study recommended that Nigeria government should ensure the implementation of ratified IMO' Maritime conventions and obtain permanent seat.

Keywords: Ratified IMO, Maritime conventions, Permanent seat.

Introduction

Since attaining independence and becoming a member of the united nations in 1960, Nigeria has actively participated in the international community and pledged commitment to the international system and accepted the legal and political system which makes up the various treaties and conventions of the UN, and this position has been duly maintained by previous leaders of the country (Ahmed-Hameed, 2016). However, the situation seems to have changed, as the country has in several situations failed to uphold the established standards, structures and policies which are the requirements necessary to meet up with the various treaties.

The existence of these treaties and agreements was borne out of the need to regulate the affairs of nations, especially in areas considered underdeveloped. The result of this has been the ability to effectively deal with global issues related to humans, ranging from the environment to the oceans and to space. There has been order and a high level of compliance by member states to the treaties, especially since the conclusion of the 1969 Vienna Convention on the Law of Treaties. There are however some states which for various reasons have been unable to comply with the stipulations of the various international treaties and conventions (Udeh&Okoroafor, 2016).

Since 1960, Nigeria has actively participated and discharged her obligations in various subject areas. However, in respect to certain treaties related to humanitarian issues which are considered critical and much importance attached to, Nigeria has been recorded to fall short of expectations and breeched their obligations. This failure in obligation also extends to the treaties on maritime and environment matters. On the aforementioned areas, Nigeria has consistently demonstrated her incapacity and unwillingness to meet with expected international standards. The Convention on the International Maritime Organization (IMO) of 1948, the Geneva Convention on Fishing and Conservation of the Living Resources of the High Sea of 1958 amongst other treaties are established solely to manage maritime activities as well as establish every state's responsibilities and activities (United Nations 2016). Despite the enactment of legislations and creation of institutions by successive governments such as the Nigerian Ports Authority (NPA), Nigerian Maritime Administration and Safety Agency (NIMASA), and Nigerian Institute for Oceanography and Marine Research (NIOMR), there have been shortcomings in upholding the international standards. With the aim of compliance and enhancing performance, several initiatives have been established such as restructuring, privatization, operational reforms, and concessioning. An examination of Nigeria's compliance with major international maritime treaties reveals incapacity to enforce the treaties and conventions' stipulated standards. The inability of the maritime institutions to comply with the international treaties seems to be influenced by a range of factors such as funding, inadequate skills, shortage in manpower,

corruption, inefficient system and poor technical capacity. These laxities are manifested in areas of maritime security, pollution control, shipping regulations, welfare, hazardous practices and threats to the environment. The evidence of the aforementioned can be found in maritime states such as Lagos, Warri and Port Harcourt and Warri reported to have a high level of pollution in their waterways (Onyenucheya, 2021). Issues that border on safety of maritime operations and personnel clearly contradict with the obligations set out in the various international marine and maritime treaties and conventions. This implies that the practices of the Nigerian maritime sector contradict with international treaties to which end, there are consequences for such magnitude of failure. In this light, the study examines the effect of Nigeria inability to implement ratified IMO' Maritime conventions and obtain permanent seat.

Statement of research problem

Nigeria's election into the IMO council has only occurred three times in the last thirty years; 2000, 2007 and 2009. However, the last 12 years has seen Nigeria fail to secure a place in the global maritime industry despite the huge investments in resources set aside for this purpose. The reason for this is not far-fetched; Nigeria has been unable to meet the stipulated requirements for entry into IMO. This is primarily because due to the constant threat facing the maritime sector in Nigeria, as well as the high number of deaths recorded in the fishing industry perpetrated by sea pirates. The certification issued to seafarers in Nigeria is not in compliance with international standards; for while Nigerian sailors are locally trained, they do not undergo the compulsory six months sea term stipulated for international training conducted in Asia, America and Europe (Onyenucheya, 2021). Other factors hindering the country's ability to secure seat at the IMO council includes, the under-development of the shipping industry, insecure business environment, pollution, and weak relationship between foreign trade partners and Nigerian government. To this end, Nigeria's inability to return to the organization is affected by the lack of implementation of the IMO instruments, as it is required of member states to implement specific compulsory instruments to be able to qualify for elections. A major requirement for the acquisition of the IMO seat is the development of the shipping industry, which Nigeria has been incapable of achieving. Nigeria's level of preparedness to acquire the IMO seat can be measured through factors such as access to the port corridor; availability of infrastructure to aid effective service delivery, and in using this barometer, Nigeria seems to be lagging behind (Onyenucheya, 2021). This study is therefore interested in examining the effect of Nigeria inability to implement ratified IMO' Maritime conventions and obtain permanent seat.

Research objectives

The specific objectives of the study are to;

1. Examine the factors influencing Nigeria's inability to obtain permanent seat.
2. Examine the factors affecting Nigeria's inability to implement ratified IMO' Maritime conventions.
3. Assess the effect of non-implementation and enforcement of the IMO maritime conventions on Nigeria?

Research questions

1. What are the factors influencing Nigeria's inability to obtain permanent seat?
2. What are the factors affecting Nigeria's inability to implement ratified IMO' Maritime conventions?
3. What is the effect of non-implementation and enforcement of the IMO maritime conventions on Nigeria?

Literature review

The International Maritime Organization (IMO) is an agency of the United Nations which specializes in control of measures for the improvement of the safety and security of international shipping and prevention of pollution from ships, while governments are accountable for executing them (Obia, 2019). When a country's government ratifies an IMO convention, it reaches an agreement to make it part of its national law and to implement all its provisions. United Nations Security Council (UNSC) has vast powers and responsibilities for the protection and conservation of World peace and security and these responsibilities cover precautionary, coercive, and punitive measures (Ononihu&Oddih, 2017).

Member-states are instructed to totally implement certain mandatory instruments to be eligible for elections into the IMO Council's categories. Some of the requirements according to Onyenucheya (2021) include International Convention for the Prevention of Pollution from Ships (MARPOL 1973/1978 and its 1997 protocol); International Load Lines (LL 1966 and its 1988 protocol); the International Convention for the Safety of Life at Sea (SOLAS 1974 and its 1988 Protocol); International Convention on Standards of Training, Certification and Watch-Keeping for Seafarers (STCW 1978); International Convention on Tonnage Measurement of Ships 1969 (TONNAGE 1969); and the Convention on the International Regulations for Preventing Collision at Sea (COLREG 1972).

The inability of the Nigerian government to completely implement some of the IMO conventions and instruments affects its return to the organization (Onyenucheya, 2021). The non-implementation and enforcement of the IMO maritime conventions affects investments in the country as investors are concerned about issues of uncertainty in dispensation of litigation and implementations of laws.

Some factors undermining the Nigeria's chances of obtaining a seat at the International Maritime Organisation (IMO) Council include the continuous under-development of the shipping industry, pollution, poor infrastructure at the ports, mismanagement of resources, non-existence of synergy between government and foreign trade partners and apprehension of doing business (Onyenucheya, 2021). Also, poor electric power infrastructure, other devastating domestic factors which wisdom demands should be first addressed and considerably lessened such as prevalent corruption, abject poverty, massive unemployment, abysmal human development indices and lack of good governance (Ononihu&Oddih, 2017).

Related studies

Udeh and Okoroafor (2016) examined the elements that diminish Nigeria's proposal to be integrated in the permanent seat of the Security Council. The study adopted content analysis with particular emphasis on secondary data as source of information. It was discovered that Nigeria, currently cannot occupy a permanent seat of the Security Council due to internal problems like political leadership, military capacity and technology, economic dependency, human rights abuses, democratic practice and so on with recommendations that these internal problems be solved first before taking on global problems.

Babatunde and Akpambang (2017) in an article examined some of the international and regional instruments that have emerged due to the threat posed to the global environment by oil pollution, alongside challenges confronting their effectiveness. It was noted that threats posed by oil pollution include increasingly limited safe water and land degradation which hinder economic activity and endanger the lives of millions of people and recommended that relevant steps be taken to address these threats.

Ononihu and Oddih (2017) carried out an appraisal of Nigeria's quest for a permanent seat at the United Nations Security Council, by relying on documentary and secondary instruments of data generation, as well as logical interpretation and analyses of important data. It was observed that the veto and permanent membership of the United Nations Security Council (UNSC) are disseminated based on capabilities in terms of national power in all its ramifications and not on sympathy, ethics, equity, fairness, or democratization. Also, Nigeria is nowhere near being a global power capable of resisting coercion and to successfully coerce others.

Theoretical framework: Games Theory

Games theory can be defined as a theory of rational decision in situations of conflict (Bhuiyan, 2016) and is the study of how individuals or governments apply strategy to achieve an outcome (a pay-off) which will benefit them. The emphasis of games theory is on rational choices and conflict resolution and the choices are either limited or unlimited. Games theory assumes that each country is an independent decision-making unit, having unique options and stipulated payoffs connected with each of the options. Games theory makes both analysts and policy makers systematically examine assumptions and help clarify the choices obtainable while offering possibilities that may not have been explored (Udeh&Okoroafor, 2016). For Nigeria to be regarded as one of the strongest powers in the world that regulate global affairs, she will justify her leadership position in Africa. Also, if decisions are to be made on issues relating to international peace and security, Nigeria will be a part of it at the international level, not just in Africa but globally.

Methodology

The study adopted an exploratory research method in examining the effect of Nigeria inability to implement ratified IMO' Maritime conventions and obtain permanent seat. To this end, Non probability sampling method was used in selecting respondents from the marine environment of the Nigeria port authority, The Nigerian Maritime Administration and Safety Agency (NIMASA), and shipping companies, who are experts in the study area. The rationale behind the use of this sampling method is to ensure that participation is limited people who are knowledgeable and familiar with the implementation of the IMO treaties. Thus it entails the selection of a portion of the population under study. 50 respondents were selected and administered questionnaire to. Data collected was subjected to descriptive analysis.

Data presentation, analysis and discussion

RQ1: What are the factors influencing Nigeria's inability to obtain permanent seat?

Table 1: The factors influencing Nigeria's inability to obtain permanent seat

ITEM	strongly agreed/agree	UN	Disagree Strongly Disagree	Percentage in agreement	Mean In agreement
Inability to develop the shipping industry	50	0	0	100	5.0
Weak international relationship with the Francophone countries	47	1	2	94.0	4.7
Poor infrastructure at the ports	39	10	1	78.0	3.9
Mismanagement of resources	42	2	7	84.0	4.2
Insecure business environment	47	2	1	94.0	4.7
Massive unemployment	42	7	1	84.0	4.2
Lack of good governance	48	2	0	96.0	4.8
Prevalent corruption	40	7	3	80.0	4.0
Abject poverty	48	0	2	96.0	4.8
Military capacity and technology	41	8	1	82.0	4.1
Human rights abuses	42	2	6	84.0	4.2
Average				88.36	4.42

Field survey, 2021

The result as presented in Table 1 above indicated a mean score of 4.42, supported with a high percentage of 88.36% in agreement, the following factors are indicated as influencing Nigeria's inability to obtain permanent seat: inability to develop the shipping industry; Weak international relationship with the Francophone countries; Poor infrastructure at the ports; Mismanagement of resources; Insecure business environment; Massive unemployment; Lack of good governance; Prevalent corruption; Abject poverty; Military capacity and technology; and Human rights abuses. This result supports Onyenucheya, A. (2021) and Obia (2019) respectively who listed out similar factors as influencing Nigeria's inability to obtain permanent seat.

RQ2: What are the factors affecting Nigeria's inability to implement ratified IMO' Maritime conventions?

Table 2: The factors affecting Nigeria's inability to implement ratified IMO' Maritime conventions

ITEM	strongly agreed/agree	UN	Disagree Strongly Disagree	Percentage in agreement	Mean In agreement
Inability to pursue trade relationship with neighboring countries	42	4	4	84.0	4.4
Inability to streamline relationship with international best standards amongst other nations	39	9	2	78.0	3.9
Non-availability of modern equipment and funds	38	12	0	76.0	3.8
Lack of political will	40	7	3	80.0	4.0
Average				79.5	4.0

Field survey, 2021

With an average of 79.5, % in agreement to the items in the table and mean score of 4.0, the following are identified in the study as the factors affecting Nigeria's inability to implement ratified IMO' Maritime conventions: Inability to pursue trade relationship with neighboring countries; Inability to streamline relationship with international best standards amongst other nations; Non-availability of modern equipment and funds; and Lack of political will. This result supports that of Onyenucheya (2021) who shared similar opinion.

RQ3: What is the effect of non-implementation and enforcement of the IMO maritime conventions on Nigeria?

Table 3: The effect of non-implementation and enforcement of the IMO maritime conventions on Nigeria

ITEM	strongly agreed/agree	UN	Disagree Strongly Disagree	Percentage in agreement	Mean In agreement
Widespread pollution of the coastal water	40	4	6	80.0	4.0
Hindrance of effective prosecution of pirates and maritime criminals in Nigeria	37	9	4	74.0	3.7
Restriction of the IMO's areas of activity in the country	48	2	0	96.0	4.8
The non-implementation and enforcement of the IMO maritime conventions affects its return to the organization	30	9	11	60.0	3.0
The non-implementation and enforcement of the IMO maritime conventions affects investments in the country as investors are concerned about issues of uncertainty in dispensation of litigation and implementations of laws.	48	1	1	96.0	4.8
Average				81.2	4.06

Field survey, 2021

81.2% are in agreement to the items in the table supported by a mean score of 4.06, the following are the effect of non-implementation and enforcement of the IMO maritime conventions on Nigeria: Widespread pollution of the coastal water; Hindrance of effective prosecution of pirates and maritime criminals in Nigeria; Restriction of the IMO's areas of activity in the country; The non-implementation and enforcement of the IMO maritime conventions affects its return to the organization; and The non-implementation and enforcement of the IMO maritime conventions affects investments in the country as investors are concerned about issues of uncertainty in dispensation of litigation and implementations of laws. This result agrees with that carried out by Onyenucheya, A. (2021) and Obia (2019) respectively.

Conclusions and Recommendation

The International Maritime Organization (IMO) is an agency of the United Nations which specializes in control of measures for the improvement of the safety and security of international shipping and prevention of pollution from ships, while governments are accountable for executing them (Obia, 2019). When a country's government ratifies an IMO convention, it reaches an agreement to make it part of its national law and to implement all its provisions. United Nations Security Council (UNSC) has vast powers and responsibilities for the protection and conservation of World peace and security and these responsibilities cover precautionary, coercive, and punitive measures (Ononihu&Oddih, 2017). Since 1960, Nigeria has actively participated and discharged her obligations in various subject areas. However, in respect to certain treaties related to humanitarian issues which are considered critical and much importance attached to, Nigeria has been recorded to fall short of expectations and breached their obligations. This failure in obligation also extends to the treaties on maritime and environment matters. This study investigated the effect of Nigeria inability to implement ratified IMO' Maritime conventions and obtain permanent seat; and the result of the study, among other things indicated the following effect on non-implementation of ratified IMO in Nigeria: widespread pollution of the coastal water; hindrance of effective prosecution of pirates and maritime criminals in Nigeria; restriction of the IMO's areas of activity in the country; the non-implementation and enforcement of the IMO maritime conventions affects its return to the organization; and the non-implementation and enforcement of the IMO maritime conventions affects investments in the country as investors are concerned about issues of uncertainty in dispensation of litigation and implementations of laws. Based on this result, the study recommended that Nigeria government should ensure the implementation of ratified IMO' Maritime conventions and obtain permanent seat.

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Appendix -1

**EFFECT OF NIGERIA INABILITY TO IMPLEMENT RATIFIED IMO' MARITIME CONVENTIONS AND OBTAIN PERMANENT SEAT
REQUEST FOR INFORMATION**

Dear Respondent,

I am carrying out a study on “effect of Nigeria inability to implement ratified IMO' maritime conventions and obtain permanent seat”, and you have been chosen to be part of the study. This questionnaire is only for academic purposes. Kindly select the response which applies to you and all information will be kept confidential

Instructions: Please tick (√) as appropriate where

SA = Strongly Agree (SA), A = Agree, UD = Undecided, D, Disagree (D), SD = Strongly Disagree (SD)

Key: Strongly agree (5), Agree (4), Undecided (3) Disagree (2), and strongly disagree (1).

S/N	ITEMS	SA	A	UN	D	SD
RQ1	What are the factors challenging Nigeria's inability to obtain permanent seat?					
1	Inability to develop the shipping industry					
2	Weak international relationship with the Francophone countries					
3	Poor infrastructure at the ports					
4	Mismanagement of resources					
5	Insecure business environment					
6	Massive unemployment					
7	Lack of good governance					
8	Prevalent corruption					
9	Abject poverty					
10	Military capacity and technology					
11	Human rights abuses					
RQ2	What are the factors affecting Nigeria's inability to implement ratified IMO' Maritime conventions?					
12	Inability to pursue trade relationship with neighboring countries					
13	Inability to streamline relationship with international best standards amongst other nations					
14	Non-availability of modern equipment and funds					
15	Lack of political will					
RQ3	What is the effect of non-implementation and enforcement of the IMO maritime conventions on Nigeria?					
16	Widespread pollution of the coastal water					
17	Hindrance of effective prosecution of pirates and maritime criminals in Nigeria					
18	Restriction of the IMO's areas of activity in the country					
19	The non-implementation and enforcement of the IMO maritime conventions affects its return to the organization					
20	The non-implementation and enforcement of the IMO maritime conventions affects investments in the country as investors are concerned about issues of uncertainty in dispensation of litigation and implementations of laws.					