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Harmonious Relationship among Port Security Operatives in the Cabotage Era: The Nigerian Experience

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ABSTRACT: The cabotage act in Nigeria is concerned with cargo sharing in the nation's ports for appropriate trade benefits. In order to succeed, this act requires a favourable operational environment within the nation's ports. The thrust of this work is to examine the Nigerian experience of harmonious relationship among port security operatives in the cabotage era. Data were collected from extant literature. The paper argues that security operatives in the cabotage era have constantly engendered confusion, judicial crisscrossing, in the performance of their assigned or perceived duties, an act which speaks volume for the appropriate implementation of the new cabotage law. This paper recommends, among others, that proper security scheme with clearly authorized operatives under specially defined modalities of operations is key to eschew chaos, ensure speedy returns on investment by port users and administrators.

KEYWORDS: Cabotage, Harmonious relationship, Nigeria, Port security operatives.

I. INTRODUCTION

Inter-agency feud is a recurrent decimal in Nigeria and security operators are no exemptions, especially operatives within the cabotage area of the country [1][2][3]. Security agents in Nigeria have been engulfed in several unhealthy rivalries, instead of working towards the full actualization of the reasons for their various creations [4]. This gas, in more ways than one affected negatively, the guidelines of the Coastal and Inland (Cabotage) Act of 2003 [5], which seeks to promote indigenous participation in goods carriage within the nation's waters and territory [6]. Contrary to how it is being perceived by an average Nigerian, all is not well with security operations around the Nigerian Ports due to multifarious surveillances and counter-surveillance, directives and counter-directives, as well as orders from above and beneath. It is therefore the aim of this study to trace and highlight the history of Nigerian Ports Authority (NPA) in port security operations. The study will also enunciate the reasons for conflicts among Port security operatives as well as recommend ways of ensuring harmonious relationship among these security operatives. In order to achieve these aims, the conceptual, theoretical, historical as well as the political explanation of the situation will be made to buttress conflicts in security and other operations within the coastal area of Nigeria.

II. CONCEPTUAL EXPLANATIONS

Cabotage, otherwise known as "Coastal trade" is a form of trade that takes place within a country's coastal regions. It connotes the movement of persons or goods from port to port within a country [7]. The Cabotage Law was passed by the Nigerian National Assembly on the 30th day of April, 2003 and became operative in May 1, 2004. It is also known as "Coastal and Inland Shipping Act of 2003". Cabotage operations and laws border on geographical proximity, nature of cargo, possibility of intermodal choice and market flexibility [8]. The promotion of shipping over road transport option is informed basically by negative impacts off highways deterioration, congestion and pollution; and the cost effectiveness or cheaper freight rates obtained using marine transportation [9]. As in the case of Nigeria and other selected countries, cabotage policies are usually made due to restrictions to liberal continuum and depends on country's choice of access grant to foreign operators [10]. According to Llanto and Navarro (2012), this policy is largely discretionary [11].

The Nigerian Ports Authority Act of 1999, Cap. 126 Law of the Federal Republic of Nigeria, 2004 saddles the NPA with the responsibilities of operating, providing, maintaining, improving and regulating Ports usage and other related issues in Nigeria. For an adequate attainment of these responsibilities, the NPA includes the following stakeholders:

- a. Nigerian Police
- b. ICPC
- c. NIMASA
- d. Port Health Services
- e. Nigerian Customs Services
- f. Nigerian Shipping Council
- g. NDLEA
- h. Nigerian Immigration Services

III. HISTORICAL EXPLANATIONS

Historically, the maritime potentials of the geographical area now known and referred to as Nigeria was first discovered by the British during the era of colonialism [12]. It was first known as Nigerian Maritime in 1906 [13]. In 1954, the Nigerian Maritime metamorphosed into the Nigerian Ports Authority [14]. It is worthy to note that prior to independence, multinational corporations like VAC, John Holt, CFAO, among others, dominated the Nigerian sea ports and terminals [15]. Later, the National Shipping Line (NNSL) was established. After independence, irrespective of the maritime sector boom in 1970 and early 80s, and the government's huge investments, the NNSL was liquidated in 1995 [16] and was immediately replaced with National Unity Line which faced similar problems as the NNSL. Nigeria became member of the International Maritime Organization (IMO) which assisted in the provision of research and trainings to member states, yet, several problems still engulfed the sector. In 2003, the Nigerian National Assembly passed into law, Coastal and Inland Shipping (Cabotage) Act which began operation in 2004 (about a year later). See fig. 1 for the major ports in Nigeria, although not all these ports are in full operation.



Fig. 1: Major Nigerian Ports.

Source:[17]

A discourse on the reform and restructuring of the Nigerian Maritime Sector will be incomplete except the Cabotage Act of 2003 is mentioned. The importance of this act includes but not limited to the empowerment of Nigerian entrepreneurs who are involved in maritime or related services. Although limited to Nigerian coastal and inland waters, the Act indigenizes every economic activity within Nigeria's coastal and inland waters. It provides that Nigerians should own ships and participate fully in every service provided within the marine area. This Act gives ample opportunities to Nigerian entrepreneurs to build, register and own ships, after several years of exclusion from this very important economic activity as a result of the absence of the Cabotage Law.

Generally, the maritime sector is vital to the rapid growth and sustainable development of nations across the World, as it represents an orbit at which the country's economy revolves. This is evidence in the fact that even landlocked

countries try at every point to linkup with neighbouring or other countries with seaport access, specifically in the interest of national development, economy growth and stability. It is important to note that from time immemorial, a larger part of international trade has often been done using coastal regions and marine transportation. Today, about 90% of international trade is done using sea routes. Currently, from statistics, about Forty-Six Thousand cargoes are in constant movement around the world and carries millions of tons of cargoes. These cargoes carry raw material, finished goods and humans from one point to the other on daily basis. It becomes very important for Nigeria as a country to embark on strategic reforms of its maritime sector, as the country depends largely of the importation of various goods and the exportation of raw materials, most prominent among others, is crude oil, which is the major source of the country's foreign earnings.



Fig. 2: Map of Nigeria showing the lake and river routes.

Source:[18]

IV. THEORETICAL EXPLANATIONS

Going by the observation of Kahn, Woife, Quinn, Snovop and Rosentnal, organizations can be studied as “consisting of interacting and overlapping role sets or groups joined by linking pins” [19]. In other words, every employee in an organization has certain expectations of others and themselves. What constitute an organization is set of roles and interactions between participants in those roles. Hence, the organization could more realistically be seen as a system of overlapping role sets, which more often than not results in conflicts. The application of this theory of (interacting and overlapping role-sets) to Nigerian Ports Authority would show that the existence of various autonomous security operatives within the organization with overlapping roles sets breeds conflicts; for example, at one point or the other, the Customs have performed functions outside its jurisdiction, such as the enforcement of drug laws, security at the nation's borders, import control agent on plants, seeds, fruits, pets, etc; as well as export checks on valuable antiques. Despite the establishment of separate agencies to handle these functions, the department (Customs) has not relinquished these assumed roles.

The function of the Port Police is at-times being usurped by the Custom who detains offenders at will, rather than turn them over to the Police with necessary information for prosecution. The Port Immigration personnel have had to abandon their avowed responsibility of checking illegal immigrants (human cargoes), as they now check Custom cleared merchandize and personal effects imported into the Country, hence over-lapping their roles with those of the Customs. This generates several conflicts.

V. POLITICAL EXPLANATION

In recent times, government hasty decentralization exercises without strong foundation and incoherent policy changes and statements have contributed to conflicts among Port security operatives. The cabotage act is largely a code of cargo sharing which gives primacy to the originating countries in the appropriation of shipping trade benefits. Cabotage depicts all cargo originating from one point in Nigeria to another point in Nigeria while any cargo that originates from



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outside of Nigeria is international cargo. Moreso, how that cargo is moved from load port to the destined port is determined from bill of landing. Until a cargo gets to its destination, it does not become domestic cargo. However, transship cargo, could be regional or domestic cargo, for instance if a vessel is loaded in Port Harcourt and is destined for Lagos but midway, it diverts to Warri or Calabar, it is a clear case of transshipment and a cabotage cargo. In the light of this, Coastal and Inland Shipping (cabotage) Act of 2003, which was to take off on May 1, 2004 amidst controversy, on account of alleged tremendous influence by some multinational oil and shipping companies on some Nigerian elements charged with the responsibilities of implementation. It appears, the end of high poli-tricks in ports security may still be a mirage.

Among every national budget announcement and unfulfilled development plans, creates one security outfit or the other with delayed enabling decrees or laws, and charged with almost the same responsibility as those already in existence. As the Federal Road Safety Corps (FRSC) and National Drug Law Enforcement Agency (NDLEA) have taken over certain traditional functions of the Nigerian Police, the Customs x squads and enforcement taskforce in particular have also usurped security checks of NNSL outside the long room. In fact, until recently, the security operative of the NNSL has remained a toothless bulldog. Obviously, if allowed to operate in this present chaotic condition, these security agencies within the Port may engage themselves in self-destructive exercise, thus suffer further credibility loss before already disenchanted Port users. Also, Port Security Operatives have often been subjected to serving more than one master at a given time. It is worthy to note that an individual who is subjected to direct orders from more than one superior is placed in a difficult position. Whose orders should be carried out? In what order should he execute them? What should he do if the orders conflict? This is an unfair position in which to place an individual.

VI. CONCLUSION

The thrust of this work was to examine the Nigerian experience of harmonious relationship among port security operatives in the cabotage era. It has been noted that in order to succeed, the cabotage act, which seeks to promote indigenous participation in goods carriage within the nation's waters and territory, requires a favourable operational environment within the nation's ports. Therefore, the recurrent involvement of Port security Operatives in unhealthy rivalry, instead of team-working towards the full actualization of the reasons for their various creations is detrimental to the development of the maritime industry, which constitutes one of the major sources of Nigeria's national development, and the promotion of other maritime related businesses.

VII. RECOMMENDATIONS

1. Rather than operates as autonomous bodies subject to different lines of authority without unity of command, the Port Security Operatives should be united under a single umbrella supervised by the landlord of the premises (the NPA). This will eliminate the "release-re-arrest" syndrome of goods imported through the seaports, ensure the smooth take off of the cabotage as well as restore public confidence in the Port Security Operatives.
2. Harmony is a great strength to any organization hence under one umbrella; team work should be encouraged by management to boost the morale of the Security Operatives.
3. It should be made clear the strategic role of Port Security Operatives in safeguarding life and property therefore; policies must be made and implemented in a way that Port Security Operatives willingly and spontaneously pursue their organizational goals. Intra-operative or inter-operative conflicts must be eliminated to avoid disruption of normal Port services.
4. There should be complete avoidance of policies that are capable of generating competitive spirit among Port Security Operatives.
5. Employees of same rank should relate as equals and colleagues, whether they be custom, Quarantine, Police, etc, and the junior security operatives, will feel more at ease when given functions that will enable them interact as colleagues, under a supervisor who does not unnecessarily interfere with their relationship. They should be awarded alike.
6. Finally, operatives who are more skilled and render more essential services to the authority than others should be rewarded above others, on management principles clear to other operatives hinged on merit or achievement. This will eschew envy when others are not given the same rewards. This is a way forward for the cabotage act.
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