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**PIRACY AND ACTS OF MARITIME VIOLENCE ACT 2008**

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**Submitted By:**  
**THIR HADEJIA IDRIS**  
**(NIGERIA)**

**Supervisor: Mr. Norman Martinez**

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**PIRACY AND ACTS OF MARITIME VIOLENCE ACT**  
**(NIGERIA)**

**DRAFTING INSTRUCTIONS**

**Piracy and Counter Piracy Measures**

Piracy as a generic term is used to refer to armed robbery attacks on ships at sea. Although the term has, over the years, acquired other rather restrictive technical (legal) meaning limiting its commission to the High Seas only, the generic meaning captures the sense in which it is generally understood. The restrictive meaning is reflected in the definition of piracy in the 1982 United Nations Convention on the Law of the Sea (UNCLOS) while the generic meaning is largely reflected in the definition of acts of maritime violence under the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention) as well as the 1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, (SUA Protocol). **Both meanings would be taken care of in this Act.**

As piracy has existed as long as shipping and trade, so also have the efforts to combat it. From the modest self defence efforts of the sailors, far ineffective in containing the pirates' aggression, the shipping world has continued to developed counter piracy measures, day in day out. However, not even the modern day highly coordinated, technology assisted counter piracy measures have succeeded in eliminating the heinous practice. Rather, the sophistication of the pirates in carrying out their nefarious activities seems to advance almost at the same pace as (if not ahead of) the counter measures. This, however, has not made the shipping stakeholders relent in their continuous efforts to secure the acknowledged most important transportation route in the modern day human life, namely *The Sea*. The importance attached to such efforts is underscored by the adoption of the slogan "*Safe, Secure and Efficient Shipping on Cleaner Oceans*" by the highest, most important and most competent international maritime institution: The International Maritime Organisation (IMO).

### **Brief Current Global Piracy Situation**

The International Maritime Bureau - a specialized division of International Chamber of Commerce (ICC- IMB) has reported a significant 10% rise in piracy incidents globally, in the year 2007, compared to the previous year. According to its 2007 Piracy and Armed Robbery against Ships Annual Report, released in the first week of January 2007, statistics compiled by the Bureau's Piracy Reporting Centre (PRC) Kuala Lumpur, have shown that attacks on ships within the year under review numbered 263 as against 239 recorded in 2006. The report further revealed a 35% increase in the number of incidents involving guns, with 64 crew members injured or assaulted, compared with 17 in 2006.

### **Latest Piracy Report on Nigeria**

In his comments on the Report, the I.M.B Director, Captain Pottengal Mukundan was reported by *IRIN* and *REUTERS* to have said that *"the significant increase is directly attributable to the increase in incidents in Nigeria and Somalia"*, adding that *"pirates in these two countries attacked vessels further out at sea and were better armed and organized amid a lack of proper law enforcement"*.

The Report indicates that in Nigeria a total of 42 incidents were reported in 2007 as against 12 in the year 2006. The attacks were concentrated in the commercial and coastal city of Lagos, where 25 incidents took place, and in the oil producing Niger-Delta region where many of the attacks were staged by heavily armed groups often with political grievances.

In a reaction to the latest of such incidents, during which a product tanker was boarded at anchorage off Lagos, by armed attackers dressed in military uniform, taking three (3) crew members hostage (released only after payment of ransom), the Director of the Bureau was further reported to have described the situation as *"totally unacceptable"*. He added that *"Nigeria has one of the best armed forces in the region, widely deployed in peace keeping missions in Africa"* and therefore called on

the “*Nigerian Navy to investigate this incident and punish those responsible*”. He concluded that “*It is disgraceful that persons wearing military uniform, normally trusted by Ship Masters, should get away with such criminal acts*” thereby insinuating that the armed attackers could be members of the Nigerian security services.

#### **Reaction by Nigerian Government: An Inter-Ministerial Committee**

The Nigerian Government, irked by this Report which it considered seriously, in view of the negative publicity and the subsequent protests it generated against Nigeria, and the consequent embarrassment in the international community, swiftly reacted by setting up an ad-hoc inter-ministerial committee to investigate the phenomenon. The committee, which is chaired by The Hon. Minister of Transportation, comprises of the Ministers of Defence, Justice, Internal Affairs as well as the National Security Advisor. In addition, the committee was empowered to co-opt any relevant government agency or private sector organization that it deems useful, and to consult any international organisation for the purpose of carrying out its assigned task expeditiously and successfully.

#### **Terms of Reference**

The terms of reference of the committee are:

- (i) to investigate thoroughly and with dispatch, the disturbing rising incidents of piracy and armed robbery against ships, and generally acts of maritime violence in Nigerian territorial and internal waters, in all its ramifications;
- (ii) to verify the veracity of the allegation of involvement of some members of the Nigerian security forces in the incidents;
- (iii) to assess the *adequacy and effectiveness of the current security patrol system* of the Nigerian territorial and internal waters;
- (iv) to review and assess *the efficacy of the current penal law* governing the crime of piracy and armed robbery against ships and general acts of maritime violence, vis-à-vis both the current international approach/strategy in that regard;

- (v) to recommend a lasting solution to the problem, bearing in mind two important unpleasant possibilities: (a) the negative *international political consequences* of the pirates' activities to Nigeria, in view of the inherently international nature of shipping and the diversity of nationality of crew victims of the pirates' nefarious activities; and (b) the negative consequences of the phenomenon to *the largely oil-based Nigerian economy*.

The committee after extensive deliberations on the subject, resolved to employ deliberate strategies to enhance the quality of its recommendations and to carry along all stakeholders in order to enlist their support and cooperation at the implementation stage of whatever policy measures it may recommend to the government. Accordingly, the committee first advertised its formation and called for written submissions on the subject, from all interested parties. The committee also consulted widely with the major stakeholders in the maritime industry comprising:

**1. Security Agencies and Outfits:**

- (a) Nigerian Navy;
- (b) The Coast Guard Division of NIMISA;
- (c) Nigerian Police Force.

**2. Maritime Regulatory and other Agencies:**

- (a) Nigerian Ports Authority (NPA);
- (b) Nigerian Maritime Administration and Safety Agency (NIMASA);
- (c) Nigerian Shippers' Council (NSC);
- (e) The Ports Association of West and Central Africa.

**3. Industry Service Providers:**

- (a) Shipping Lines/Agencies;
- (b) Terminal Operators /Concessionaires;
- (c) Stevedores;
- (d) Freight Forwarders.

**4. Shippers/Trade Groups and Professionals:**

- (a) National Association of Chambers of Commerce, Industry, Mines and Agriculture (NACCIMA);**
- (b) Manufacturers Association of Nigeria (MAN);**
- (c) The Nigerian Maritime Law Association.**

#### **Public Hearing and Sensitization of The National Assembly**

The committee rounded up its consultations with General Public Hearing Sessions in the port cities of Lagos, Port Harcourt and Calabar and the Capital City- Abuja. They also paid a courtesy call on the two Chairmen of the Marine Transport Committees of *The Senate* and *The House of Representatives* - the two chambers of Nigeria's bi-cameral National Legislature. This is the committee's deliberate strategy aimed at sensitising the law makers on *the disturbing national problem* and on the possible need for (among others) a legislative measure to squarely address it.

#### **Review of International Counter-Piracy Legal Framework**

In line with its terms of reference the committee also reviewed the international maritime security framework, paying particular attention to the various conventions and recommendations of relevant international organizations (particularly the IMO) on counter piracy measures. Specifically, the committee examined the 1982 (UNCLOS), the 1988 SUA Convention, the 1988 SUA Protocol and the IMO Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery Against Ships.

#### **The Committee's Observations and Recommendations:**

The committee came up with far reaching observations and recommendations:

1. The current security patrol system in Nigerian Territorial Waters in particular, and the internal waters and the ports generally, is uncoordinated and, most importantly, is hampered by lack of appropriate logistical support necessarily required to match the new trend of the well armed Nigerian pirates. There is therefore the need to strengthen security arrangements for effective patrol of Nigerian territorial and internal waters including port areas, through

sustained joint operations of all the relevant security agencies, under the central coordination of the Nigerian Navy.

2. The success of Nigeria's current anti-piracy efforts is impeded by the absence of effective legal framework. The current penalties for the offences of piracy and maritime violence are grossly ineffective in deterring the criminals. There is need for the Federal Government to review/overhaul the Nigeria's National Criminal Law Provisions relating to piracy and acts of maritime violence, with a view to upgrading them to and unifying them with current international best standards.

3. In particular, the committee observed that as Nigeria is a party to both the 1982 UNCLOS [which it has domesticated by the Territorial Waters (Amendment) Act 1998] as well as the 1988 SUA Convention, Nigeria can utilise the CMI Model National Law on Acts of Piracy and Maritime Violence, as it is generally considered to "represent a balanced and coherent whole" being a product of an international effort by the Joint International Working Group (of all the most relevant stake holder International Organisations) on Uniformity of Law Concerning Acts of Piracy and Maritime Violence.

Accordingly the committee recommended that:

- i. The 1988 SUA Convention which Nigeria ratified on 24<sup>th</sup> May, 2004 should be immediately adopted into the national law;
- ii. The 1988 SUA Protocol should be acceded to and domesticated with immediate effect;
- iii. That an independent Nigerian Coast Guard modeled on the most successful coast guard system be established to police Nigerian territorial waters, enforcing domestic legislation and discharging Nigeria's relevant international obligations in that regard;
- iv. That pending the establishment and nurturing of an effective coast guard, the coordination responsibility of the territorial waters security patrol should be assigned to the Nigerian Navy and that all

the logistic needs of the patrol system should be adequately funded by the Nigerian Maritime Administration and Safety Agency.

- v. That a new Anti Piracy Law: “Piracy and Acts of Maritime Violence Act” to be based on the CMI Model National Law and *to supersede all other provisions on such offences, in all other statutes currently in force in Nigeria*, should be immediately enacted and enforced;
- vi. That while the definition of Piracy provided under Article 101 of the UNCLOS 1982 *which restricts the commission of the offence to the high seas* should be adopted and criminalised in the new law in accordance with the provisions of the Convention, *other pirates’ activities within Nigeria’s territorial waters* should equally be brought within the definition of maritime violence under the SUA 1988 Convention and the SUA 1988 Protocol, and criminalised accordingly.
- vii. That the Federal Government should ensure that the seven offences created under Article 3.1 (a) - (g) as well as the three created under Article 3.2 (a) – (c) of the SUA 1988 Convention should be specifically added to the maritime violence offences envisaged in the CMI Model Law and adapted/consolidated into the new law, in order to cover comprehensively, all the patterns of the pirates’ activities in Nigeria’s territorial waters.
- viii. That the Federal Government should ensure that the five offences created under Article 2.1 (a) – (e) as well as the three created under Article 2.2 (a) – (c) of the SUA (Rome) Protocol, 1988 should also be specifically added to the maritime violence offences envisaged in the CMI Model Law and adapted/consolidated into the new law, in order to take care of the pirates’ attacks on *fixed platforms/oil rigs in Nigeria’s oil producing Niger-Delta region*.
- ix. That upon the immediate enactment of the new law, the Federal Government should, in accordance with the provision of Article 6 (3) of the 1988 SUA Convention, take necessary steps to notify the IMO Secretary-General that Nigeria has established jurisdiction over



offences created by Article 3 of the Convention in the three circumstances listed under Article 6 (2) of the Convention.

#### **A New National Anti-Piracy Law**

The Federal Government of Nigeria, having accepted the committee's recommendations directed, *inter alia*, the Federal Ministry of Transportation and its relevant maritime regulatory agencies (NPA, NIMASA, and NSC) in conjunction with the Federal Ministry of Justice, to work out a draft adaptation of *The CMI Model National Law on Acts of Piracy and Maritime Violence* for the consideration of the Federal Executive Council and eventual presentation to the National Assembly as an Executive Bill, for A New Law on Piracy and Acts of Maritime Violence. In particular, the Government emphasized that the new law should provide for more severe penalties for all the crimes to be created by the new law, than currently obtained. This assignment fell on the shoulders of this author and is hereunder presented:

## **PIRACY AND ACTS OF MARITIME VIOLENCE ACT 2008**

***Title;*** An Act to create the Offences of Piracy and Acts of Maritime Violence, and Penalties for such offences.

***Section 1.***  
***Commencement and application;***

### **Part 1**

**1.** The provisions of this Act shall come into force on the day the Act is signed into law by The President.

***Section 2.***  
***Definitions:***  
***Piracy;***

**2.** In this Act, unless the context otherwise requires:

**(1).** Piracy is committed when any person or persons, for any unlawful purpose, intentionally or recklessly engages in:

**(a)** any illegal act(s) of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship, or a private aircraft, and directed:

**(i)** on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;

**(ii)** against a ship, aircraft, persons or property in a place outside the jurisdiction of any State; or

**(b)** any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft; or

**(c)** any act of inciting or of intentionally facilitating an act described in paragraphs (a) or (b) of this sub-section;

***Maritime Violence;***

**(2).** The crime of Maritime Violence is committed when any person or persons, for any unlawful purpose, intentionally or recklessly:

**(a)** injures or kills any person or persons in connection with the

**commission or the attempted commission of any of the offenses set forth in paragraphs (b) to (h) of this sub-section;**

**(b) performs an act of violence against a person or persons on board a ship; or**

**(c) seizes or exercises control over a ship or any person or persons on board by force or any other form of intimidation; or**

**(d) destroys or causes damage to a ship or ship's cargo, an offshore installation, or an aid to navigation; or**

**(e) employs any device or substance which is likely to destroy or damage to a ship, its equipment or cargo, or to an aid to navigation; or**

**(f) destroys or causes damage to maritime navigational facilities, or interferes with their operation, if that act would be likely to endanger the safe navigation of a ship or ships; or**

**(g) engages in an act involving interference with navigational, life support, emergency response or other safety equipment, if that act would be likely to endanger the safe operation or navigation of a ship or ships or a person or persons on board a ship; or**

**(h) communicates false information, endangering or being likely to endanger the safe operation or navigation of a ship or ships or a person or persons on board a ship; or**

**(i) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation; or**

**(j) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship; or**

**(k) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship; or**

**(l) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship; or**

**(m) destroys or seriously damages maritime navigational facilities or**

seriously interferes with their operation, if any such act is likely to endanger the safe navigation of a ship; or

(n) communicates information which he knows to be false thereby endangering the safe navigation of a ship; or

(o) injures or kills any person, in connection with the commission or attempted commission of any of the offences set forth in paragraphs (i) - (n) of this sub-section; or

(p) seizes or exercises control over a ship or a fixed platform by force or threat thereof or any other form of intimidation; or

(q) performs an act of violence against a person on a fixed platform if that act is likely to endanger its safety; or

(r) destroys a fixed platform or causes damage to it which is likely to endanger its safety; or

(s) places or causes to be placed, on a fixed platform, by any means whatsoever, a device or substance which is likely to destroy that fixed platform, or cause likely to endanger its safety; or

(t) injures or kills any person in connection with the commission or attempted commission of any of the offences set forth in paragraph (p)-(s) of this section; or

(u) engages in any of the acts described in paragraphs (a) to (o) of this sub-section, to the extent applicable, where such acts involve an offshore installation or affect a person or persons on an offshore installation.

*Maritime Violence ;*

(3). Maritime violence is also committed when any person or persons, for any unlawful purpose, intentionally or recklessly endangers or damages the marine environment, or the coastline, maritime facilities or related interests of a State or States.

*Attempted Piracy;*

(4) (a) An attempt to commit any of the offence stated in sub-section (1) or any unlawful effort intended to aid, abet, counsel or procure the

commission of such offence or threats to commit such offence shall constitute piracy;

***Attempted Maritime Violence;***

(b) An attempt to commit any of the offenses listed in sub-sections (2) or (3) or any unlawful effort intended to aid, abet, counsel or procure the commission of any of these offenses, or threats to commit any of them, shall constitute maritime violence.

***Ship;***

(5) The term *ship* as used in this Act includes any type of vessel whatsoever, or other floating craft;

***Person;***

(6) The term *person* as used in this Act includes, where applicable, entities having juridical personality as well as individual natural persons;

***Fixed Platform;***

(7) *Fixed platform* means an artificial island, installation or structure permanently attached to the seabed for the purpose of exploration or exploitation of resources or for other economic purposes.

***Exemptions from the offence of Maritime Violence ;***

(8). Notwithstanding the definitions in Section 2 (1), (2), (3) and (4), reasonable acts to rescue a person or to recover stolen property or to regain lawful control of a ship or offshore installation shall not constitute piracy or maritime violence.

(9). Notwithstanding the definitions in Section 2 (1), (2), (3) and (4), reasonable or proportionate acts to protect a person, ship or offshore installation, or related property, against piracy or maritime violence shall not constitute piracy or maritime violence.

**Section 3  
*Jurisdiction to prosecute Piracy in the Federal High Court;***

**Part 2:**

**3. (1). Jurisdiction to prosecute piracy as defined in Section 2. (1) (a) – (c) shall lie with the Federal High Court when the offence is committed:**

- (a) against or on board a ship flying the flag of Nigeria at the time the offence is committed; or**
- (b) in the territory of Nigeria, including its territorial sea; or**
- (c) by a national of Nigeria;**
- (d) by a stateless person whose habitual place of residence is in Nigeria;**
- or**
- (e) during its commission a national of Nigeria is seized, threatened, injured; or killed;**
- (f) it is committed in an attempt to compel Nigeria to do or abstain from doing any act.**

***Jurisdiction to prosecute maritime violence in the Federal High Court***

**(2). Any offence of maritime violence as defined in Section 2 (2), (3) and (4) shall be prosecuted in the Federal High Court, if committed within the territory, internal waters or territorial sea of Nigeria, and to the degree that the exercise of national jurisdiction is permitted by the 1982 Convention on the Law of the Sea, within the exclusive economic zone, continental shelf, contiguous zone or archipelagic waters of Nigeria, and on the high seas or in any place outside the jurisdiction of any State.**

***Conditions for the prosecution of piracy and maritime violence offences;***

**(3). The Piracy and Maritime violence offences defined in Section 2, shall be prosecuted in the Federal High Court, if committed:**

- (a) on board or against a ship entitled to fly the flag of Nigeria, wherever located; or**
- (b) on or against an offshore installation belonging to or licensed by Nigeria.**

**(4). Jurisdiction to prosecute shall also lie in the Federal High Court, when the person accused of committing an offence defined in Section 2 is a citizen or national of Nigeria, or is an alien resident in Nigeria, or is a stateless person.**

(5). Jurisdiction to prosecute shall also lie in the Federal High Court, when an offence defined in Section 2 is committed against a seafarer, passenger or shipowner who is a citizen or national of, or is an alien resident in Nigeria.

*Trial in absentia;*

(6). Trial of an alleged offender in absentia shall be allowed as permitted under the Criminal Code of Nigeria or any other law in force in Nigeria.

Section 4:  
*Extradition;*

4. (1). Extradition from Nigeria may take place when another State has jurisdiction over the offences defined in Section 2 (1), (2), (3) or (4) of this Act. The possession of jurisdiction by Nigeria shall not preclude the extradition of an alleged offender to another State under appropriate circumstances.

*Extraditing offender to another State claiming jurisdiction before offender is brought to trial;*

(2). If another State claims jurisdiction with regard to an incident of piracy or an act of maritime violence, and the alleged offender is not promptly brought to trial in Nigeria, the alleged offender shall, subject to the provisions of extradition of Nigeria, be extradited to the requesting State. If multiple States with reasonable jurisdictional claims make requests for extradition in the absence of a trial in Nigeria, the alleged offender shall, subject to the provisions of extradition law of Nigeria, be extradited to one of the requesting States.

Section 5:  
*Prosecution, Punishment, Forfeiture and Restitution;*

5. (1). An individual found guilty of the crime of piracy shall be liable to imprisonment for a term of fourteen (14) years without option of fine, in addition to any restitution or forfeiture which may be required or any other penalties which might be imposed under the criminal Code of Nigeria.

(2). An individual found guilty of the crime of maritime violence shall be liable to imprisonment for a term of fourteen (14) years without option of fine, in addition to any restitution or forfeiture which may be required, or any other penalties which might be imposed under the Criminal Code of Nigeria.

*Punishment for piracy by juridical persons;*

(3). An entity with juridical personality found guilty of the crime of piracy or the crime of maritime violence shall be subject to a fine of not less than Two Million Naira (N2,000,000=00) but not exceeding Five Million Naira (N5,000,000=00) in addition to any restitution or forfeiture which may be required, or *any other penalties which might be imposed under the Companies and Allied Matters Act of Nigeria.*

*Additional penalty for injury/death or for loss/damage to property;*

(4). In cases where any person is injured or killed or property is lost or damaged, in connection with an incident of piracy or maritime violence, the person found guilty of the crime shall *also* be liable to whatever penalties exist under the Criminal Code of Nigeria for the injury or death.

*Additional civil remedy for injury/ death or for loss/damage to property;*

(5). In cases where any person is injured or killed or property is lost or damaged, in connection with an incident of piracy or maritime violence, the person found guilty of the crime shall *also* be liable to whatever civil remedies are available.

*Forfeiture to the State, of property employed in or subject of piracy;  
and*

(6). Where ships, cargo, goods, or equipment(s) have been employed in or were the subject of acts of piracy or maritime violence, such property shall be liable to forfeiture to the State. However, in the case of stolen property, or misappropriated property, any person having title to or legal custody of the property may assert a claim under the relevant law of Nigeria, for return of the property. Any mortgagee of the property may likewise assert a claim under the *Banking and Other Financial Institutions Decree (BOFID) of Nigeria* for payment of the

*Claim for return of stolen or misappropriated property, by lawful owner/custodian;*



current mortgage obligation.

*Expeditious restoration of property employed in/ subject of piracy, to lawful owner;*

(7). Where ships, cargo, goods or equipment employed in or the subject of act of piracy or maritime violence are liable to forfeiture to the State, such property shall be restored as expeditiously as possible to the person having lawful title to or custody of the property, unless the State proves the willful complicity of such person in the act of piracy or maritime violence. If such person is denied return of such property, any mortgagee of the property shall be entitled to recover payment of the current mortgage obligation out of the proceeds of sale of the property at a public judicial sale under the Federal High Court Procedure Rules, with the remaining balance being forfeited to the State, unless the State proves the willful complicity of such mortgagee in the act of piracy or maritime violence.

*Status of property wrongfully taken but not used in piracy/maritime violence:*

(8). Where ships, cargo, goods or equipment wrongfully taken by person(s) convicted of piracy or maritime violence have not been employed in such crime(s):

*i. Return of unconverted property to lawful owners/custodians;*

(a) such property if unconverted shall be returned to its owners or custodians upon proof of ownership or lawful custody;

*ii. Judicial sale and treatment of proceeds of sale of converted property;*

(b) Converted property shall be sold at public judicial sale and the proceeds distributed to the lawful claimants according to admiralty/maritime law, with any balance remaining being forfeited to the State.

*iii. Judicial sale and treatment of proceeds of sale of unclaimed property;*

(c) Items not claimed within the period established by law may be subject to public judicial sale, or transfer to a fund for financing State or West and Central African Regional action to fight piracy or maritime violence.

*Subsistence of rights/remedies of injured victims against perpetrator(s) in all circumstances;*

**Section 6:**  
*Duty to report incidents of piracy or maritime violence to NIMASA;*

*Duty to report to NIMASA - Joint and Several;*

*Duty of NIMASA to continuously report incidents to IMO, ICC/IMB and INTERPOL;*

**(9).** Nothing in Section 5 (1) through (8) shall compromise or affect any rights or remedies which a person injured by an act of piracy and/or maritime violence might otherwise assert against any perpetrator of the act or acts.

**6. (1).** Any incident which may constitute piracy or maritime violence shall be reported by the following, as applicable: (a) the Ship Master; (b) the Shipowner or Manager; (c) the Crew Representative; (d) the Cargo Representative; (e) the Insurers; (f) the Investigating Authorities; (g) the Nigerian Ports Authority; or (h) other persons having knowledge of the incident. Reports shall be made without delay and as soon as possible following receipt of knowledge of the incident. Reports shall be sent to the Maritime Guard Command of the Nigerian Maritime Administration and Safety Agency (NIMASA) and shall be in the form provided for by that Agency;

Each person or entity listed above has an obligation to report every known incident. This obligation may be met by filing a joint report, or by forwarding and commenting upon a report on the occurrence made by another listed person or entity.

**(2).** The Nigerian Maritime Administration and Safety Agency (NIMASA) shall be under a continuing duty to make reports without delay and in the required formats to the International Maritime Organization (IMO), the ICC International Maritime Bureau, Piracy Reporting centre, Kuala Lumpur and the International Criminal Police Organization (INTERPOL).

*Non-disclosure of sensitive information;*

**(3). All incident reports made under paragraph I of this section shall be open to the public. However, sensitive operational information should be marked "CONFIDENTIAL", and shall *not* be open to the public, except where there is a judicial order compelling disclosure.**

*Section 7:  
Citation and scope of application;*

**7. This Act may be cited as Piracy and Acts of Maritime Violence Act 2008 and shall apply throughout the Federation of Nigeria.**

