

A Legal and Comparative Analysis of the Frameworks for Combating Maritime Crimes in Somalia, Australia and the United Kingdom: Lessons for Nigeria

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Abstract

In order to provide Nigeria with useful insights, this paper compares the legal systems for fighting maritime crimes in Somalia, Australia, and the United Kingdom. The study looks at how various countries convert international commitments into domestic legislation and institutional practice. It is based on the international legal regime under the United Nations Convention on the Law of the Sea (UNCLOS), including Articles 100–107 on piracy reduction. Australia shows the efficacy of precise legislative codification and strong enforcement powers, whereas Somalia highlights the significance of specialized maritime-crime institutions and international assistance in tackling serious piracy concerns. In contrast, the United Kingdom emphasizes an integrated strategy that combines international collaboration, preventive marine security legislation, and criminal law. According to the report, coordinated enforcement, specialized institutions, preventive measures, and clear legislation all work together to provide effective marine security. In order to effectively combat marine crimes in the Gulf of Guinea, it observes that while Nigeria's SPOMO Act 2019 offers a solid framework, better execution, institutional coordination, and preventive maritime-security tactics are needed. The study finds, from a doctrinal synthesis of these jurisdictions, that effective maritime security depends on the coherence between international legal norms and domestic legal implementation, particularly through clear legislative drafting, defined jurisdictional competence, specialised enforcement institutions, and integrated preventive and punitive legal mechanisms. It concludes that while Nigeria's SPOMO Act 2019 provides a significant doctrinal foundation for the criminalisation of piracy and maritime offences, its effectiveness is contingent upon strengthened implementation, clearer institutional coordination, and the incorporation of more robust preventive maritime-security doctrines to address evolving threats in the Gulf of Guinea.

1. Introduction

Effective domestic legislation, institutional ability, international cooperation, and maritime enforcement capabilities are all necessary to address the transnational security challenge of marine crimes. Even though the United Nations Convention on the Law of the Sea 1982 (UNCLOS) primarily governs piracy, the efficacy of international maritime law ultimately rests on each State's ability and willingness to integrate relevant international standards into domestic law and provide

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efficient procedures for investigation, arrest, prosecution, and punishment.² The main international framework for the suppression of piracy is established by Articles 100 to 107 of UNCLOS.³ This framework includes the authority of States to exercise universal jurisdiction over pirate ships on the high seas and the obligation of States to cooperate to the greatest extent possible in suppressing piracy. (United Nations).⁴ For Nigeria, a comparison of Somalia, Australia, and the UK is especially useful. The United Kingdom exemplifies a more sophisticated common-law and regulatory approach that combines domestic criminal law, maritime regulation, naval capabilities, and international cooperation; Australia shows the value of express statutory codification of piracy and associated enforcement powers; and Somalia represents a jurisdiction that has historically faced severe piracy and maritime insecurity.⁵ The comparison offers valuable insights for bolstering Nigeria's institutional and legislative structure, especially with regard to the Suppression of Piracy and Other Maritime Offenses Act 2019 (SPOMO Act).

2. Somalia

Due to the great extent of piracy that evolved along its coastline and in the Gulf of Aden, Somalia offers a valuable case study. The Somali example shows that when fundamental institutional, economic, territorial, and security inadequacies are not addressed, criminal legislation alone cannot successfully combat maritime crime. Significant international action was taken in response to the Somali piracy problem, including military operations, international prosecutions, capacity-building programs, and actions aimed at strengthening Somalia's maritime institutions. The UNCLOS framework and later United Nations Security Council actions enabled the global response. For instance, the UK was heavily involved in international initiatives aimed at regional capacity building and counter-piracy activities. The creation of a Maritime Crimes Unit inside the Office of the Attorney General is a significant institutional development in Somalia. Investigating and prosecuting marine crimes that take place in, above, and beneath the sea is the Unit's mandate. Beyond piracy, it is also responsible for organized crime, smuggling, illicit, unreported, and unregulated fishing, drug and human trafficking, illegal weapons transportation, and unlawful dumping. Additionally, it collaborates with other international and federal organizations that deal with ports, marine transportation, and fisheries.⁶

The Somali model highlights the importance of specialized prosecuting systems for marine crimes. A specialized unit can gain expertise in maritime evidence, jurisdictional issues, international cooperation, vessel identification, hostage-taking, financial investigation, and the prosecution of organized maritime criminal networks rather than leaving maritime offenses solely within the general criminal justice system.⁷

² A. Kamila, 'Maritime Piracy: A Maritime Crime with an International Dimension,' <https://www.lawandworld.ge> accessed 10 February 2026.

³ UNCLOS III 1982, s100.

⁴ UNCLOS III 1982, s107.

⁵ R. Asariotis, 'Maritime Piracy. Part I: An Overview of Trends, Costs and Trade-related Implications,' <https://www.researchgate.net> accessed 10 February 2026.

⁶ EUCAP Somalia, 'Somali Attorney General's Office Establishes Maritime Crime Unit,' <https://www.eeas.europa.eu> accessed 11 March 2026.

⁷ United Nations, 'Where Law Meets the Sea: Strengthening Somalia's Maritime Legal Framework,' <https://www.unodc.org> accessed 11 March 2026.

Due to the nature and magnitude of the piracy problem and other illicit maritime activities, the government of Somalia has made significant efforts in establishing legal framework to curb maritime piracy, terrorism and other illicit maritime activities off Somalia Maritime Zone. This effort can be witnessed by the establishment of the 1959 Somalia Maritime Code; the Somaliland Law on Combating Piracy (Piracy Law) Law No. 52/2012; and the Penal Code Legislative Decree No. 5 of 16 among others.⁸ The Somali Maritime Code 1959 provides a better and comprehensive provision for anti-piracy activities. For instance, Article 5 of the Maritime Code provides a comprehensive scope for the maritime domain. These according to the article include beaches, shore, ports, bays, inlets, mouths of rivers flowing into the sea, basins of Saltor Saltish water which directly connect with the sea, Buildings and other works belonging to the maritime administration, existing within the limits of the maritime domain and of the territorial sea, are considered as part of the domain. The maritime administration regulates the use of the maritime demesne and exercises policing on the same.⁹ Similarly, Article 25 of the Maritime Code, aims at controlling piracy and armed robbery at sea activities because it sets rules governing ship movements and manoeuvres, and port activities are clearly stipulated.¹⁰ This particular article provides for the Harbour Master to regulate and superintend the entry and leaving, shifting, anchorage, and mooring of vessels, use of buoys in ports, loading, unloading and storing of goods, embarking and landing of passengers, operations of the maritime lighthouse and signaling service, fire and measures against fire, taking any step in connection with security and police of port and adjacent areas, with the power of ordering the mooring, unmooring and any other manoeuvre of vessels within the port; the same Authority can carry out itself, in case of need, the manoeuvres ordered, at the expense of the vessels concerned.

Article 27 of the Code gives directions on assistance to be given to vessels in danger and the danger indicated in this article could also include piracy. The article states that the Harbour Master, if aware of a vessel being in danger or of a shipwreck or other accident must immediately provide for assistance, and, if it has unavailable and cannot find- the necessary means, inform authorities who are in condition to effectively intervene.¹¹ When the Maritime Authority cannot-intervene in time, the first necessary steps are made by any other government authority on the place. In order to provide assistance, the maritime authority default, any other government authority on the place, can order that vessel in the port or in its neighbourhood be put at their disposal together with their crews. Indemnities and regards for assistance given by these vessels are established and paid according to the provisions governing assistance and salvage.¹²

To reduce cases of piracy in Somali Maritime Zone, Article 28 provides supervision of port activities as regards to disorders in ports and on vessels. In this regard, activities carried out by anyone in ports are subject to the supervision of the maritime authority. In case of disorders in ports or on vessel staying therein, the maritime authority, when informed, provides direction to re-establish the order requesting, if necessary, the intervention of police.¹³ To strengthen the administration on port labour matters, Article 34 makes necessary provision. The Article gives

⁸ United Nations, 'Where Law Meets the Sea: Strengthening Somalia's Maritime Legal Framework,' <https://www.unodc.org> accessed 11 March 2026.

⁹ Somali Maritime Code 1959, Art5.

¹⁰ *ibid*, Art25.

¹¹ *ibid*, Art27.

¹² A. A. Omar, 'Combating Maritime Piracy in Somali Waters: An Analysis of National Legislative Counter-Piracy Measures,' (2025) (1)(1) *Uganda Pentecostal University Journal of Sustainable Development* 1-26.

¹³ Somali Maritime Code 1959, Art28.

mandate to institute Port Labour Councils. This is in line with the decree of the Minister of Economic Affairs. These Councils assist the Harbour Master on port labour matters and these all are helpful in controlling Maritime Zone and make sure that piracy activities are avoided.¹⁴

The issue regarding maritime personal is also addressed in Article 35 of the Maritime Code as an approach to control piracy activities. The article relates to the sea-faring people and personnel employed in maritime activities of ports. Thus, it states that maritime personnel, in -relation to the work performed, includj.es (a) sea-faring people, and (b) personnel employed in maritime activities of ports.¹⁵ The former category includes people with any rank or position to constitute the crew on ships, dhows, and mechanically propelled craft. The latter category includes port labourers, boatmen, fishers, and people generally working in the maritime industry.

Strong measures regarding fishing have also been addressed so as curb piracy activities off Somali Maritime Zone. Article 66 for example regulates major and minor fishing activities. In terms of the article, sea fishing falls into two classes: major and minor fishing activities. The former class relates to the activities carried out exclusively by means of fixed plants or large nets for catching large sized fish, including trawling on the high sea carried out with any mechanically-propelled vessel. Thus, it makes sure that fishing activities are governed by the following articles, which apply to both Somali and foreign citizens allowed, in accordance with definite agreements; to fish in the waters.¹⁶ Furthermore, Article 67 provides for the concessions and licence. The Article states that: Major fishing activities on the territorial sea and permanent breeding of fish and other aquatic animals in shore areas, in dominical maritime waters or in the territorial sea are permitted only to person holding a concession for this purpose issued upon decree of the Minister of Economic Affairs. Minor fishing activities are permitted only to persons holding a licence for this purpose, issued by the maritime authority upon payment of the relative duty.¹⁷ It should be noted however, the right to major fishing activities does not prejudice that of minor fishing activities; to this end, any means employed in major fishing activities cannot be used within a line 500 meters from the coast. In order to ensure that those engaged in fishing do not involve in piracy activities, Article 68 of the Maritime Code was established. The Article relates to the concessions for major fishing activities. Thus, the concessions to carry out major fishing activities can be granted by the Administration for a period not exceeding nine years and are renewable upon expiration, for another period of the same length. Concessions according to the Article may include one or more sea areas; in any case, these concessions do not involve exclusive rights by the concessionaire upon the sea area covered by the concession, since the Administration has the power to determine for each area the number of concessions which can be granted in relation particularly to the exploitation conditions, safeguard of sea fish and the different species of fish, as well as to fix other special rules necessary to the public interest.¹⁸ When concessions cover trawling on large areas of the territorial sea, the concessionaire must have on land the necessary sea product and by-product preservation and processing plants. The Somali Maritime Code also gives guidelines related to prohibition to fish, prohibition of fishing means and supervision of fishing respectively. Article 70 gives a mandate to the Minister of Economic Affairs to prohibit, without paying any indemnity, fishing activities on sea areas conceded or on specific sea zones, for reasons connected

¹⁴ Somali Maritime Code 1959, Art34.

¹⁵ *ibid*, Art35.

¹⁶ *ibid*, Art66.

¹⁷ *ibid*, Art67.

¹⁸ *ibid*, Art68.

with public needs or with sailing or maritime signal requirements.¹⁹ According to Article 71, fishing by means of dynamite or similar materials, as well as the use of electric current as a direct killing or stunning means, or throwing or dissolving substances in water to enervate, stun or kill fish and other aquatic animals, is prohibited.²⁰ Catching and selling animals thus stunned and killed is likewise prohibited. In this regard, supervision of fishing and enforcement of the rules governing it are entrusted to the maritime authority as stipulated in Article 72 of the Maritime Code.²¹

Another important provision of the law under the Maritime Code that refers to crimes against the ships and navigation policy including piracy and other illegal maritime activities is Article 187. The Article relates to the non-compliance of orders by crew members. It states that any crew member who fails to comply with an order given by a superior concerning a technical service of the vessel is punished by imprisonment up to 3 months. Should non-compliance concern a service relating to the manoeuvre of the vessel, the punishment is imprisonment from 1 to 6 months. Should this fact cause a remarkable trouble to sailing or a danger to the life and safety of persons or to the security of the vessel, the punishment is imprisonment from 4 months to 2 years. If the order given relates to the safety of the vessel or to assistance to another vessel or persons in danger, the punishment is imprisonment from 1 to 3 years.²² Thus, effective implementation of this provision could significantly reduce cases of piracy off Somali Maritime Zone. Similarly, Article 188 relates to the non-compliance of orders by passengers. The Article stipulates that any passenger who fails to comply with an order concerning the security of the vessel is punished by imprisonment up to 3 months or by a fine.²³ Similarly, Article 190 regulates loading of arms, ammunition, and persona for criminal purposes and this is also aimed at reducing cases of piracy off Somalia Maritime Zone. The Master of a vessel, also if foreign, who loads arms, ammunition-, or persons, in order to commit a crime' is punished, if the latter is not committed, by imprisonment from 6 months, to 2 years, save for the case that this fact constitutes a crime subject to other regulations.²⁴ This article is crucial in this study because pirates are often fond of loading arms and ammunitions for committing piracy activities.

Articles 191 and 194 were provided for in order to ensure the security of ships authorities and consular authorities. Article 191 for example warns against committing offence to Master or a superior. Thus, any crew member who offends the honour or prestige of a superior in presence of him, owing to or in the performance of his duties, is punished by imprisonment from 3 months to 2 years²⁵. The same punishment is inflicted upon anyone who commits this fact by telegraph or telephone, in writing or by/drawing addressed to a superior and relating to his duties.²⁶ Punishments are increased up to one third when this fact is committed with violence or menace or when the offence is made in presence of one or more persons.

According to Article 196, the Code also gives directives on legal measures related to the crimes against safety of navigation. This article is very vital in addressing the threats of piracy and other maritime crimes because it particularly establishes the issues related to the performance, arbitrary removal, and omission of. In this regard, anyone who arbitrarily orders or makes some of the

¹⁹ Somali Maritime Code 1959, Art70.

²⁰ *ibid*, Art71.

²¹ *ibid*, Art72.

²² *ibid*, Art187.

²³ *ibid*, Art188.

²⁴ *ibid*, Art190.

²⁵ Somali Maritime Code 1959, Art191.

²⁶ *ibid*, Art194.

signals used for sea navigation or removes these signals is punished by imprisonment up to 1 year or by a fine.²⁷ The same punishment is inflicted upon anyone who, on being obliged to do so, fails to place the above-mentioned signals or fails to take the measures required for this purpose. Furthermore, in order to reduce activities of piracy in regards to the change of direction, Article 198 that relates to the abandonment of command and of place was put in place. The Master who without necessity abandons the nautical direction of the vessel in such conditions that the same must be taken by a person not qualified to replace him, is punished by imprisonment up to 1 year or by a fine.²⁸ The punishment is increased up to one third if this fact is committed in those cases in which the Master has the obligation of personally directing the manoeuvre. Crew members, who, during the performance of a service pertaining to the safety of navigations abandon their place, are punished by imprisonment from 3 months to 1 year. Article 201 of the Maritime Code warns about abusive use of the flag and such practices are commonly done by pirates. Anyone hoisting or using the flag of the Somali Merchant Marine on a foreign vessel is punished by imprisonment up to 1 year or by a fine.²⁹ This article is also similar to the Article 202 because it also warns about use of false identification mark. Thus, anyone who, with the purpose of obtaining for himself or for others an advantage or of causing to others a damage, affixes on the vessel a false identification mark is punished by imprisonment up to 1 year. The punishment is imprisonment up to 2 years and fine if the culprit employs the documents of the vessel the mark of which he has abusively used.³⁰ According to Article 205 of the Maritime Code, where the Master or an officer of Somali or foreign vessels commit acts of depredation to the damage of a Somali or foreign vessel or its cargo, or for this purpose commit violence against persons on board Somali or foreign vessels are punished by imprisonment from 10 to 20 years. By virtue of Article 206 of the Maritime Code which regulates taking possession of the vessel and this also relates to the activities of piracy, crew members of a vessel who take possession of the same are punished: by imprisonment from 10 to 20 years if the fact is committed with violence or threat against the Master or the other officers; by imprisonment from 3 to 10 years if the fact is committed clandestinely or by fraudulent means.³¹ For promoters and heads the punishment is increased up to one-third. If the fact is committed by a person extraneous to the crew the punishment is reduced by one-third. Effective application of this article in Somalia Maritime Zone would significantly help to reduce piracy activities especially among the youth.

Sometimes those in authority and highly place individuals in the society may orchestrate piratical attacks on vessels and ships for their personal gains and selfish interests. In order to prevent those in authority from abusing their power and discourage their involvement in promoting piracy activities, crimes against persons were established in Chapter VI and in particular reference to the Article 210 that stipulates on abuse of authority. The Article states that the Master who subjects to rigorous measures not permitted by the law a crew member or passenger or a person imprisoned and entrusted to him in custody or for transport, is punished by imprisonment up to 30 months, provided the fact does not constitute a graver crime.³² The same punishment is inflicted upon those to whom said person has been entrusted. The punishment cannot be less than 6 months when the

²⁷ *ibid*, Art196.

²⁸ *ibid*, Art198.

²⁹ *ibid*, Art201.

³⁰ *ibid*, Art202.

³¹ Somali Maritime Code 1959, Art206.

³² *ibid*, Art210.

fact is committed for personal reasons or against an ill person or a minor or a major of seventy or against women. This article restricts those in authority from compromising activities of piracy and considers taking their activities seriously. The government of Somalia further made stringent laws to combat piracy and other related illicit maritime activities in order to protect and preserve peace in Somaliland Sea. The Somaliland Law on Combating Piracy (Piracy Law) - Law No. 52/2012 is one of the powerful legal tools formulated to combat piracy, armed robbery at sea and other illegal activities in Somali Maritime Zone.³³ According to Article of the Somali Piracy Law, anyone who commits any act of piracy referred to in Article 2 of this Law shall, unless he has committed murder, be liable to imprisonment from 5 to 20 years.³⁴ This suggests piracy is unacceptable activity in the Republic of Somalia thus, the government has taken strong measures to deal with the crime. Nevertheless, this can be achieved well in support and collaboration of other stakeholders and international community. Article 5 of the Somaliland Law on Combating Piracy (Piracy Law) Law No. 52/2012 talks about the Jurisdiction of Somaliland Courts. According to this Article, an act of piracy at a ship or aircraft owned by Somaliland shall come under the jurisdiction of the Somaliland courts unless the ship or aircraft was, at the time of the commission of the offence, situated in the territorial waters of another country or that act is assigned, under international law, to another jurisdiction. It also states that notwithstanding the provisions of any other law and regardless of the nationality of the accused persons, the courts of Somaliland shall have jurisdiction to try any offences of piracy committed within the Somaliland Sea or outside the Somaliland Sea if committed in an area not falling within the sea of any other country when the Somaliland Coastal Forces detains the accused persons.³⁵ The implication of Article 5 is that the Republic of Somalia abides by the International and Regional Laws regulating Piracy activities and that is why it respects the sovereignty of others countries in trying those suspected of piracy activities in their waters. The Somaliland Law on Piracy gives description on what can be termed as a Pirate Ship or Aircraft. According to Article 6, a ship or an aircraft shall be deemed to be a pirate ship or a pirate aircraft if it is under the control of persons who intend to commit the acts of piracy referred to in Article 2 of the Piracy Law.³⁶ The Article further indicates that a ship or an aircraft used for committing acts of piracy as stated above (Article 2 of this Law) shall be deemed to be a pirate ship or a pirate aircraft so long as it remains under the control of those who committed the acts. The Somali Piracy Law also made provision relating to the ownership or loss of the nationality of a ship or an aircraft. According to Article 7 of the Law, a ship or an aircraft may retain its nationality even though it has become a pirate ship or a pirate aircraft. Furthermore, the article indicates that the retention or loss of nationality shall be determined by the law of the state in which they are registered.³⁷ Article 8 of the Law lays down regulations relating to the search and seizure of Sea Vessels by the Coastal Guard Force. The Article states that the Coastal Guard Force shall have the same powers as the Police Force when they are protecting the security and the peace of the sea and the coasts.³⁸ Thus, the Coastal Guards Force of Somaliland shall have the power to seize a ship or an aircraft which is under the control of pirates, or is suspected of being involved in acts of piracy, and is either within the sea of the Somaliland Republic or is outside the

³³ A. A. Omar, 'Combating Maritime Piracy in Somali Waters: An Analysis of National Legislative Counter-Piracy Measures,' (2025) (1)(1) *Uganda Pentecostal University Journal of Sustainable Development* 1-26.

³⁴ Somali Piracy Law, Art2.

³⁵ *ibid*, Art5.

³⁶ Somali Piracy Law, Art6.

³⁷ *ibid*, Art7.

³⁸ *ibid*, Art8.

sea of the Somaliland but is in a place outside the sea of any other state. They have also the power to arrest any persons caught or are suspected of committing the acts. The Article also grants powers to the Coastal Guards Force Somaliland to institute investigations into cases relating to acts of piracy. According to Article 9 of the Somali Piracy Law, any infringement caused by a Master or Officer of a Vessel is highly punishable. According to the Article, the master or officer of a Somaliland or foreign owned ship who commits acts of depredation or robbery against a Somaliland or foreign owned ship (or boat) or against the cargo or passengers aboard the ship shall be punished by imprisonment from 10 to 20 years if the act is one of piracy referred to in Article 2 of this Law. It also stipulates that a public officer or a person entrusted with a public service who performs an act, contrary to the duties of his office, of facilitating piracy or participating in the receipt of the benefits accruing from that act for himself or for a third party or accepts promises shall be punished with imprisonment from 10 to 25 years.³⁹

Article 76 of the Somali Penal Code covers cases where two or more persons agree to commit an offence but have not yet committed the offence, but the mere agreement would not incur a punishment although the court may order security measures against the persons.⁴⁰ These security measures set out in Article 172 are, however, not serious enough to deal with the UNCLOS Article 101 (b) offences. The public order offence under Article 322, of associating to commit more than one crime which is punishable with imprisonment of 3 to 7 years may fill the gap but it is based on proving an intention to commit more than one crime.

Although the Somali government has made assiduous effort to counter and combat illicit maritime activities within its maritime zones, but due to the nature and magnitude of the piracy problem in the region, the Somali government requires assistance in its own efforts to contain and reverse this phenomenon. Through international assistance and greater collaboration, Somalia would be able to reconstitute an effective national coast guard to conduct counterpiracy operations alongside other missions that are related to the root causes of piracy, such as countering illegal fishing activities, criminal gangs active in drugs smuggling and human trafficking, as well as waste dumping. Nevertheless, the Somali government has made far more significant strides and improvements in protecting, defending and preserving its maritime zones for peaceful and productive use by its citizens and foreigners. Nigeria can adopt some of the Somali maritime policies and regulations to strengthen and protect its territorial waters. Nigeria can improve substantially by integrating and leveraging on the laws outlined in the Somali Penal Code, Maritime Code and Piracy Law respectively to build stronger relationship with Somalia and other maritime nations, thereby facilitating more efficient and effective ways of combating maritime crimes.

3. Australia

Australia's explicit codification of piracy in federal statute makes it an especially useful comparative paradigm. Part IV of the Crimes Act 1914 defines an "act of piracy" as any violence, detention, or depredation carried out for private gain by the crew or passengers of a private ship or aircraft under conditions stipulated by the law. Section 54 grants Australian Federal Police and Defense Force personnel the authority to seize property under certain conditions, including on the high seas, while Section 52 criminalizes piracy and imposes a life sentence. Therefore, the Australian system exemplifies the benefits of explicit codification and statutory clarity. Legislation clearly outlines the components of piracy, the individuals who are liable, and the enforcement tools

³⁹ *ibid*, Art9.

⁴⁰ Somali Penal Code, Art76.

at the disposal of authorities. This lessens the confusion that could occur when courts must rebuild the content of piracy offenses using previous common-law principles or customary international law.⁴¹ Australia is an example of a country where non-military approaches to maritime crimes is the primary approach. Australia's national objective for civil maritime security is "to deter or prevent illegal activity from occurring in Australia's maritime jurisdiction and where necessary to interdict and enforce Australian laws". It is actively engaged in participating in non-military approaches in order to combat the issue of maritime crimes. The Australian government aims to tackle the threats and causes of maritime crimes instead of focusing on military responses as the primary response. It provides support and high-level policy advice for threat management with regards to maritime crimes. The key aspects of threat management are legislation and public information management.⁴²

Due to the various maritime crimes that have bedeviled Australia, the government in 2010 enacted the Crimes (Piracy) Act of Australia, 2010, in order to provide a comprehensive legal framework for addressing piracy and related maritime crimes within Australian jurisdiction. This legislation reflects Australia's commitment to combating not only piracy but maritime crimes in general, particularly in regions heavily affected by such activities, including the waters off Nigeria. By outlining specific offences related to piracy, the Act enhances Australia's ability to prosecute offenders and contribute to global maritime security efforts. For Nigeria, the provisions within this Act can offer valuable insights for improving its own legal responses to piracy and strengthening international cooperation in maritime security. Major key sections of the Crimes (Piracy) Act are crucial for understanding and prosecuting piracy. Section 4 defines piracy in a clear and precise manner, encompassing acts committed on the high seas that threaten the safety of vessels and their crews.⁴³ Section 5 establishes the legal framework for prosecuting individuals accused of piracy, including stipulations for extraterritorial jurisdiction, which enables Australia to prosecute offenders regardless of their nationality or location of the crime.⁴⁴

Additionally, Section 7 outlines penalties for piracy, which can serve as a deterrent against such acts.⁴⁵ These sections collectively create a robust legal mechanism for addressing piracy that could inform Nigeria's approach to its own legislation and enforcement. The Crimes (Piracy) Act's provisions present a significant nexus to Nigeria's maritime security strategy. By adopting similar legal definitions and extraterritorial jurisdiction principles, Nigeria could strengthen its own legal framework for combating piracy. This alignment could facilitate cooperation with Australia and other nations in prosecuting pirates, thus enhancing the effectiveness of international efforts against maritime crime. Moreover, the Act underscores the importance of having stringent penalties to deter potential offenders, which Nigeria can incorporate into its legislative reforms.

There is also the Maritime Powers Act of Australia, 2013, which provides a comprehensive legal framework for the exercise of maritime powers by Australian authorities, particularly in relation to maritime security and enforcement. The Maritime Powers Act, 2013, contains a comprehensive suite of powers for enforcing Australia's laws, as well as international agreements and arrangements, at sea. The Act addressed the operational, legal and policy risks associated with the

⁴¹ D. A. Lavrishia, 'Pirates, Ye Be Warned: A Comparative Analysis of National Policy Laws,' <https://access.heinonline.com> accessed 19 April 2026.

⁴²S. Yasmine, 'Implementing Measures to Combat Maritime Crimes and Piracy,' <https://www.hiamun.squarespace.com> accessed 19 April 2026.

⁴³ Piracy Act 2010, s4.

⁴⁴ *ibid*, s5.

⁴⁵ *ibid*, s7.

former legal framework for maritime enforcement by removing inconsistencies in different Acts and providing a single standard framework for authorising and exercising enforcement powers at sea. However, the Act is not intended to change operational roles, functions or responsibilities, nor reallocate existing resources, between agencies. Maritime officers from a range of agencies, such as Australian Border Force, Australian Defence Force, Australian Federal Police and Australian Fisheries Management Authority, may exercise powers under the Act.⁴⁶ This legislation empowers Australian law enforcement and defence agencies to act against maritime crimes, including piracy, terrorism, and illegal fishing. Considering the ongoing piracy issues in Nigeria's waters, the provisions of this Act can offer valuable insights for enhancing Nigeria's maritime security capabilities and improving its legal framework for addressing piracy. Major sections of the Maritime Powers Act are instrumental in establishing the authority and procedures for maritime enforcement. Section 6 outlines the scope of maritime powers, allowing for the boarding and inspection of vessels suspected of being involved in illegal activities, including piracy.⁴⁷ Section 8 provides the legal basis for the use of force in enforcing maritime laws, ensuring that personnel can respond effectively to threats.⁴⁸ Additionally, Section 13 mandates cooperation with other nations in combating maritime crime, reinforcing the need for international collaboration.⁴⁹ These provisions emphasize the importance of proactive and coordinated responses to piracy, which are essential for Nigeria as it seeks to enhance its maritime security framework. The Maritime Powers Act provides the enforcement provisions for all maritime law enforcement matters. It also establishes a range of appropriate safeguards for the exercise of maritime powers. It provides for authorisation regime, which requires an authorisation to be granted before maritime powers are exercised, other than in very limited circumstances.⁵⁰

The purposes for which the maritime powers can be exercised, include:

- investigate a contravention of any Australian law
- administer or ensure compliance with fisheries, customs and migration laws
- administer or ensure compliance with an international agreement designated in the regulations or by the Minister.⁵¹

In the report of the expert Panel on Asylum Seekers, which was presented to the Prime Minister on 13 August 2012, the expert Panel recommended that the Migration Act 1958 be amended so that arrival anywhere on Australia by irregular maritime means would not provide individuals with a different lawful status than those who arrive at an excised offshore place (Recommendation 14).⁵² To give effect to this recommendation, the government passed the Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Act 2013. The Migration Amendment Act, ensures that Australian government carefully monitors and takes proper and accurate records of the any immigrant and this helps the border authority to detect illegal immigrants into the country.⁵³

⁴⁶ Australian Border Force, 'Australia Guide to Maritime Security,' <https://www.abf.gov.au> accessed 23 May, 2026.

⁴⁷ Maritime Powers Act 2013, s6.

⁴⁸ *ibid*, s8.

⁴⁹ *ibid*, s13.

⁵⁰ *ibid*, s15.

⁵¹ *ibid*, s18.

⁵² A. Houston, 'Report of the Expert Panel on Asylum Seekers,' <https://www.apo.org.au> accessed 3 May 2026.

⁵³ Migration Act, 2013, Recommendation 14.

Part IIIAAA of the Defence Act 1903 provides for the call out of the ADF to respond to a threat in the Australian offshore area to Commonwealth interests in the Australian offshore area, or within Australia. The types of threats envisaged include terrorist attacks, hostage situations or widespread and significant violence.⁵⁴

The Maritime Transport and Offshore Facilities Security Act 2003 (MTOFSA) and associated Regulations implement Australia's international commitments under the International Convention for the Safety of Life at Sea (SOLAS Convention) Chapter XI-2 and the International Ship and Port Security Code (ISPS Code). The MTOFSA regulates maritime industry participants including ship operators, port operators, port facility operators, offshore facility operators, and others, and imposes other obligations in Australian waters, the EEZ and the sea over the continental shelf of Australia (including its external territories). It provides that a port operator must report maritime transport or offshore facility incidents in accordance with the provisions of the Act.⁵⁵

In Australia, the high demand for lucrative species, such as sea cucumber, clams, toothfish and shark-fin, drives up prices internationally and the lure of significant profits provides an incentive for fishers to take increasing risks. Australia's healthy fish-stocks continue to be attractive to those willing to circumvent Australia's laws.⁵⁶ The Australian Fisheries Management Authority works closely with Maritime Border Command, a multi-agency taskforce within Australian Border Force, which coordinates the surveillance of, and responses to maritime threats, including illegal fishing.⁵⁷ The Australian Fisheries Management Authority's approach is multifaceted, joining strong enforcement with in-country education that involves engaging directly with fishers in their local communities and explaining the risks of fishing in Australian waters. Australia also works directly with neighbouring governments to improve their ability to monitor and control fishing activities in their own waters, and works collaboratively with international partners to strengthen regional fishing frameworks and the exchange of information to address illegal fishing on a larger scale.⁵⁸ The threat posed by transnational, organised criminal groups remains persistent, pervasive and concurrent, including through the importation of harmful drugs. Over the decade to 2018 – 2019, the number of national illicit drugs seizures increased 77 per cent; the weight of illicit drugs seized nationally increased 241 per cent; and the number of national illicit drug arrest increased 80 per cent with 153,377 arrests in 2018 – 2019.⁵⁹ Australian and State and territory government agencies work collaboratively to respond to threats posed by transnational criminal groups across Australia's maritime domain.⁶⁰ In September 2019, a joint Australian and State government law enforcement operation involving six agencies resulted in the seizure of 900 kilograms of illicit drugs from a yacht grounded in the Abrolhos Islands groups.⁶¹

⁵⁴ Defence Act, 1903, Part IIIAAA.

⁵⁵ MTOFS Act 2003, S1.

⁵⁶ AFMA Annual Report 2020 - 2021, 'Australian Fisheries Management Authority,' <https://www.afma.gov.au> accessed 3 May, 2026.

⁵⁷ *ibid.*

⁵⁸ Australia Department of Agriculture, Water and the Environment, 'Fisheries, Fisheries-Economics and Fisheries-Forecasts,' <https://www.agriculture.gov.au> accessed 20 May 2026.

⁵⁹ Australian Criminal Intelligence Commission Report 2018 - 2019, 'More than 35 billion Illicit Drugs Seized in Australia' <https://www.acic.gov.au> accessed 23 May, 2026.

⁶⁰ Australian Border Force, 'Organised Crime Syndicate Charged and more than 500kg of Cocaine Seized in PNG,' <https://newsroom.abf.gov.au> accessed 23 May 2026.

⁶¹ Australian Criminal Intelligence Commission, 'Significant Drug Seizure Abrolhos Island,' <https://www.acic.gov.au> accessed 23 May, 2026.

Sometime in January 2021, the Australian Border Force partnered with the Australian National Centre for Ocean Resources and Security (ANCORS) at the University of Wollongong to deliver the inaugural virtual Maritime Regulation and Enforcement Training for Indonesian maritime security agencies. The training was an opportunity for participants to expand on their knowledge of maritime regulation. It focused on ways to improve how Australia combats shared threats. Participants discussed the principles of maritime regulation enforcement in internal waters, territorial seas, contiguous zones, archipelagic waters, exclusive economic zones and the high seas.⁶² The training supports our whole-of-government efforts to enhance operational proficiency with Indonesian Maritime agencies, consistent with the Australian and Indonesian Maritime Cooperation Plan of Action, funded through the Department of Foreign Affairs and Trade-led Maritime Capacity Building Initiative.⁶³ The Indonesian Maritime Agencies that participated in the Maritime Regulation and Enforcement training included the Indonesian Coast Guard (BAKAMLA), Customs, Fisheries, Marine Police, Navy, and the Sea and Coast Guard Unit.⁶⁴

The different legislations established by the Australian government to provide maritime safety and security have significant relevance to Nigeria's approach to maritime security. The priority actions position Australia to foster civil maritime security partnerships within the region; support and maintain a secure, open and prosperous Indo-Pacific; and maintain Australia's reputation as a strategic partner and leader. Civil maritime security related engagement will be strengthened via education, joint operations, capacity building and other civil maritime engagements.

Australia's significant investment to protect its maritime domain also includes supporting and using its marine scientific research to inform policies and programs for healthy oceans and coastal communities. Australia's maritime environment and marine-based industries have significant societal, economic and cultural value. It is in Australia's security and economic interest to ensure a safe and healthy maritime domain. If the Nigerian government adopts similar enforcement mechanisms and legal standards, Nigeria could bolster its ability to respond to piracy and enhance the effectiveness of its maritime agencies. The Act's emphasis on international cooperation is particularly pertinent, as piracy is a transnational issue that requires collaborative efforts among nations. Nigeria can leverage the principles outlined in the Act to strengthen partnerships with Australia and other maritime nations, facilitating better coordination in combating piracy. Ultimately, by integrating the lessons learned from the Maritime Powers Act into its own legislation and practices, Nigeria can improve its maritime security posture and contribute to a safer Gulf of Guinea.

Another significant example of tying enforcement jurisdiction and substantive criminalization together is Australia. The law creates procedures for suspected pirate vessels and property to be apprehended and dealt with by appropriate authorities, rather than just making piracy illegal and other illicit marine activities. For Nigeria, this is very illuminating. Because it explicitly makes piracy and other maritime offenses illegal, the SPOMO Act of 2019 is a major advancement. However, by making sure that the definitions of marine offenses, jurisdictional regulations, evidence standards, investigation authorities, and processes for handling confiscated vessels and property are adequately clear and operationally effective, Nigeria can further strengthen its framework.

⁶² Australian Government Civil Maritime Security Strategy – Hand Book.

⁶³ Australian Trade and Investment Commission, 'Economic Analysis of Australia's Big Five: The Dynamic Industries That Power Trade and Investment,' <https://www.austrade.gov.au> accessed 23 May, 2026.

⁶⁴ *ibid.*

4. United Kingdom

The United Kingdom offered a slightly different model. The Merchant Shipping Act of 1995 and the Merchant Shipping and Maritime Security Act of 1997, as well as international obligations and regulations pertaining to maritime security, support contemporary maritime regulation. In the past, piracy was recognized as a crime under both English common law and international law. The main legislative framework governing significant areas of British shipping is provided by the Merchant Shipping Act of 1995.⁶⁵ The UK experience highlights the advantages and disadvantages of using common-law concepts in conjunction with legislation. In the past, there have been concerns over whether English law expressly and sufficiently included modern international concepts of piracy under UNCLOS. In contrast to certain other countries, such as Australia, the United Kingdom has not explicitly incorporated all pertinent UNCLOS piracy prohibitions into local criminal legislation, according to past parliamentary studies.⁶⁶

The United Kingdom combats maritime crimes through a multifaceted approach that includes law enforcement, international cooperation, and maritime security strategies. The UK focuses on deterring, interdicting, and prosecuting maritime criminals, while also working to address the root causes of these crimes, such as poverty and political instability.⁶⁷ The UK considers the United Nations Convention on the Law of the Sea (UNCLOS) to be the cornerstone of international law on ocean-related issues and the framework within which all activities in the ocean and seas are to be conducted.⁶⁸ Accordingly, the UK considers that Articles 100 to 107 of UNCLOS, together with the right of visit⁶⁹ under Article 110 in respect of ships reasonably suspected of being engaged in piracy, comprise an authoritative account of international law concerning piracy.⁷⁰

Acts amounting to piracy, as defined by UNCLOS, may be committed exclusively on the high seas or, in accordance with Article 58(2) of UNCLOS, in the exclusive economic zone.⁷¹ Similar acts committed in the territorial sea, or in internal or archipelagic waters, do not fall within the definition of piracy under international law, but may amount to crimes, such as armed robbery, under the domestic law of the relevant coastal or flag state. In the UK, acts that do not satisfy the definition in article 101 of UNCLOS do not amount to piracy under international law, but may be prohibited under other treaties and may similarly amount to crimes under the domestic law of the relevant coastal or flag state.⁷²

Articles 105 and 110 contain comprehensive enforcement powers, on which the UK has relied in its counter-piracy operations. These provide inter alia for the interdiction, boarding and seizure by every State of pirate ships and ships taken and controlled by pirates, on the high seas and in the exclusive economic zone.⁷³ Article 105 further permits the arrest and prosecution of individuals on board such ships, reflecting the existence of universal jurisdiction in respect of piracy.

⁶⁵ UK Acts of Parliament, <https://www.statutes.uk> accessed 4 April 2026.

⁶⁶ UK Parliament, 'UNCLOS: The Law of the Sea in the 21st Century,' 4 April 2026.

⁶⁷ S. Edwards, 'The United Kingdom Conceptualization of Maritime Security,' <https://www.amti.csis.org> accessed 4 May 2026.

⁶⁸ The United Nations Organisation, 'The UK Prevention and Repression of Piracy and Armed Robbery at Sea,' <https://www.legal.un.org> accessed 4 May 2026.

⁶⁹ UNCLOS III 1982, Art110.

⁷⁰ *ibid*.

⁷¹ *ibid*, Art58(2).

⁷² Asia Maritime Transparency Initiative, 'The United Kingdom Conceptualization of Maritime Security,' <https://www.amti.csis.org> accessed 4 May 2025.

⁷³ UNCLOS III 1982, Art105.

The UK's approach to tackling piracy and armed robbery at sea recognises and supports the central roles played by international, regional and subregional organisations. According to the UK's National Strategy for Maritime Security (NSMS): 'The UK Government's approach to counter piracy focuses on a combination of detection via improved global Ministries, Departments and Agencies (MDA) and a concerted international naval response to disrupt the criminal networks. This sits alongside diplomatic engagement to support international institutions and frameworks. Government will continue to engage in the Djibouti Code of Conduct and the Contact Group on Piracy off the Coast of Somalia, Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) and other international fora. Government will work multilaterally and bilaterally to support regional countries in the fight against cross-border maritime crime and piracy with a focus on legal frameworks to facilitate prosecutions, development of Maritime Domain Awareness, and capability building for navies and coastguards. Government will take a leading role in developing multilateral engagement. For example, through our Dialogue Partner Status of the Association of Southeast Asian Nations and in the G7++ Friends of Gulf of Guinea.'⁷⁴ The relevant content of international law is currently defined by the UK statute. Section 26(1) of the Merchant Shipping and Maritime Security Act 1997 ('the Act') provides that: 'For the avoidance of doubt it is hereby declared that for the purposes of any proceedings before a court in the United Kingdom in respect of piracy, the provisions of the United Nations Convention on the Law of the Sea 1982 that are set out in Schedule 5 shall be treated as constituting part of the law of nations.'⁷⁵ The incorporation of the international crime of piracy into domestic law was acknowledged by the House of Lords in *R v Jones and others*.⁷⁶ It is also well-established that piracy is an international crime of universal jurisdiction as held by Lord Browne Wilkinson and Lord Millett in *R v Bow Street Metropolitan Stipendiary Magistrate Ex P. Pinochet Ugarte*.⁷⁷ Where conduct analogous to piracy and other maritime crimes take place in the UK territorial sea or internal waters, it would fall to be dealt with under the normal criminal law, for example as an offence of robbery. The Territorial Waters Jurisdiction Act 1878 extends the jurisdiction of the English courts over offences committed in the UK territorial sea.⁷⁸

In the United Kingdom, the Piracy Act of the United Kingdom, 2017, was enacted to strengthen the legal framework for addressing maritime piracy and other maritime crimes within British jurisdiction. This legislation was developed in response to the growing threat of piracy in international waters, particularly in regions like the Gulf of Guinea, which significantly affects Nigeria's maritime security. The Act provides robust legal tools for prosecuting piracy-related offenses, emphasizing the UK's commitment to combating maritime insecurity globally. For Nigeria, the provisions of this Act can serve as a reference point for enhancing its legal responses to marine crimes and improving collaborative efforts with international partners. Major key sections of the UK Piracy Act focus on the definitions and prosecution of piracy offences. Section 1 clearly defines piracy and outlines the specific acts that constitute piracy under UK law, which can guide similar definitions in Nigerian legislation.⁷⁹ Section 2 empowers UK authorities to prosecute acts of piracy committed on the high seas, providing a basis for international cooperation

⁷⁴ The UK National Strategy for Maritime Security, Pages 60 – 61, <https://www.assets.publishing.service.gov.uk> accessed 4 May 2026.

⁷⁵ MSMS Act 1997, s26(1).

⁷⁶ [2006] UKHL 16.

⁷⁷ (No.3) [2000] 1 AC 147).

⁷⁸ TWJ Act 1878, s1.

⁷⁹ UK Piracy Act, s1

in prosecuting offenders.⁸⁰ Furthermore, Section 3 addresses the extraterritorial application of the Act, allowing for the prosecution of pirates regardless of nationality or location.⁸¹ These provisions create a strong legal framework for tackling piracy, which Nigeria could adapt to enhance its own legal measures against maritime crimes.

Furthermore, section 1 of the Offences at Sea Act 1799 extended the jurisdiction of British courts to crimes committed by British subjects on the high seas. Although it does not apply to foreign citizens, however crimes committed by foreigners in British territorial waters, or on-board British ships on the high seas, can be prosecuted in British courts.⁸² This means that the UK courts can prosecute and penalize anyone culpable of maritime crimes beyond its waters so far as the crime is committed by a British onboard British ship or on the high seas. This is similar with the Policing and Crime Act 2017 which provides that a law enforcement officer may, for the purpose of preventing, detecting, investigating or prosecuting an offence under the law of the UK, exercise any of the maritime enforcement powers in relation to the UK ship in its waters, foreign waters or international waters; a ship without nationality in the UK waters or international waters; a foreign ship in the UK waters or international waters, or a ship, registered under the law of a relevant territory, in the waters or international waters.⁸³ The UK Piracy Act and other relevant legislations highlighted have direct implications for Nigeria's approach to combating piracy. By adopting similar definitions and enforcement mechanisms, Nigeria could strengthen its own legal framework, thereby enhancing its capacity to prosecute piracy effectively. Moreover, the Act highlights the importance of international collaboration, which is crucial for Nigeria as it seeks to engage with global partners in the fight against piracy. Establishing mutual legal assistance treaties and collaborative enforcement initiatives with the UK and other nations can facilitate better information sharing and coordinated responses to maritime threats. Ultimately, leveraging the UK Piracy Act's framework can assist Nigeria in bolstering its maritime security measures and addressing the persistent challenges posed by piracy in its waters.

5. Lessons for Nigeria: Comparative Assessment for The United Kingdom, Somalia and Australia

There are very good lessons to learn and other maritime security strategies to emulate by the Nigerian government in the fight about maritime crimes.

5.1 Lessons from The United Kingdom

The British strategy highlights the significance of integrating preventive marine security regulation with criminal law. The International Convention for the Safety of Life at Sea (SOLAS), namely Chapter XI-2, and the International Ship and Port Facility Security (ISPS) Code are integrated into the UK's maritime security framework. In addition, the Maritime and Coastguard Agency offers advice on risk assessment, voyage planning, reporting, armed robbery, piracy, and other safety precautions.⁸⁴

⁸⁰ *ibid*, s2

⁸¹ *ibid*, s3.

⁸² Offences at Sea Act 1799, s1.

⁸³ Policing and Crime Act 2017, s84.

⁸⁴ Department of Transport, 'Brief Overview of the UK National Maritime Security Programme,' <https://www.gov.uk> accessed 5 April 2026.

The UK model therefore moves beyond the traditional criminal-law conception of maritime security. It recognises that prevention is as important as prosecution. Shipowners, operators, masters, port facilities and maritime authorities are incorporated into a broader security architecture involving risk assessment, information sharing, reporting and protective measures.⁸⁵ For Nigeria, this preventive orientation is particularly significant. Nigeria's legal framework should not focus exclusively on punishing pirates after attacks have occurred. Maritime security legislation and institutional practice should also emphasise risk assessment, early warning, vessel reporting, port security, intelligence sharing, maritime domain awareness and cooperation between public authorities and private shipping operators. It is very instructive for the Nigerian government to note the following about the UK maritime security strategy and development:

1. Establishment of Robust and Comprehensive Legal Framework:

The UK has established a robust and comprehensive legal framework to combat piracy and other maritime crimes, including the Piracy Act of 2017, which provides clear definitions of piracy and associated offences, along with stringent penalties. Nigeria could enhance its Suppression of Piracy and Other Maritime Offences Act, 2019 by ensuring that it covers all aspects of maritime crime comprehensively. This includes clear definitions, procedures for prosecution, and proportional penalties that reflect the severity of piracy.

2. Establishment and Utilization of Special Courts:

The UK utilizes specialized courts to handle maritime offenses, which enhances the efficiency and effectiveness of the judicial process.⁸⁶ Establishing dedicated maritime courts in Nigeria could streamline the prosecution of maritime cases, ensuring that judges are well-versed in maritime law and the complexities involved in piracy cases, leading to faster and more consistent rulings/judgments.

3. Establishment of Intelligence Sharing Systems:

The UK has implemented systems for intelligence sharing among various agencies and with international partners to enhance maritime security. Nigeria can develop a centralized intelligence-sharing platform that includes the Nigerian Navy, NIMASA, and other relevant agencies.⁸⁷ This would facilitate real-time data sharing and coordinated responses to piracy incidents, improving situational awareness.

4. Proper and Effective Community Engagement:

The UK emphasizes community engagement to deter piracy, promoting awareness of maritime laws and the consequences of piracy. Nigeria can implement community outreach programs in coastal areas to educate residents about the dangers of piracy and encourage reporting of suspicious activities. Engaging local communities can foster collaboration and support for anti-piracy efforts.

⁸⁵ Speech, 'The United Kingdom's National Strategy for Maritime Security,' <https://www.gov.uk> accessed 5 April 2026.

⁸⁶ G. J. Alexander, 'Global Assemblages and Counter-Piracy: Public and Private in Maritime Policing' (2017) (27) (4) *Policing and Society* 408-418.

⁸⁷ *ibid.*

5. Active Participation in International Maritime Treaties and Initiatives:

The UK actively participates in international treaties and cooperative agreements to enhance maritime security, such as the Djibouti Code of Conduct and partnerships with NATO and other naval forces.⁸⁸ Nigeria should strengthen its participation in regional and international maritime security initiatives, ensuring it is an active player in collaborative agreements. This could include sharing best practices, conducting joint training exercises, and participating in multinational naval operations to enhance maritime security in the Gulf of Guinea.

5.2 Lessons from Australia

The Australian experience supports the proposition that effective maritime-crime legislation should integrate substantive criminalisation, jurisdiction, enforcement powers and procedural mechanisms within a coherent statutory framework. It is critical to note the following maritime safety and security architectures by the Australian government:

1. Enactment of a Strong Legislative and Legal Frameworks:

Australia has a comprehensive and strong legislative and legal framework for addressing piracy and maritime crimes, including the Crimes (Piracy) Act 2010 and the Maritime Powers Act 2013, which provide clear definitions and penalties for marine offences.

2. Using the integrated maritime security strategy:

Australia employs a whole-of-government approach to maritime security, integrating resources and efforts from various agencies, including defence, customs, and law enforcement. Nigeria can adopt an integrated maritime security strategy that combines the efforts of the Nigerian Navy, NIMASA, the police, and other relevant agencies.⁸⁹ This coordinated approach would improve operational efficiency and response to piracy incidents.

3. Investment and Use of Advanced Maritime Surveillance Technologies:

The country has invested in advanced maritime surveillance technologies and systems, such as satellite tracking and aerial patrols, to monitor its maritime domain effectively.⁹⁰ Nigeria could enhance its maritime surveillance capabilities by investing in technology such as drones, satellite tracking systems, and radar installations. Improved surveillance would allow for better monitoring of piracy-prone areas and quicker responses to incidents.

4. Engagement in Regional and International Collaborations:

Australia actively engages in regional and international collaborations to combat maritime crimes, including partnerships with neighbouring countries and participation in multinational naval exercises. Nigeria should strengthen its regional partnerships in the Gulf of Guinea and engage more actively in international coalitions to address piracy. Collaborative efforts could include joint naval patrols, information sharing, and capacity-building initiatives.

⁸⁸ *ibid.*

⁸⁹ The UK National Strategy for Maritime Security, <https://www.gov.uk> accessed 5 April 2026.

⁹⁰ *ibid.*

5. Establishment of a Civil Maritime Security Architecture:

The Australian Fisheries Management Authority works closely with Maritime Border Command, a multi-agency taskforce within Australian Border Force, which coordinates the surveillance of, and responses to maritime threats, including illegal fishing and other illicit maritime activities.

6. Training and Educating various Maritime Authorities, Students and the General Public on the Importance of Maritime Safety, Security and Regulations:

In Australia, the Australian Border Force and other maritime agencies and key stakeholders in the maritime industry do collaborate and partner to hold Maritime Safety, Security, Regulation and Enforcement Training both locally and regionally. The training is an opportunity for participants to expand on their knowledge of maritime regulation and safety. It is an avenue to learn and improve on how the country combats shared threats. Participants discuss the principles of maritime regulation enforcement in all the maritime zones.

5.3 Lessons from Somalia

Somalia has unveiled a set of maritime regulations aimed at asserting control over its coastline and curbing illegal activities, according to the Somali National News Agency (SONNA). One principal lesson from Somalia is that it has established durable and functioning domestic institutions, effective prosecution, coastal governance, intelligence systems and economic and social measures for addressing conditions that combat maritime criminality and enhance maritime security. Some of the following critical and significant developments include:

1. Establishment and Implementation of Stringent Rules for the Safety and Security of Somali Waters:

The new rules mandate that all vessels entering or operating in Somali territorial waters must fly the Somali flag, a move intended to enhance oversight and bolster national security. Under these regulations, ships must notify local authorities and adhere to guidelines established by the Ministry of Ports and Maritime Transport. This initiative is part of a broader government strategy to combat piracy, illegal fishing, and other unauthorized operations that have long plagued Somali waters.⁹¹ In addition to implementing these new regulations, the Somali government is actively challenging a controversial agreement between Ethiopia and the breakaway region of Somaliland. This deal, which grants Ethiopia access to Somali waters, is viewed by Somalia officials as a violation of their sovereignty. The Somalia government is working to nullify this agreement, asserting its territorial rights over its maritime domain.⁹²

2. Creation of Agencies and both Local, Regional and International Information Sharing/Surveillance Units:

On the 5th of December 2024, the Federal Government of Somalia inaugurated the Maritime Rescue Coordination Centre (MRCC) at the Somali Police Force's Department of Coast Guard headquarters in Mogadishu Port, Somalia. This vital development marks a significant step forward in ensuring maritime safety and strengthening Somalia's capacity to respond to emergencies at

⁹¹ The Maritime Executive, 'Somalia Issues New Maritime Regulations to Manage Vessels in its Waters,' <https://www.maritime-executive.com> accessed 7 August, 2026.

⁹² Safety4Sea, 'Somalia Adopts New Regulations to Combat Illicit Activities,' <https://www.safety4sae.com> accessed 7 August 2026.

sea. IORIS (Indo-Pacific Regional Information Sharing) which provides a safe, secure, and cost-neutral solution for establishing and maintaining a unified maritime common operating picture for information sharing and collaboration throughout the Indo-Pacific region. The Somali maritime agencies are now interconnected 24/7 via the newly created SOMSEA Community Area, a virtual National Community within IORIS. This network allows Somali agencies to coordinate maritime operations up to the outer boundary of their EEZ.⁹³ Moreover, they can connect with neighbouring countries which is a further milestone for safer and more secure seas for all. Nigeria can adopt these positive and commendable steps in its maritime industry.

3. Promoting and Implementing the Rule of Law.

In some cases, the piratical attacks, armed robbery at sea and other illicit maritime activities are plotted and carried out by those in higher authorities and shipmasters or harbour masters. The Somali government made provisions for the stiff and punitive punishment of such highly placed people irrespective of their status because no one is above the law. There is no room for corruption or frivolities neither does the government allow such people to go free or unpunished. If Nigeria must improve in its pursuit for safe and secure waters, then the government must eliminate corruption and punish orchestrators of piratical activities regardless of position or status whatsoever.

4. Prohibition of Illegal Fishing and Supervision of Fishing:

One industry the Nigerian government has neglected is the agriculture, fisheries and fishing precisely. Illegal and unregulated fishing is a serious maritime crime globally and the Somali government through the Maritime Code has tackled that aspect of maritime crime. Catching and selling animals thus stunned and killed is likewise prohibited. In this regard, supervision of fishing and enforcement of the rules governing it are entrusted to the maritime authority as stipulated in Article 72 of the Maritime Code.⁹⁴ If Nigeria should look into this law and apply same in the country, it would not only protect the aquatic animals or safeguard the waters but bring about peace and economic prosperity of the nation.

6. Conclusion

A comparative study of Somalia, Australia, and the UK shows that the combination of law, institutions, and enforcement capability determines how effective a marine crime regime is. The United Kingdom highlights the significance of preventive maritime regulation and integration with international maritime-security standards, Australia highlights the benefits of precise statutory codification and express enforcement powers, and Somalia highlights the significance of specialized maritime-crime institutions and international cooperation.

With the passage of the SPOMO Act 2019 and the creation of a multi-agency maritime-security architecture, Nigeria has advanced significantly. However, the main obstacle is the ongoing discrepancy between normative legal norms and their practical application. According to the comparative evidence, Nigeria's future maritime-crime strategy should therefore concentrate on enhancing institutional coordination, specialized prosecution, maritime surveillance, preventive

⁹³ Crimario II Project News, 'Strengthening Maritime Security: Somalia Inaugurates New Maritime Rescue Coordination Centre,' <https://www.crimario.eu> accessed 8 August 2026.

⁹⁴ Somali Maritime Code, Art72.

regulation, investigative capacity, and international cooperation rather than just adding new offenses or stiffening penalties.

The main takeaway for Nigeria is that an integrated legal and institutional system that can translate legislative authority into prompt prevention, efficient investigation, and successful prosecution is necessary to ensure effective maritime security. This strategy will support the larger goal of safeguarding the Gulf of Guinea and fostering sustainable maritime trade while enhancing Nigeria's capacity to defend its ports, territorial waters, shipping interests, and marine resources.