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LOSS PREVENTION

GUIDIANCE:

PREVENTION OF
SMUGGLING ILLEGAL
NARCOTICS - RISK AND
COMPLIANCE IN NIGERIAN
PORTS -2025

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Introduction

The presence of illegal narcotics on board vessels calling at Nigerian ports poses one of the most significant and severe risks to shipowners, charterers, and crew. Nigerian law, coupled with stringent international conventions, mandates zero tolerance for drug trafficking. A finding of illicit narcotics, irrespective of the owners' or crew's knowledge, can lead to immediate vessel detention, massive fines, criminal prosecution of the crew, and substantial operational losses.

This guidance outlines proactive **Loss Prevention** measures and crucial **Emergency Response** steps to mitigate liabilities.

F.O. AKINRELE & COMPANY: LOSS PREVENTION GUIDANCE

SUBJECT: Prevention of Smuggling Illegal Narcotics - Risk and Compliance in Nigerian Ports

DATE: December 8, 2025

TO: Shipowners, Managers, Designated Persons Ashore (DPAs), and Masters

FROM: F.O. Akinrele & Co. (Maritime Law & Admiralty)

1.0 Executive Summary: The Gravity of Nigerian Risk

Vessels calling at Nigerian ports operate within a **high-risk jurisdiction** where the discovery of illegal narcotics, irrespective of the shipowner's or Master's knowledge or complicity, carries the immediate threat of vessel detention and potential forfeiture.

Compliance with the **National Drug Law Enforcement Agency (NDLEA) Act, Cap N30 LFN 2004**, and adherence to the **ISPS Code** (enforced by the Nigerian Maritime Administration and Safety Agency - NIMASA) are non-negotiable legal imperatives. This guidance outlines the rigorous preventative measures required and the mandatory protocol for response.

2.0 Compliance with Nigerian Regulations

2.1 The NDLEA Act and Penalties

The NDLEA Act confers broad powers on the Agency to enforce drug laws, including the power to **search any vessel without warrant**, seize items used in the commission of an offence, and **arrest any person** suspected of an offence under the Act.

- **Risk of Forfeiture:** The Act permits the **forfeiture** of assets and properties derived from or used in drug-related offences, which can include the vessel itself, even if the owners are not convicted, following the investigation of assets and properties of persons arrested for an offence under the Act.
- **Life Imprisonment:** Unlawful importation, exportation, or trafficking of narcotics (such as cocaine, heroin, or similar drugs) can attract a penalty of **imprisonment for life**.
- **Master's Responsibility:** The Master or Agent will be held **responsible for any breach** of the laws, and the Master is specifically held responsible for controlled drugs on board.

2.2 ISPS Code Compliance (NIMASA)

NIMASA is the Designated Authority for implementing the **International Ship and Port Facility Security (ISPS) Code** in Nigeria.

- **Mandatory Requirement:** The Ship Security Plan (SSP) must be strictly implemented to prevent unauthorized access and smuggling.
- **Enforcement:** NIMASA conducts enforcement actions, including the **shutting down of port facilities** for persistent non-compliance with the ISPS Code. Full compliance is essential to safeguard the vessel's International Ship Security Certificate (ISSC).

3.0 Prevention Protocol: Before and During Nigerian Call

3.1 Pre-Arrival Security Measures

1. **Risk Assessment:** Conduct a full review of the vessel's prior port calls, especially in known trafficking regions, to identify potential areas of opportunistic concealment.
2. **NDLEA Documentation:** Ensure the **Narcotics List** (for controlled drugs) and the **Hospital Inventory List** (for ordinary medicines) are prepared **separately** and accurately.
 - All controlled drugs must be in the **Captain's custody** and kept under lock and key.
 - No **expired drugs** are allowed on board, and these must be prepared for handing over to NDLEA officers.
3. **Crew Briefing:** Conduct a **pre-arrival security briefing** emphasizing the severe penalties under the NDLEA Act and the mandatory requirement for full cooperation and vigilance.

3.2 On-Board Search Procedures (Deep Rummage)

- **Frequency:** Conduct a **documented, full-scale security sweep** immediately prior to entering Nigerian waters and again immediately upon departure.
- **Search Hot Spots:** The search must focus particularly on known areas used for concealment:
 - **External:** Sea chests, rudder trunk, propeller area, anchor lockers, underside of hull (for magnetic or torpedo packages).
 - **Internal:** Ventilation systems, cargo holds (especially void spaces and access points), engine room bilge spaces, funnels, and false panels in accommodation areas.
- **Logbook Entry:** **All security searches must be meticulously documented** in the Ship's Official Logbook, recording the time, areas searched, and personnel involved.

3.3 Port Security and Access Control

1. **Gangway Control:** Maintain **strict 24-hour gangway watch** with a log of all persons boarding and disembarking. Only authorized personnel should be allowed access, and all visitors and their baggage must be screened.
2. **Shore Personnel:** Employ a **buddy system** or continuous crew watch to monitor all shore personnel (stevedores, contractors, vendors) while they are working in cargo holds, engine room, or other sensitive areas.
3. **Security Seals:** Utilize security seals on stores, non-operational hatches, and manholes, logging the seal numbers upon application and inspection.

4.0 Response Protocol: Narcotics Discovery

The discovery of suspected illegal narcotics on board necessitates an **immediate, highly disciplined response** to mitigate criminal liability and demonstrate the Owner's non-complicity.

4.1 Immediate Action by the Master

1. **Secure the Scene: DO NOT TOUCH, MOVE, or DISTURB** the suspected substance. Immediately cordon off the area to preserve the chain of custody.
2. **Notify Authorities:** The Master must immediately notify:
 - The **Company DPA/Ship Manager**.
 - The **P&I Club**.
 - The **National Drug Law Enforcement Agency (NDLEA)** via the ship's agent or Port Facility Security Officer (PFSO). **Self-reporting is critical** to mitigate the implication of complicity.
3. **Documentation:** Record the discovery in the Ship's Logbook, noting the time, precise location, and nature of the suspected item. Take photographs, including landmarks, but **do not touch the exhibit**.

4.2 Dealing with NDLEA Officials

- **Cooperation is Mandatory:** The Master and crew must **cooperate fully** with NDLEA officers, who have statutory power to enter, search, seize, and arrest. Failure to comply with any lawful enquiry is an offence.
- **Witness Presence:** Ensure the **Ship's Agent and one or two crew members** accompany the NDLEA officers during the search of the vessel.

- **Clearance:** Upon conclusion of the search, and if no incriminating item is found, the Master must obtain the **NDLEA clearance duly stamped and signed** by both the officer-in-charge and the Captain.
- **Seizure:** If an incriminating item is found, the item will be removed by the officer in the presence of the agent and the captain for further investigation, and the container (if applicable) may be impounded.

4.3 Legal and P&I Action

1. **Engage Counsel:** The P&I Club and/or Shipowner must **immediately appoint local Nigerian maritime legal counsel**. Legal expertise is required to navigate the complexities of the NDLEA's forfeiture proceedings and the local criminal justice system.
2. **Crew Rights:** Ensure the **rights of the crew** are protected. If any crew member is arrested, legal counsel must be present during questioning, as the penalties are extremely severe (15 to 25 years' imprisonment for certain offences).
3. **Vessel Release:** Legal counsel's priority will be to challenge any **vessel detention** and secure the **conditional release** of the vessel on security (bond) to minimize commercial losses while the investigation proceeds.

The "Zero-Exposure" Protocol

Proactive Loss Prevention Measures

Part I: Enhanced Pre-Arrival Security and Training

- **Mandatory Crew Briefing:** Before arrival at the Nigerian pilot station, conduct a thorough security briefing. Emphasise that any discovered narcotic presence, even if planted, leads to severe consequences. Document the briefing details and signatures.
- **Targeted Training:** Ensure all crew members, particularly those on watch and security teams, are fully trained in **recognizing tampering** of ship structures, cargo spaces, and identifying suspicious external markers.
- **Vulnerability Assessment:** Identify and seal or lock all easily accessible external spaces: rudder trunks, sea chests, bilge keels, vent covers, and stern thruster compartments.

1. Comprehensive Access and Control

- **Strict Gangway Watch:** Maintain a heightened, minimum two-person gangway watch **24 hours a day**. Log every person boarding and disembarking (including port officials, stevedores, agents, and visitors) with ID details, purpose, and time.
- **Access Limitations:** Designate restricted areas. All crew should wear visible ship identification. Shore labour must be escorted at all times when outside the cargo working area.
- **Visitor Search:** All visitors, including officials and contractors, should be subject to search upon embarkation and disembarkation. This must be conducted respectfully and tactfully.

2. Rigorous Search Protocols (The "Sweeps")

- **Pre-Arrival Search:** Conduct and document a detailed, systematic search of the entire vessel immediately before arrival in port waters.
- **Post-Stevedoring/Bunkering Search:** Conduct a full, documented sweep of all accessible internal and external spaces immediately after port operations (stevedoring, bunkering, and provisioning) cease, and again just before the pilot boards for departure.
- **Focus Areas:** Engine room voids, chain lockers, anchor recesses, ventilation shafts, refrigerated containers (if applicable), void spaces, and crew accommodation common areas.

3. Documentation and Record-Keeping

- **Security Log Maintenance:** Every search, briefing, incident, and visitor movement must be meticulously logged. This contemporaneous documentation provides the primary defence against allegations of crew involvement.
- **Photographic Evidence:** Take time-stamped photographs of seals, locks, and sensitive areas **before** the vessel enters the port, and again **after** its departure, to prove the integrity of the spaces.

Part II: Emergency Response Guidance (Drugs Found On Board)

Should suspicious packages or illicit narcotics be discovered on board *before* the vessel has been searched or the consignment officially located by authorities, the following steps are **mandatory** to protect the shipowner's position:

1. Secure and Isolate (Preserve the Scene)

- **Do Not Touch:** Under no circumstances should the packages be handled, opened, moved, or sampled by the crew.

- **Isolate the Area:** Immediately secure the location of the discovery. Post a dedicated watch to ensure the scene is preserved and no evidence is contaminated or removed.
- **Document the Discovery:** The Master must photograph the packages *in situ* with an object of known scale (e.g., a ruler or ship's standard item) and log the exact time, location, and circumstances of the discovery.

2. Immediate Notification

The Master must follow a strict notification hierarchy:

- **Shipowner/Designated Person Ashore (DPA):** Immediate, detailed notification of the discovery.
- **P&I Club Correspondent:** This is **paramount**. Contact the local P&I correspondent immediately for urgent legal advice and coordination.
- **Flag State:** Report the incident as required by the Flag State administration.
- **Port Authorities (Cautious Approach):** Under the guidance of the P&I correspondent, the Master must formally notify the relevant Nigerian authorities (**Nigerian Customs Service (NCS)** and **Nigerian Maritime Administration and Safety Agency (NIMASA)**) of the discovery **prior to them finding the narcotics themselves**. This proactive reporting is vital evidence of the ship's innocence.

This document is intended for guidance purposes only and does not constitute legal advice. Owners and Masters must consult with their P&I Club immediately upon any incident.