

A CRITIQUE OF THE SOCIO-LEGAL EFFECTS OF OUTSOURCING MARITIME SECURITY TO PRIVATE FIRMS IN NIGERIA

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Abstract

Despite the enactment of legal frameworks and sustained military operations, Nigeria has historically experienced persistent challenges arising from maritime insecurity and other transnational maritime crimes. These security threats have social and legal implications for the Nigerian maritime industry. Recently, Nigeria adopted the engagement of private contracting firms, particularly in safeguarding critical maritime assets and combating oil theft within the Niger Delta and the Gulf of Guinea. This paper critiques the legal and social implications of contracting private firms for maritime security in Nigeria. It analyses the constitutional and statutory framework governing maritime security, evaluates the legitimacy of private sector participation, and assesses the socio-economic consequences of such engagements on coastal communities, maritime governance, and national security. The paper argued that although contracting firms have demonstrably contributed to reducing crude oil theft and improving maritime surveillance, the absence of a comprehensive regulatory framework governing Private

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Maritime Security Companies (PMSCs) creates accountability gaps, raises constitutional concerns, and poses risks to transparency and human rights. It recommends the enactment of a dedicated legal framework regulating PMSCs, among others.

Keywords: Maritime security, private security firms, Socio-legal effects

1.0 INTRODUCTION

Nigeria's maritime sector serves as the principal gateway for international commerce, offshore petroleum production, fisheries, and regional trade. Consequently, maritime security is not merely a defense concern but an essential component of Nigeria's economic development, energy security, and national sovereignty.¹

Notwithstanding this strategic importance, Nigeria's maritime environment has, for decades, experienced maritime insecurity. This menace has become pervasive within the Gulf of Guinea.² The financial implications of maritime insecurity have been enormous. Beyond the direct loss of billions of Naira through crude oil theft, Nigeria has suffered declining foreign investment, increased shipping insurance premiums, environmental degradation, and significant disruptions to maritime commerce.³ These challenges exposed the limitations of conventional security institutions, including the Nigerian Navy, the Nigerian Maritime

¹ Nigerian Ports Authority, Annual Report and Financial Statements 2023 (NPA 2024) 9–16.

² International Maritime Bureau, Piracy and Armed Robbery Against Ships: Annual Report January–December 2023 (ICC IMB 2024) 5–18.

³ Nigeria Extractive Industries Transparency Initiative, 2023 Oil and Gas Industry Report (NEITI 2024) 27–39

Administration and Safety Agency (NIMASA), the Marine Police, and other law enforcement agencies acting independently.

Recognizing the complexity of these threats, the Federal Government adopted a more collaborative security architecture involving public-private partnerships. This policy shift has witnessed the increasing engagement of private contracting firms to support surveillance, intelligence gathering, pipeline monitoring, offshore asset protection, and maritime infrastructure security. Among these firms, Tantita Security Services Nigeria Limited has become particularly prominent due to its extensive role in combating crude oil theft within the Niger Delta and protecting critical petroleum infrastructure.

The engagement of private firms in maritime security has generated significant legal and policy discourse. On one hand, proponents argue that these firms possess local knowledge, operational flexibility, technological capacity, and community acceptance, enabling them to complement government security agencies more effectively.⁴ Indeed, recent reports indicate a marked decline in piracy incidents and improvements in crude oil production following enhanced collaboration among NIMASA, the Nigerian Navy, and private security contractors.

Conversely, critics question whether the delegation of security-related functions to private entities is compatible with the Constitution of the Federal Republic of Nigeria 1999 (as amended), which vests responsibility for national defense and security in governmental

⁴ Olisa Agbakoba and Adewale Adeleke, 'Private Sector Participation in Maritime Security Governance in Nigeria' (2022) 18(1) *Journal of Sustainable Development Law and Policy* 145–166.

institutions.⁵ Concerns have equally been raised regarding accountability, procurement transparency, potential abuse of power, monopoly, and the absence of comprehensive legislation regulating Private Maritime Security Companies operating within Nigerian waters.⁶

Although existing literature extensively examines piracy, oil theft, and maritime governance, comparatively little attention has been devoted to the broader legal and social implications arising from the engagement of private contracting firms as key actors within Nigeria's maritime security architecture. This paper addresses that gap by critically evaluating the legality, effectiveness, and broader societal consequences of this evolving model of maritime security governance.

The central argument advanced is that while contracting firms have contributed significantly to maritime security improvements, their increasing role necessitates a clearer statutory framework that balances operational efficiency with constitutional accountability, transparency, and the protection of fundamental rights.

2.0 LITERATURE REVIEW

Christian Bueger argues that maritime security has evolved from a narrow military concept into a multidimensional governance framework encompassing economic security, environmental protection, maritime law

⁵ Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 14(2)(b), 217–220; Armed Forces Act, Cap A20 Laws of the Federation of Nigeria 2004.

⁶ Chijioke Okorie, 'Regulating Private Maritime Security Companies in Nigeria: Legal Challenges and Prospects' (2024) 9(1) African Journal of International Maritime Law 67–89.

enforcement, and human security.⁷ He contends that contemporary maritime threats such as piracy, illegal fishing, trafficking, and oil theft require collaborative governance involving states, international organizations, and private actors rather than relying solely on naval power. Although Bueger's work provides a comprehensive conceptual framework for understanding maritime security, it does not critically examine the constitutional implications of delegating security responsibilities to private firms within domestic jurisdictions such as Nigeria.

Natalie Klein maintains that coastal states bear the primary responsibility for ensuring maritime security under international law, particularly under UNCLOS.⁸ She emphasizes that while cooperation with non-state actors may be beneficial, governments cannot abdicate their legal obligations regarding law enforcement and maritime governance. Her work is invaluable for understanding the international legal framework but gives limited attention to private maritime security companies operating in developing countries.

Okafor-Yarwood and Onuoha argue that maritime security initiatives in Africa have frequently reflected external geopolitical interests rather than the socioeconomic needs of African coastal communities.⁹ They further observe that the increasing reliance on private maritime security companies reflects broader trends in the commercialisation of maritime

⁷ Christian Bueger and Timothy Edmunds, 'Beyond Seablindness: A New Agenda for Maritime Security Studies' (2023) *Contemporary Security Policy*.

⁸ Natalie Klein, *Maritime Security and the Law of the Sea* (2nd edn, Oxford University Press 2024).

⁹ Ifesinachi Marybenedette Okafor-Yarwood and Freedom C Onuoha, 'Whose Security is it? Elitism and the Global Approach to Maritime Security in Africa' (2023) 44(5) *Third World Quarterly* 946–966.

security. While their analysis is insightful, it focuses on continental maritime governance and does not examine the legality of Nigeria's contracting arrangements with firms such as Tantita Security Services.

Orie and Nkum analyze international and Nigerian maritime security laws and conclude that Nigeria possesses adequate legal instruments but suffers from weak enforcement, institutional fragmentation, and policy deficiencies.¹⁰ However, the authors do not evaluate the role of private contracting firms in strengthening enforcement.

Adesanya argues that piracy, oil theft, arms trafficking, and organized crime within the Gulf of Guinea are interconnected criminal enterprises requiring integrated legal and security responses rather than isolated enforcement measures.¹¹ His work focuses mainly on organized maritime crime and pays little attention to the contribution of private security contractors. Ogoun attributes maritime insecurity in Nigeria principally to weak law enforcement, corruption, unemployment and inadequate maritime surveillance.¹² The study provides a useful background but does not examine the emerging role of private security companies.

Musa Ari Ogah, Tala Safiyanu Aliyu and Nathaniel Ali Edoka examine the contribution of the IMO to Nigeria's maritime security and conclude that international standards alone cannot improve maritime security without

¹⁰ Erimma Gloria Orie and King James Nkum, 'An Examination of International Legal Framework for Maritime Safety and Security with Specific Reference to Challenges and Impediments to Their Enforcement: Nigeria in Perspective' (2023) 3 *Cavendish University Law Journal* 1–27.

¹¹ Olusegun Paul Adesanya, 'Maritime Crimes and the Gulf of Guinea' (2023) 9(1) *Cogent Social Sciences*.

¹² Paul Mandela Ogoun, 'Maritime Security Challenge in Nigeria and the Gulf of Guinea' (2022) *European Journal of Science, Innovation and Technology*.

effective domestic implementation and anti-corruption reforms.¹³ The paper, however, overlooks the increasing operational role of private contractors.

Triantafillou and her co-authors argue that institutional weaknesses, corruption and youth unemployment remain the strongest drivers of piracy in Nigeria and that effective deterrence requires coordinated legal responses.¹⁴ The paper did not consider whether private maritime security firms can address these institutional shortcomings.

Nwaogbe and colleagues evaluate operational safety at Apapa Port and conclude that stronger institutional capacity and security measures are required for efficient port management.¹⁵ The study is limited to port safety and does not consider the legal implications of outsourcing security functions.

John Nsikan and Others examine risk management practices in Nigerian seaports and recommend digital surveillance, stronger stakeholder collaboration and improved institutional coordination for resilient port

¹³ 46. Musa Ari Ogah, Tala Safiyanu Aliyu and Nathaniel Ali Edoka, 'International Maritime Organization and the Security of Nigeria's Maritime Domain' (2023) 4(2) *Zamfara Journal of Politics and Development*.

¹⁴ Anna Triantafillou and others, 'Maritime Piracy: Determining Factors and the Role of Deterrence' (2023) 32(2) *African Security Review* 166–183.

¹⁵ Obioma Nwaogbe and others, 'Analysis of Seaport Safety in Nigeria: Case of Apapa Port Complex Lagos' (2023) 2(3) *Maritime Park: Journal of Maritime Technology and Society*

operations.¹⁶ Their work focuses on port management rather than private maritime security companies.

Iheduru examines the emergence of hybrid maritime security governance in the Gulf of Guinea, arguing that the inability of states alone to combat piracy and maritime crime has encouraged the participation of private security actors alongside national navies and international partners.¹⁷ He contends that the privatization of aspects of maritime security should be viewed as part of a broader transformation in global security governance rather than merely a response to piracy. The strength of the article lies in its theoretical explanation of why governments increasingly rely on non-state actors. However, it focuses on governance theory and does not specifically analyze the legality of Nigeria's contracts with firms such as Tantita Security Services Nigeria Limited.

Donatus E. Onwuegbuchunam, Moses O. Aponjolosun, Chinemerem Igboanusi and Kenneth O. Okeke assess maritime security regimes in Nigerian seaports and conclude that despite Nigeria's implementation of international maritime security standards, security incidents continue to affect port performance due to weak enforcement and institutional deficiencies.¹⁸ Although the study is valuable in evaluating port security,

¹⁶ 52. John Nsikan and others, 'Robust Practices for Managing Maritime Supply Chain Risks: A Survey of Nigeria's Seaports' (2023) 39(4) *Asian Journal of Shipping and Logistics*.

¹⁷ 55. Okechukwu Iheduru, 'Hybrid Maritime Security Governance and Limited Statehood in the Gulf of Guinea: A Nigerian Case Study' (2023) 22(3) *Journal of Military and Strategic Studies*.

¹⁸ Donatus E Onwuegbuchunam and others, 'Maritime Security Regimes and Impacts on Nigerian Seaports' (2021) 11(4) *Open Journal of Safety Science and Technology* 158–170.

it does not consider the growing involvement of private maritime security contractors in national maritime governance.

Faga and Ede analyse Nigeria's implementation of UNCLOS and conclude that while Nigeria has domesticated several international maritime obligations, enforcement remains weakened by institutional fragmentation, legislative gaps, and limited technical capacity.¹⁹ Their contribution strengthens the legal analysis of maritime governance but does not address whether contracting private security firms is an appropriate mechanism for overcoming these implementation challenges.

Efanga and his colleagues investigate trends in maritime security threats and conclude that piracy, kidnapping, oil theft and other maritime crimes continue to negatively affect Nigerian seaborne trade despite improvements in recent years. They recommend stronger surveillance, regional cooperation and institutional coordination.²⁰ The article provides empirical evidence on maritime insecurity but pays little attention to the role of private security contractors.

Ameh examines piracy and waterways security in Nigeria and argues that weak law enforcement, poverty, unemployment and inadequate regional cooperation continue to fuel piracy in the Gulf of Guinea.²¹ He

¹⁹ 57. Hemen Philip Faga and Emeka Geoffrey Ede, 'Assessing the Effectiveness of the United Nations Convention on the Law of the Sea (UNCLOS) in Nigeria's Maritime Resource Governance' (2025) 19(2) *Agora International Journal of Juridical Sciences*.

²⁰ Hilary Owoidighe Efanga and others, 'Trend Analysis of Maritime Security Threats and its Implications on Nigerian Seaborne Trade' (2024) *International Journal of Research and Scientific Innovation* 77–99.

²¹ Emmanuel Ugbedeojio Ameh, 'Piracy and Waterways Security in Nigeria' (2025) 14(2) *Ibom Journal of Social Issues* 66–75.

recommends enhanced surveillance and stronger institutional collaboration. While the article analyses the causes and consequences of piracy, it does not evaluate the increasing use of private maritime security contractors as part of Nigeria's response.

Chilaka examines Nigeria's anti-piracy enforcement regime following the enactment of the Suppression of Piracy and Other Maritime Offences Act 2019. He concludes that stronger enforcement by NIMASA and regional cooperation have contributed to declining piracy incidents.²² The study focuses primarily on public institutions and does not consider the legal status or accountability of private maritime security firms.

Nwanosike explores the role of digital surveillance, artificial intelligence and legal regulation in Nigeria's emerging blue economy. He argues that technological innovation must be accompanied by a coherent legal framework to ensure accountability and effective maritime governance.²³ Although the paper focuses on digital governance, its recommendations are directly relevant to the regulation and oversight of private maritime security contractors using surveillance technologies.

Hilary Owoidighe Efanga, Ntukoghe Bassey O., Esin Pedroesin Asuquo and Dakio Horsfall investigate the relationship between maritime security

²² E M Chilaka, 'The Declining Hegemony of Pirates and Drug Traffickers in Nigerian Waters Versus the Burden of US Conditions of Entry' (2025) 41(1) *Journal of Developing Societies* 35–61

²³ 63. Joshua Nwanosike, 'Digitalising the Ocean: Law, Surveillance, and Artificial Intelligence in Blue Economy Governance in Nigeria' (SSRN Working Paper, 2025/2026).

risks and Nigeria's maritime trade-related economic growth.²⁴ They conclude that piracy, kidnapping and crude oil theft significantly affect trade, investment and national revenue, while improved maritime security stimulates economic development. The article reinforces the economic rationale for improving maritime security but leaves unresolved the legal question of whether private firms should perform functions traditionally reserved for state security institutions.

3.0 DOMESTIC LEGAL FRAMEWORK GOVERNING CONTRACTING FIRMS FOR MARITIME SECURITY IN NIGERIA

The increasing engagement of private contracting firms in maritime security in Nigeria has generated considerable legal debate regarding the extent to which private entities may legitimately perform security-related functions traditionally reserved for the State. While private contractors have significantly contributed to protecting critical maritime infrastructure, combating crude oil theft, and improving Constitution of the Federal Republic of Nigeria 1999 (as amended), s 14(2)(b). against the constitutional, statutory, and international legal frameworks governing maritime security.

Nigeria does not presently have a single comprehensive statute specifically regulating Private Maritime Security Companies (PMSCs). Instead, their activities are governed by a combination of constitutional provisions, maritime legislation, petroleum laws, private security regulations, and international maritime instruments. Consequently,

²⁴ Hilary Owoidighe Efanga and others, 'Maritime Security Risks and Nigerian Maritime Trade-Related Economic Growth' (2025) *International Journal of Research and Scientific Innovation*.

understanding the legality of contracting firms requires an examination of these overlapping legal regimes.

3.1 Constitution of the Federal Republic of Nigeria 1999 (as amended)

The Constitution is the supreme law of Nigeria and provides the legal foundation for national security. Section 14(2)(b) expressly provides that the security and welfare of the people shall be the primary purpose of government.²⁵ This constitutional provision places the responsibility for maintaining internal and external security squarely upon governmental institutions.

Similarly, Sections 217–220 establish the Armed Forces of the Federation and assign responsibility for defending Nigeria against external aggression, maintaining territorial integrity, suppressing insurrection, and providing military assistance to civil authorities were authorized by law.²⁶ These provisions affirm the constitutional monopoly of the State over the legitimate use of coercive force.

From a constitutional perspective, this raises an important legal question: Can the Federal Government delegate aspects of maritime security to private contracting firms? A careful reading of the Constitution suggests that while governmental agencies may contract private entities to provide surveillance, intelligence gathering, logistics, and infrastructure protection, they cannot lawfully transfer coercive law enforcement powers

²⁵ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 14(2)(b).

²⁶ Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 217–220.

such as arrest, detention, prosecution, or the use of military force to private companies unless expressly authorized by legislation.²⁷

Consequently, companies such as Tantita Security Services Nigeria Limited derive their authority from contractual arrangements rather than constitutional powers. Their legitimacy therefore depends upon operating strictly within the scope of those contractual obligations while leaving coercive enforcement functions to statutory security agencies such as the Nigerian Navy, the Nigerian Police Force, the Nigerian Security and Civil Defense Corps (NSCDC), and NIMASA. The constitutional framework therefore permits collaboration with private contractors but does not support the privatization of sovereign security powers.

3.1.1 Critical Analysis

Although the Constitution does not expressly prohibit government collaboration with private firms, neither does it expressly authorize the outsourcing of core national security functions. This constitutional silence has created uncertainty regarding the precise legal status of private maritime security companies.

The absence of constitutional clarification has allowed contractual practices to develop largely through executive policy rather than legislative regulation. While this flexibility has enabled rapid responses to crude oil theft and piracy, it also raises concerns regarding accountability, democratic oversight, and judicial review.

²⁷ Armed Forces Act, Cap A20, Laws of the Federation of Nigeria 2004; Police Act 2020.

The researcher submits that the National Assembly should enact specific legislation defining the permissible scope of private maritime security operations, thereby eliminating constitutional ambiguity.

3.2 Nigerian Maritime Administration and Safety Agency Act

The Nigerian Maritime Administration and Safety Agency Act establishes NIMASA as Nigeria's principal maritime administration responsible for maritime safety, maritime security, shipping development, marine pollution prevention, and implementation of international maritime conventions.²⁸

Among its statutory responsibilities are:

- i. promoting maritime security;
- ii. implementing international maritime conventions;
- iii. coordinating maritime safety;
- iv. protecting shipping infrastructure;
- v. cooperating with security agencies in suppressing maritime crimes.

Although the Act does not expressly authorize NIMASA to outsource maritime security to private firms, it empowers the Agency to collaborate with relevant stakeholders where necessary for the discharge of its statutory responsibilities. This broad administrative mandate has provided part of the legal basis for public-private security initiatives such as the Deep Blue Project.

²⁸ Nigerian Maritime Administration and Safety Agency Act, Cap N161, Laws of the Federation of Nigeria 2004, ss 22–23.

The Deep Blue Project integrates naval assets, surveillance aircraft, unmanned aerial vehicles, interceptor boats, command-and-control systems, and intelligence platforms to improve maritime domain awareness.²⁹ While private contractors may provide technical support, surveillance, maintenance, logistics, and intelligence services under the project, operational enforcement remains vested in authorized government security agencies.

3.2.1 Critical Analysis

The NIMASA Act recognizes inter-agency cooperation but fails to define the legal status, powers, duties, liabilities, and accountability mechanisms applicable to private maritime security companies.

This legislative omission creates uncertainty regarding:

- i. permissible operational limits;
- ii. use of surveillance technology;
- iii. collection of intelligence;
- iv. civil liability for negligence;
- v. criminal liability;
- vi. oversight mechanisms.

Accordingly, legislative amendment would strengthen transparency and regulatory certainty.

²⁹ Nigerian Maritime Administration and Safety Agency (NIMASA), Deep Blue Project Operational Report (2024).

3.3 Suppression of Piracy and Other Maritime Offences Act 2019

The enactment of the SPOMO Act marked a significant milestone in Nigeria's maritime security framework. Before its enactment, Nigeria lacked dedicated anti-piracy legislation despite being one of the countries most affected by piracy within the Gulf of Guinea.³⁰

The Act domesticated key provisions of the United Nations Convention on the Law of the Sea (UNCLOS) concerning piracy and criminalizes piracy, armed robbery at sea, hostage-taking, violence against ships, unlawful seizure of vessels, and other maritime offences.³¹

The SPOMO Act empowers designated law enforcement agencies to investigate, arrest, prosecute, and punish offenders involved in maritime crimes. These enforcement powers remain vested exclusively in public authorities and are not extended to private contracting firms.

Private contractors therefore function primarily as:

- i. surveillance providers
- ii. intelligence partners
- iii. infrastructure monitors
- iv. logistical support providers.

Where private contractors detect criminal activities, they are expected to report such incidents to competent authorities for enforcement action.

³⁰ Suppression of Piracy and Other Maritime Offences Act 2019, Long Title.

³¹ Suppression of Piracy and Other Maritime Offences Act 2019, ss 3–16; United Nations Convention on the Law of the Sea 1982, arts 100–107.

3.3.1 Critical Analysis

The SPOMO Act significantly strengthens Nigeria's anti-piracy legal regime but remains silent on the operational role of private maritime security companies.

Considering the increasing reliance on firms such as Tantita Security Services Nigeria Limited, legislative reform should expressly define:

- i. operational responsibilities
- ii. reporting obligations
- iii. standards of conduct
- iv. liability for misconduct
- v. coordination with naval authorities.

Such amendments would improve legal certainty while preventing jurisdictional conflicts between private contractors and public security agencies.

3.4 Private Guard Companies Act

The engagement of private contracting firms in Nigeria derives part of its legal foundation from the Private Guard Companies Act, Cap P30, Laws of the Federation of Nigeria 2004. The Act regulates the establishment, licensing and supervision of private security companies in Nigeria.³² Under the Act, no private organization may operate as a security company without obtaining a license from the Federal Government through the Ministry of Interior.

The Act primarily authorizes private guard companies to provide security services for private individuals, commercial organizations, financial institutions and industrial establishments. Their statutory functions

³² Private Guard Companies Act, Cap P30, Laws of the Federation of Nigeria 2004, ss 1–3.

generally include access and personnel, and the prevention of unauthorized access.³³

Although the Act provides the legal basis for private security operations, it was enacted long before contemporary maritime security challenges such as piracy, offshore terrorism, illegal bunkering and sophisticated crude oil theft became major national security concerns. Consequently, it does not expressly recognize Private Maritime Security Companies (PMSCs) or regulate their activities within Nigeria's maritime domain.

This legislative gap has created uncertainty concerning companies such as Tantita Security Services Nigeria Limited, Ocean Marine Solutions Limited and Pipeline Infrastructure Nigeria Limited. While these organizations provide maritime surveillance, intelligence gathering and pipeline monitoring, their legal status under the existing Act remains largely undefined.

3.4.1 Critical Analysis

The Private Guard Companies Act is inadequate for regulating modern maritime security operations. First, it was enacted principally to regulate conventional private security companies operating on land rather than highly specialized maritime security contractors.

Secondly, the Act contains no provisions governing offshore surveillance, maritime intelligence operations, oil pipeline monitoring, drone deployment, vessel protection or cooperation with naval authorities.

³³ Private Guard Companies Act, Cap P30, Laws of the Federation of Nigeria 2004, ss 17–21.

Thirdly, the Act provides limited mechanisms for oversight where private contractors work alongside military institutions.

The researcher submits that Nigeria requires either substantial amendments to the Private Guard Companies Act or, preferably, the enactment of a Private Maritime Security Companies Act specifically regulating maritime security contractors, their licensing, operational standards, accountability mechanisms and relationship with public security institutions.

3.5 Petroleum Industry Act 2021

The Petroleum Industry Act (PIA) 2021 constitutes one of the most significant legal reforms in Nigeria's petroleum sector. While the Act principally governs petroleum exploration, production and regulation, several of its provisions have important implications for maritime security.

The PIA establishes a governance framework intended to safeguard petroleum assets, ensure uninterrupted production and promote sustainable investment in Nigeria's oil and gas industry.³⁴ Since a significant proportion of Nigeria's petroleum infrastructure is located offshore or within coastal communities, maritime security has become indispensable to the successful implementation of the Act.

The Act also recognizes the importance of protecting petroleum infrastructure against sabotage, vandalism and crude oil theft. This has indirectly encouraged collaboration between petroleum operators and

³⁴ Petroleum Industry Act 2021, ss 1–3, 8–10.

security agencies, including the engagement of specialized private contractors responsible for surveillance and pipeline monitoring.

Recent improvements in Nigeria's crude oil production have frequently been linked to enhanced protection of petroleum infrastructure through collaborative arrangements involving the Nigerian Navy, NNPC Limited, NUPRC and private contractors such as Tantita Security Services Nigeria Limited.³⁵

3.5.1 Critical Analysis

Although the PIA promotes the protection of petroleum assets, it does not specifically regulate private maritime security contractors engaged for pipeline surveillance or offshore security operations.

The Act equally fails to establish:

- i. minimum operational standards
- ii. accountability mechanisms
- iii. procurement transparency requirements
- iv. reporting obligations
- v. liability for negligence.

These omissions create uncertainty regarding the legal relationship between petroleum operators, private contractors and government security agencies. The researcher therefore submits that subsidiary regulations should be issued under the PIA specifically governing private security contractors engaged in petroleum infrastructure protection.

³⁵ Nigerian National Petroleum Company Limited, Annual Report and Financial Statements 2024 (2025);

3.6 Nigerian Oil and Gas Industry Content Development Act 2010

The Nigerian Oil and Gas Industry Content Development Act seeks to maximize indigenous participation in Nigeria's petroleum industry by encouraging the utilization of Nigerian companies in the execution of oil and gas projects.³⁶

Although the Act does not directly regulate maritime security, it has significantly influenced the engagement of indigenous security contractors in protecting petroleum infrastructure.

The increasing preference for Nigerian-owned security firms such as Tantita Security Services Nigeria Limited reflects the broader objectives of local content policy by promoting indigenous expertise, employment generation and community participation.

Furthermore, local contractors often possess superior knowledge of local terrain, waterways and community dynamics, enabling them to gather intelligence more effectively than foreign security providers.

3.6.1 Critical Analysis

While local content policy has strengthened indigenous participation, it should not become the sole criterion for awarding maritime security contracts.

Government procurement should continue to emphasize:

³⁶ Nigerian Oil and Gas Industry Content Development Act 2010, ss 3–10.

- i. operational competence
- ii. transparency
- iii. technological capability
- iv. financial accountability
- v. human rights compliance
- vi. measurable performance indicators.

Failure to maintain these standards may undermine public confidence and reduce competition within Nigeria's maritime security industry.

Nigeria's maritime security regime is also influenced by several international legal instruments which would be a subject of examination in subsequent research considering the scope of this paper.

3.7 Review of the Legal Framework

Nigeria possesses an extensive body of legislation relevant to maritime security. Collectively, the Constitution, the NIMASA Act, the SPOMO Act, the Petroleum Industry Act, the Private Guard Companies Act and applicable international instruments provide a broad legal foundation for maritime governance.

Despite these strengths, the legal framework remains fragmented. None of the existing statutes specifically regulates Private Maritime Security Companies (PMSCs) despite their increasing involvement in surveillance, intelligence gathering and infrastructure protection.

This legislative vacuum produces several practical challenges, including:

- i. uncertainty regarding operational powers
- ii. inadequate oversight mechanisms
- iii. limited transparency in contract awards

- iv. absence of uniform operational standards
- v. unclear civil and criminal liability
- vi. insufficient parliamentary oversight.

The researcher therefore submits that the National Assembly should enact a Private Maritime Security Companies Act to regulate licensing, operational standards, procurement, oversight, accountability, training, use of technology, intelligence sharing and sanctions for misconduct. Such legislation would strengthen Nigeria's maritime security architecture while ensuring that private participation remains consistent with constitutional principles, democratic accountability and international best practices.

4.0 LEGAL AND SOCIAL IMPLICATIONS OF CONTRACTING FIRMS FOR MARITIME SECURITY IN NIGERIA

The increasing engagement of private contracting firms in Nigeria's maritime security architecture represents one of the most significant developments in contemporary maritime governance. Faced with persistent piracy, crude oil theft, pipeline vandalism, illegal bunkering and other transnational maritime crimes, the Federal Government has increasingly collaborated with private firms to complement the efforts of statutory security agencies.

Among these firms, Tantita Security Services Nigeria Limited has assumed a particularly prominent role in protecting critical oil infrastructure and combating crude oil theft within the Niger Delta. Other companies, including Ocean Marine Solutions Limited and Pipeline Infrastructure Nigeria Limited, have similarly participated in maritime surveillance, logistics support and infrastructure protection.

Although these collaborations have generated measurable improvements in maritime security, they have also raised important constitutional, legal and social questions concerning accountability, transparency, public procurement, human rights, monopoly and the extent to which sovereign security responsibilities may be delegated to private entities.

4.1 Legal Implications

4.1.1 Constitutionality of Outsourcing Maritime Security

Perhaps the most significant legal issue concerns whether the Federal Government may constitutionally outsource aspects of maritime security to private firms.

Section 14(2)(b) of the Constitution provides that the security and welfare of the people shall be the primary purpose of government.³⁷ Furthermore, Sections 217–220 establish the Armed Forces of the Federation and confer responsibility for national defense upon the Nigerian military.

This constitutional arrangement appears to reserve coercive security powers to governmental institutions.

However, contracting firms such as Tantita Security Services do not ordinarily perform military functions. Rather, they undertake activities including:

- i. surveillance;
- ii. intelligence gathering
- iii. pipeline monitoring

³⁷ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 14(2)(b); ss 217–220.

- iv. environmental observation
- v. reporting suspicious activities
- vi. logistics support.

Consequently, their functions are largely complementary rather than substitutive. Nevertheless, constitutional concerns arise where private contractors appear to exercise quasi-policing powers without express statutory authority. For example, if private contractors detain suspects, seize vessels or conduct armed enforcement operations independently, such actions could exceed constitutional limits and expose both the contractors and the Government to legal liability.³⁸

4.1.2 Critical Analysis

The researcher submits that Nigeria's current practice is constitutionally sustainable only where private firms perform supportive functions while coercive powers remain exclusively with statutory agencies such as:

- i. Nigerian Navy
- ii. Nigerian Police Force
- iii. NSCDC
- iv. NIMASA
- v. EFCC where appropriate.

Government should therefore establish clear statutory boundaries distinguishing intelligence gathering from law enforcement.

³⁸ Private Guard Companies Act, Cap P30, Laws of the Federation of Nigeria 2004; Police Act 2020.

4.1.3 Accountability and Liability

Unlike public security agencies, private contractors operate primarily through contractual obligations. This creates accountability challenges. If a naval officer unlawfully arrests an individual, constitutional remedies exist under the Constitution and relevant statutes.

However, where misconduct is committed by private contractors, questions arise concerning:

- i. whether liability rests upon the contractor
- ii. the contracting government agency
- iii. both jointly.

Similarly, victims of negligence may encounter procedural difficulties in identifying the appropriate defendant. The absence of comprehensive legislation regulating PMSCs further complicates judicial accountability.

4.1.4 Critical Analysis

The researcher recommends statutory provisions establishing:

- i. civil liability;
- ii. criminal liability;
- iii. insurance requirements;
- iv. independent complaints mechanisms;
- v. parliamentary oversight.

Such reforms would improve public confidence.

4.1.5 Procurement and Transparency

Another legal implication concerns procurement.

Security contracts involving billions of naira must comply with principles of:

- i. transparency;
- ii. fairness;
- iii. competition;
- iv. accountability.

Where contracts are awarded without competitive procurement, allegations of favoritism may arise. Public confidence therefore depends not only upon operational success but also upon transparent procurement procedures consistent with the Public Procurement Act.

4.1.6 Critical Analysis

Although the operational achievements of certain firms have been widely acknowledged, procurement transparency remains equally important.

Government should publish:

- i. procurement criteria
- ii. contract duration
- iii. performance benchmarks
- iv. audit reports.

4.1.7 Human Rights Concerns

Private contractors frequently operate within vulnerable coastal communities. Without adequate regulation, risks may include:

- i. unlawful detention
- ii. excessive use of force
- iii. Intimidation
- iv. interference with livelihoods
- v. invasion of privacy through surveillance.

Although Nigeria's Constitution guarantees fundamental rights, enforcement becomes more complicated where violations involve private contractors rather than public officials. Consequently, stronger regulatory oversight is essential.

4.2 Social Implications

4.2.1 Reduction in Crude Oil Theft

Perhaps the most visible social benefit has been the significant reduction in crude oil theft. Following enhanced collaboration between government agencies and private contractors, Nigeria's daily crude oil production has increased considerably according to official reports from NNPC Limited and NUPRC.³⁹ Improved pipeline surveillance has reduced illegal tapping of pipelines and increased government revenue.

This has positively affected:

- i. foreign exchange earnings;
- ii. investor confidence;
- iii. fiscal stability;
- iv. petroleum production.

4.2.2 Critical Analysis

Although the improvement is commendable, attributing the entire success to private contractors would be inaccurate.

The improvements also reflect:

- i. SPOMO Act implementation;
- ii. Deep Blue Project;

³⁹ Nigerian National Petroleum Company Limited, Annual Report and Financial Statements 2024 (2025); Nigeria Upstream Petroleum Regulatory Commission, Annual Industry Performance Report 2024 (2025).

- iii. naval operations;
- iv. regional cooperation;
- v. improved intelligence sharing.

Therefore, maritime security improvements result from collective institutional efforts rather than private contractors alone.

4.2.3 Employment Generation

Private maritime contractors have generated substantial employment opportunities.

Many host community youths now participate in:

- i. surveillance;
- ii. intelligence gathering;
- iii. environmental monitoring;
- iv. logistics;
- v. administrative services.

This has contributed to reducing unemployment within parts of the Niger Delta.

4.2.3. i. Critical Analysis

Employment generation represents a major social benefit.

However, recruitment should remain transparent. Where recruitment is perceived as favouring particular ethnic groups or political interests, social tensions may emerge. Government should therefore encourage merit-based recruitment while ensuring equitable community representation.

4.2.4 Community Participation

Unlike conventional security agencies, indigenous contractors frequently possess extensive knowledge of local waterways and community networks.

This facilitates:

- i. intelligence gathering;
- ii. early warning;
- iii. conflict prevention.

Community ownership also improves information sharing.

4.2.4 i. Critical Analysis

Community participation strengthens maritime security. However, excessive reliance upon local patronage networks may inadvertently empower influential individuals beyond democratic oversight. Government should balance community participation with institutional accountability.

4.2.5 Investor Confidence

Improved maritime security has positively influenced investor confidence. Shipping companies increasingly perceive Nigerian waters as safer than during previous years when piracy reached historic levels. Reduced insurance premiums and fewer piracy incidents contribute to economic growth.

4.2.5 i. Critical Analysis

Long-term investor confidence depends upon institutional stability rather than individual contractors. Consequently, maritime security should become institutionalized through legislation rather than remaining dependent upon particular companies.

4.2.6 Monopoly Concerns

One of the most controversial issues concerns the concentration of major surveillance contracts in a limited number of firms. Critics argue that

excessive dependence upon a single contractor may reduce competition and create procurement concerns. Supporters, however, contend that continuity improves operational effectiveness.

4.2.6 i. Critical Analysis

The researcher submits that competition should remain an important procurement principle.

Multiple qualified contractors operating under clear regulatory standards would encourage innovation, improve accountability and reduce overdependence upon any single organization.

4.2.7 Environmental Protection

Improved surveillance has reduced illegal refining and pipeline vandalism. Consequently:

- i. oil spills have declined in certain locations;
- ii. environmental restoration has improved;
- iii. fishing activities have gradually recovered.

These developments directly benefit coastal communities.

4.2.7. i. Critical Analysis

Environmental gains should be consolidated through stronger collaboration between security agencies, environmental regulators and host communities.

4.2.8 Public Confidence

Visible reductions in piracy and oil theft have increased public confidence in maritime security initiatives. Nevertheless, public confidence ultimately depends upon:

- i. transparency;
- ii. accountability;
- iii. professionalism;
- iv. respect for human rights.

Without these safeguards, operational success alone cannot sustain legitimacy.

4.3 Overall Evaluation

The engagement of private contracting firms has produced measurable improvements in maritime security.

Nevertheless, these achievements coexist with constitutional ambiguity, regulatory uncertainty and accountability challenges.

The researcher concludes that private contractors should complement not replace government security institutions.

Their future effectiveness depends upon comprehensive legislation establishing:

- i. licensing requirements;
- ii. operational standards;
- iii. parliamentary oversight;
- iv. procurement transparency;
- v. civil liability;
- vi. criminal liability;
- vii. human rights safeguards.

Such reforms would preserve operational gains while strengthening constitutional governance and the rule of law.

5.0 SUMMARY OF FINDINGS

This study examined the legal and social implications of contracting firms for maritime security in Nigeria. It found that the increasing engagement of private contracting firms has become a defining feature of Nigeria's contemporary maritime security architecture. Faced with persistent piracy, crude oil theft, pipeline vandalism, illegal bunkering, sea robbery, and other maritime crimes, the Federal Government has increasingly relied on private contractors to complement the efforts of statutory security institutions such as the Nigerian Navy, the Nigerian Maritime Administration and Safety Agency (NIMASA), the Nigerian Police Force and the Nigerian Security and Civil Defense Corps.⁴⁰

The study further found that the participation of firms such as Tantita Security Services Nigeria Limited, Ocean Marine Solutions Limited and other indigenous contractors has contributed significantly to improving surveillance, intelligence gathering, protection of petroleum infrastructure and the reduction of crude oil theft. These improvements have positively influenced Nigeria's crude oil production, enhanced investor confidence and strengthened the country's maritime security profile within the Gulf of Guinea.⁴¹

However, the research also revealed that Nigeria presently lacks a comprehensive legal framework specifically regulating Private Maritime

⁴⁰ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 14(2)(b); Nigerian Maritime Administration and Safety Agency Act, Cap N161, Laws of the Federation of Nigeria 2004.

⁴¹ Nigerian National Petroleum Company Limited, Annual Report and Financial Statements 2024 (2025); Nigeria Upstream Petroleum Regulatory Commission, Annual Industry Performance Report 2024 (2025).

Security Companies (PMSCs). Existing legislation—including the Constitution of the Federal Republic of Nigeria 1999 (as amended), the NIMASA Act, the Suppression of Piracy and Other Maritime Offences Act 2019, the Petroleum Industry Act 2021 and the Private Guard Companies Act—provides only indirect regulation. None comprehensively addresses the licensing, operational limits, accountability, oversight and liability of PMSCs.

The study also found that although the Constitution permits collaboration between government agencies and private entities, it does not authorize the delegation of sovereign coercive powers. Consequently, private contractors may lawfully provide surveillance, intelligence, logistics and infrastructure protection but should not independently exercise powers of arrest, detention, prosecution or armed law enforcement except where expressly authorized by legislation.⁴²

Furthermore, the research identified concerns relating to procurement transparency, accountability, monopoly, human rights protection and democratic oversight. While the operational achievements of private contractors have been considerable, continued reliance upon executive contracts without comprehensive statutory regulation may undermine constitutional governance and public confidence.

Finally, the study established that existing literature has concentrated primarily on piracy, maritime governance and crude oil theft, while comparatively little scholarly attention has been devoted to examining the

⁴² Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 217–220; Private Guard Companies Act, Cap P30, Laws of the Federation of Nigeria 2004.

constitutional, legal and social implications of contracting private firms for maritime security in Nigeria. This research therefore contributes to filling that gap.

6.0 RECOMMENDATIONS

Based on the findings of this study, the following recommendations are made:

i. Enactment of a Private Maritime Security Companies Act

The National Assembly should enact a dedicated Private Maritime Security Companies Act to regulate all private firms engaged in maritime security operations in Nigeria. The legislation should provide for licensing, operational standards, accountability mechanisms, training requirements, oversight, sanctions for misconduct, and coordination with public security agencies.⁴³

ii. Clearly Define Operational Boundaries

The law should expressly distinguish between functions that may legitimately be performed by private contractors and those that remain the exclusive responsibility of government security institutions.

Private firms should be limited to:

- i. surveillance;
- ii. intelligence gathering;
- iii. infrastructure protection;
- iv. logistics;

⁴³ International Maritime Organization, Revised Interim Guidance to Shipowners, Ship Operators and Shipmasters on the Use of Privately Contracted Armed Security Personnel on Board Ships in the High Risk Area MSC.1/Circ.1405/Rev.2 (25 May 2012); International Organization for Standardization, ISO 28007-1:2022 – Guidelines for Private Maritime Security Companies (2022).

v. environmental monitoring.

Conversely, powers involving arrest, detention, prosecution, investigation and the use of coercive force should remain exclusively vested in authorized public authorities.

iii. Strengthen Parliamentary Oversight

Given the significant financial implications of maritime security contracts, the National Assembly should strengthen legislative oversight through periodic reviews of contract implementation, operational effectiveness, financial accountability and compliance with procurement laws.

Independent audits should also be conducted regularly.

iv. Improve Procurement Transparency

Government agencies should ensure that maritime security contracts comply fully with the Public Procurement Act 2007. Competitive bidding, objective evaluation criteria and public disclosure of procurement processes should become standard practice in awarding maritime security contracts. Such reforms would strengthen public confidence while reducing allegations of favouritism or monopoly.

v. Establish an Independent Maritime Security Regulatory Commission

Nigeria should establish an independent regulatory body specifically responsible for supervising private maritime security companies.

Its functions should include:

- i. licensing;
- ii. inspections;
- iii. operational monitoring;
- iv. investigation of complaints;

- v. enforcement of professional standards;
- vi. coordination with NIMASA, the Nigerian Navy and the Ministry of Marine and Blue Economy.

vi. Human Rights Compliance

All private maritime security contractors should receive compulsory training in:

- i. constitutional law;
- ii. human rights;
- iii. international humanitarian principles;
- iv. rules governing the use of force;
- v. evidence preservation.

Government should establish accessible complaints mechanisms through which affected individuals and communities may report misconduct.

vii. Promote Community Participation

Government should continue encouraging responsible participation by host communities in maritime security initiatives. However, recruitment into private security operations should remain transparent, merit-based and inclusive to prevent perceptions of ethnic or political exclusion.

viii. Strengthen Technology and Maritime Domain Awareness

Government should continue investing in:

- i. satellite surveillance;
- ii. drones;
- iii. artificial intelligence;
- iv. automatic identification systems (AIS);
- v. integrated maritime command centers.

Technology should complement not replace human intelligence and community participation.

ix. Enhance Regional Cooperation

Nigeria should strengthen collaboration with neighbouring Gulf of Guinea States through:

- i. intelligence sharing;
- ii. joint naval patrols;
- iii. extradition arrangements;
- iv. coordinated anti-piracy operations.

Such cooperation is essential because maritime crimes frequently transcend national boundaries.

x. Periodic Review of Security Contracts

The government should periodically evaluate the performance of private maritime security contractors using measurable indicators such as:

- i. reduction in crude oil theft;
- ii. response time;
- iii. intelligence quality;
- iv. financial accountability;
- v. compliance with human rights standards.

Contracts should be renewed only where contractors demonstrate measurable effectiveness.

7.0 CONCLUSION

Maritime security remains indispensable to Nigeria's economic prosperity, energy security and national development. The country's strategic position within the Gulf of Guinea, coupled with its dependence on maritime

commerce and offshore petroleum production, necessitates a robust, effective and accountable maritime security architecture.

The engagement of private contracting firms has undoubtedly contributed to significant improvements in surveillance, intelligence gathering, infrastructure protection and the reduction of crude oil theft. The operational successes recorded in recent years demonstrate that collaborative security arrangements can effectively complement the efforts of conventional security institutions.

Nevertheless, operational success should not obscure the constitutional and legal challenges associated with increasing reliance on private contractors. The absence of comprehensive legislation regulating Private Maritime Security Companies continues to generate uncertainty regarding accountability, operational limits, procurement transparency and democratic oversight.

Accordingly, this study concludes that private contracting firms should continue to play a complementary role in Nigeria's maritime security architecture, provided that their operations are governed by a clear statutory framework, subjected to effective governmental oversight and conducted in strict compliance with constitutional principles, international obligations and respect for fundamental human rights.

A carefully regulated partnership between the State and the private sector offers Nigeria the most sustainable path towards achieving secure maritime governance, protecting critical national infrastructure and promoting long-term economic development within the maritime domain.