

Counter-Terrorism, Maritime Security and Blue Justice: State Accountability for Small-Scale Fishing Communities in Nigeria's Niger Delta

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Article History	Abstract
Original Research Article	<i>Maritime security in Nigeria's Niger Delta is governed by overlapping counterterrorism, anti-piracy, anti-oil-theft, fisheries, and human rights regimes. That legal plurality creates a policy problem for small-scale fishing communities whose vessels, landing sites, and livelihood routes occupy the same creeks and coastal waters in which security agencies conduct interdiction operations. This article examines the Terrorism (Prevention and Prohibition) Act 2022 (TPPA 2022) through the lenses of marine policy and blue justice. It uses qualitative doctrinal and policy analysis of the TPPA 2022, the Constitution, the African Charter on Human and Peoples' Rights as domesticated in Nigeria, the Anti-Torture Act 2017, the Suppression of Piracy and Other Maritime Offenses Act 2019, fisheries legislation, case law, FAO small-scale-fisheries standards, and documented maritime-security operations. The analysis makes a critical distinction often blurred in policy debate: section 64 of the TPPA is triggered by urgency linked to an offense under that Act; it is not a general legal basis for every anti-oil-theft or maritime operation. Where the Act is engaged, however, its warrantless search, boarding, seizure, arrest, and force provisions generate acute accountability questions because statutory reporting is internal and delayed, while remedies are dispersed across constitutional, criminal, civil, administrative, and regional mechanisms. The article develops a Power–Limits–Evidence–Responsibility–Remedy framework and integrates it with fisheries-sensitive identification, evidence preservation, independent incident review, and accessible fisher complaint pathways. It also situates security accountability within the cumulative ecological pressures documented in Nigerian coastal fisheries, where pollution and habitat stress can already weaken livelihood resilience. It argues that effective security and small-scale-fisheries protection are not competing objectives: legally differentiated, evidence-preserving, and reviewable enforcement can improve both maritime security legitimacy and livelihood protection.</i> Keywords: Nigeria; Niger Delta; small-scale fisheries; maritime security; Terrorism (Prevention and Prohibition) Act 2022; state accountability; blue justice; human rights; fisheries governance; oil theft.
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1. Introduction

Nigeria's Niger Delta is simultaneously a fisheries landscape, a petroleum-production zone, a network of inland and coastal transport routes, and a high-intensity security environment. Small-scale fishers depend on creeks, estuaries, mangroves, and nearshore waters for food, income, and social reproduction, while security agencies patrol many of the same spaces to protect strategic infrastructure and respond to crude oil theft, illegal refining, piracy, kidnapping, and other forms of organized crime.

The resulting governance problem is not adequately captured by either fisheries law or national security law in isolation.

The fisheries dimension matters because small-scale fishing is not merely an informal economic activity. The FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines) adopt a human-rights-based

approach and frame fishers and fishing communities as rights holders, with states as duty bearers. Their principles include participation, accountability, transparency, rule of law, and secure access to fishing grounds (FAO, 2015). Marine-policy scholarship similarly shows that legal and policy frameworks are central to making these rights operational and that enforcement strategies directed at organized fisheries or maritime crime can produce disproportionate consequences for small-scale actors if regulatory categories are poorly differentiated (Isaacs & Witbooi, 2019; Nakamura, Chuenpagdee, & El Halimi, 2021). Blue-justice scholarship extends this concern by asking who bears the costs of ocean governance and whether coastal groups have recognition, voice, and access to remedies (Gustavsson et al., 2021; Blythe et al., 2023).

The security dimension is equally important. Nigeria has legitimate and pressing interests in suppressing terrorism, piracy, armed robbery at sea, crude oil theft, and attacks on critical infrastructure. The Nigerian Navy's Eastern Naval Command expressly combines anti-illegal-bunkering, anti-piracy, fisheries protection, and other policing functions across overlapping operational areas. Defence Headquarters has also reported extensive interdiction of illegal-refining sites and wooden boats in the Niger Delta. These functions demonstrate why a simple security-versus-livelihood framing is unhelpful: the policy challenge is to maintain effective interdiction while ensuring that lawful fishers are not made to absorb avoidable identification, evidentiary, and remedial costs.

The Terrorism (Prevention and Prohibition) Act 2022 (TPPA 2022) introduces a particularly important legal layer. Sections 63 and 64 authorize investigation-related search, seizure, and arrest powers in relation to offenses under the Act, including warrantless action in specified urgent circumstances. Section 64(4) protects an authorized officer from criminal or civil liability where force that is necessary and proportionate is used for a purpose in accordance with the Act and reasonable force causes injury, death, or property loss; section 64(5) requires a detailed report to the Attorney-General within 90 days. These provisions combine broad operational capacity with legal conditions, but the accountability pathway following a disputed action is not contained within a single coherent statutory mechanism.

This article therefore asks three questions. First, when does the TPPA 2022 legally become relevant to maritime enforcement in the Niger Delta, and what limits follow from that trigger? Second, how do constitutional, African human-rights, maritime, and fisheries rules interact when a security operation affects a fishing vessel, fisher, or fishing livelihood? Third, what institutional design can preserve effective enforcement while reducing misidentification,

evidence loss, and remedial fragmentation? The article contributes an integrated marine-security accountability framework grounded in both public law and small-scale fisheries governance.

2. Marine Policy Context: Small-Scale Fisheries, Security, and Blue Justice

Small-scale fisheries as a rights-bearing governance system

The SSF Guidelines are an appropriate policy benchmark because they deliberately connect sustainable fisheries with human rights, tenure, social development, participation, and accountable institutions. Secure access to fishing areas, landing sites, and associated resources is central to livelihood continuity. The Guidelines also emphasize that rights holders must be able to participate in decisions and claim remedies, while duty bearers must respect, protect, and fulfill applicable rights (FAO, 2015). This approach has direct relevance to security policy because restrictions on access, detention of crew, seizure of fishing gear, or destruction of vessels can affect both civil rights and the economic capacity to continue fishing. Nigerian blue-economy scholarship likewise emphasizes that fisheries development depends on sustainable resource use, community engagement, institutional coordination, and regulation rather than extraction or investment alone (Elezu, Bello, & Aladetohun, 2024).

Legal scholarship on the SSF Guidelines reinforces this point. Nakamura et al. (2021) argue that constitutions, human-rights laws, and sectoral legislation must be examined together when assessing whether national frameworks secure the position of small-scale fisheries. Isaacs and Witbooi (2019), examining the interface between fisheries crime and small-scale fisheries in South Africa, show that enforcement against organized crime can become problematic where low-level or livelihood activity is collapsed into a broader criminal frame. The comparison is useful for Nigeria, even though the legal regimes differ it illustrates the governance value of distinguishing organized criminality from ordinary or low-capacity livelihood activities.

The blue-justice literature adds a distributive and procedural dimension. Blue justice asks whether ocean policies recognize small-scale fishing communities, include them in decision-making and distribute benefits and burdens fairly (Gustavsson et al., 2021; Blythe et al., 2023). In the Niger Delta, this question is sharpened by cumulative environmental pressure. Fisheries livelihoods have long been exposed to oil pollution, habitat degradation and conflict. Pegg and Zabbey (2013) documented severe impacts of oil spills on fishing and associated livelihoods in Bodo, while more recent work describes a 'livelihood

dysfunction trap' in which pollution erodes farming and fishing and can push households toward maladaptive alternatives, including artisanal refining (Jack, 2025). Security policy, therefore, operates in communities whose livelihood resilience may already be weak. Recent Lagos coastal evidence reinforces this cumulative-risk perspective: fish-community structure and oxidative-stress indicators at Okobaba have been linked to anthropogenic waste exposure (Ayoola, Aladetohun, & Ekere, 2024), while heavy-metal contamination has been documented across water, sediment and commercially important fish tissues in the Sagbo Koji riverine environment (Ogunbanwo et al., 2025). These studies do not concern security operations, but they demonstrate why marine-security impacts should be assessed against an already stressed aquatic-livelihood baseline.

Legal plurality in the maritime-security space

Nigeria's marine-security architecture is legally plural. The Sea Fisheries Act 1992 and Inland Fisheries Act 1992 regulate fishing activity. The Suppression of Piracy and Other Maritime Offences Act 2019 (SPOMO Act) criminalizes piracy and other unlawful acts at sea and contains provisions on seizure, custody, incident reporting and coordination. The TPPA 2022 addresses terrorism and terrorism financing. The Constitution and domesticated African Charter protect individual and peoples' rights. These statutes are not interchangeable legal bases, even where the same agency, vessel or waterway is involved operationally. This need for cross-regime coordination is also consistent with Nigerian blue-economy scholarship that treats fisheries governance, environmental sustainability and institutional cooperation as mutually dependent components of sector development (Elezu et al., 2024).

That distinction is central to this paper. Oil theft, illegal refining, piracy, kidnapping, terrorism and unlicensed fishing may coexist geographically but are different legal categories. The TPPA's exceptional powers cannot properly be treated as a generic source of authority for all maritime-security action. Section 64(1) is expressly tied to verifiable urgency, threats to life or prevention of an offence under the Act, and its specific search, boarding, seizure and arrest powers repeatedly refer to evidence or suspected commission of an offence under the Act. This statutory nexus should be treated as a threshold question in every accountability analysis.

3. Legal Framework for State Accountability

The TPPA trigger and the legality of operational power

The first doctrinal question is whether the impugned action was actually taken under the TPPA 2022. Section 63 provides for court-issued investigative warrants for terrorist

investigations and other offences under the Act. Section 64 permits specified warrantless steps while a warrant is being sought where urgency or a threat to life makes delay prejudicial to public safety or order. The threshold matters because an agency cannot retrospectively convert an ordinary anti-oil-theft, fisheries or policing operation into a TPPA operation merely by invoking national security. Accountability begins with identifying the precise statutory source of power, the offence or threat relied upon, and the officer or agency legally authorized to act.

Where section 64 is engaged, the powers are substantial. An authorized officer may enter and search premises, places or conveyances; stop, board and search a conveyance; seize and detain evidentiary material; and arrest, search and detain a person reasonably suspected of having committed or being likely to commit an offence under the Act. Section 64(2) also requires an endorsed list of seized articles to be given to the searched person or owner. These procedural details are important in a fisheries context because the identity of engines, nets, catch, fuel, navigation devices and the vessel itself may later become central to both prosecution and a claim for return or compensation.

Force, detention and reporting

Section 64(4) does not create an unlimited immunity. Its text links protection from criminal or civil proceedings to force that is necessary and proportionate for a purpose in accordance with the Act, and to injury, death or property loss caused by reasonable force. The conditions—lawful statutory purpose, necessity, proportionality and reasonableness—should therefore be treated cumulatively. In marine operations, this requires attention to the perceived threat, warnings, vessel movement, visibility, communications, weapons or dangerous cargo, availability of interception alternatives, and the consequences of disabling or destroying a craft.

Section 64(5) requires the relevant agency, within 90 days, to provide the Attorney-General with a detailed report describing the urgency or life-threatening situation and explaining why a warrant would have caused prejudicial delay. This is a meaningful internal accountability requirement, but it is not equivalent to independent incident investigation. A report prepared by the agency whose conduct is disputed cannot alone resolve questions of disputed fact, command responsibility or victim remedy. Moreover, a 90-day reporting horizon may be too slow for preserving perishable evidence or returning livelihood assets that are lawfully releasable.

The detention provisions also require close scrutiny. Section 66 allows court-ordered detention of a suspect under the Act for up to 60 days, renewable for a similar period, while section 67 permits temporary restrictions on

access in specified circumstances. These provisions must be read with constitutional protections for personal liberty, fair hearing and access to court. In the case of a fisher or crew member, detention also has derivative livelihood effects on households and fishing enterprises; those consequences do not determine legality, but they increase the importance of prompt judicial supervision and accurate classification of the underlying offence.

Constitutional, African Charter and remedial architecture

Nigeria's Constitution protects life, dignity, personal liberty and fair hearing and provides, through section 46, a route for enforcement of fundamental rights. The Fundamental Rights (Enforcement Procedure) Rules 2009 are designed to facilitate rights claims and expressly recognize both Chapter IV rights and rights in the African Charter on Human and Peoples' Rights. The African Charter has domestic force through the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act; the Supreme Court affirmed its domestic enforceability in *Abacha v Fawehinmi* (2000) 6 NWLR (Pt 660) 228.

For Niger Delta marine governance, the Charter is particularly significant because it reaches beyond classic civil liberties. In *SERAC and CESR v Nigeria*, Communication 155/96 [2001] ACHPR 35, the African Commission found violations arising from environmental degradation and state conduct in Ogoniland, including rights relating to health, property, natural resources and a satisfactory environment. The case does not decide contemporary maritime-security disputes, but it establishes a regionally important legal vocabulary for understanding state duties where environmental conditions, livelihoods and coercive state action intersect.

The Anti-Torture Act 2017 provides an additional statutory pathway for torture and related conduct. Ordinary civil liability, criminal law, administrative discipline, judicial review and regional mechanisms may also apply. This multiplicity is both a strength and a weakness: many legal routes exist, but an affected fisher may face uncertainty about which institution can secure evidence, investigate an operation, return a vessel, determine personal responsibility, or award compensation.

Table 1. Legal-policy architecture relevant to maritime enforcement affecting small-scale fishers

Instrument / regime	Primary function	Relevance to fishing communities	Accountability implication
TPPA 2022, ss 63–67	Counter-terrorism investigation, urgent search/boarding, seizure, arrest and detention	May apply to vessels/persons only where the statutory terrorism/offence nexus is satisfied	Power source, reasonable suspicion, necessity/proportionality, seizure inventory, judicial supervision and s 64(5) reporting must be auditable
SPOMO Act 2019	Piracy and unlawful maritime offences; seizure, custody, reporting and coordination	Provides a more directly maritime criminal-law framework for piracy and specified unlawful acts at sea	Requires correct offence classification and preserves a distinct legal basis from terrorism law
Sea Fisheries Act 1992 / Inland Fisheries Act 1992	Licensing, fisheries regulation and prohibited fishing conduct	Establish whether activity is lawful, licensed or a fisheries offence	Fisheries records can support reliable identification and prevent category errors
Constitution 1999 (as altered) + FREP Rules 2009	Life, dignity, liberty, fair hearing and rights enforcement	Protects individuals affected by arrest, detention, force or seizure	Provides judicial remedy but may be practically difficult without prompt records and legal access
African Charter Act + SERAC jurisprudence	Domesticated civil, socio-economic and peoples' rights	Connects state conduct with livelihood, resource and environmental rights	Supports a broader rights-based understanding of marine governance and remedy
FAO SSF Guidelines	Human-rights-based small-scale-fisheries governance	Participation, tenure/access, accountability and rule of law	Provides policy standards for making security governance fisheries-sensitive and accessible

Methods

The study adopts a qualitative doctrinal and marine-policy design. The doctrinal component interprets the TPPA 2022 in its statutory context and alongside the Constitution, the Anti-Torture Act 2017, the African Charter (Ratification and Enforcement) Act, the Fundamental Rights (Enforcement Procedure) Rules 2009, the SPOMO Act 2019, fisheries legislation and relevant Nigerian and African human-rights jurisprudence. Particular attention is paid to sections 63–67 of the TPPA because they define the relationship between investigative warrants, urgent warrantless action, use of force and detention.

The policy component triangulates these legal materials with the FAO SSF Guidelines, peer-reviewed literature on small-scale fisheries, blue justice, fisheries crime, blue-economy governance, aquatic environmental stress and Niger Delta livelihoods, and publicly available operational reporting by Nigerian security institutions. Operational reports are used only to establish that intensive interdiction occurs in the same broad maritime environment as fishing. They are not treated as proof that the TPPA was invoked in a particular operation, that a destroyed boat was a fishing vessel, or that misconduct occurred.

The analysis applies five linked accountability questions: Power (what legal authority was used?); Limits (what statutory, constitutional and human-rights conditions constrained it?); Evidence (can the incident be independently reconstructed?); Responsibility (which officer, commander or institution must answer?); and Remedy (what route exists for release, restitution, compensation, discipline or judicial relief?). These questions are then tested against the operational characteristics of small-scale fisheries, including vessel informality, landing-site dispersion, seasonal movement, livelihood dependence on productive assets and the difficulty of documenting incidents occurring away from shore.

Results and Discussion

The central legal risk is misclassification, not the existence of security power

The most important doctrinal finding is that the TPPA should not be used as a conceptual umbrella for all insecurity in the Niger Delta. Section 64 is offense-linked. A lawful anti-oil-theft or anti-piracy operation may derive from other statutes or general security mandates without engaging the TPPA at all. This distinction improves accountability in two ways. It prevents analytical overreach by critics and operational overreach by requiring the state to identify the actual source of coercive power.

For small-scale fishers, misclassification can arise because legitimate and illicit maritime activities sometimes share visible characteristics: small craft, outboard engines, informal jetties, night movement, fuel carriage, and navigation through remote creeks. None of these features alone establishes criminality. Fisheries authorities and fisher organizations can therefore provide a valuable baseline information layer—licensed craft characteristics, recognized landing sites, common fishing routes, seasonal patterns and gear profiles—without immunizing any vessel from lawful inspection. The information layer should also be ecologically informed: documented pollution, fish-health, and habitat stress can alter fishing locations, catch patterns, and route choices, meaning that deviations from customary patterns are not necessarily indicators of criminal activity (Ayoola et al., 2024; Ogunbanwo et al., 2025).

Evidence preservation is the bridge between security effectiveness and accountability

Maritime incidents are difficult to reconstruct because they may occur offshore or in creeks with few independent observers. This makes objective evidence unusually important. GPS tracks, vessel logs, radio traffic, drone or satellite imagery, photographs, body-worn or vessel-camera footage, seized-item inventories, fisheries licenses, and medical or forensic records can reduce dependence on competing narratives. Evidence preservation also benefits legitimate enforcement: it strengthens prosecution where criminal conduct occurred and protects officers where force was lawful.

The issue becomes acute where a vessel or boat is destroyed rather than detained. Public and official reporting from the Niger Delta documents destruction of boats associated by authorities with oil theft and illegal refining. The policy problem is not that destruction is never justified; it is that destruction can remove the principal physical exhibit. Before destruction, where operational conditions permit, agencies should capture vessel identifiers, geolocation, cargo imagery, crew information, the legal basis for action, threat assessment, alternatives considered and command authorization. The SPOMO Act's express attention to evidence destruction and incident reporting provides a useful maritime comparator for developing such protocols.

Internal reporting does not substitute for independent review

Section 64(5) creates a reporting duty to the Attorney-General, but an internal report does not resolve every accountability question. Where an incident produces death, serious injury, disappearance, allegations of torture, disputed detention, destruction of a productive fishing asset or a major contested seizure, an independent review trigger

is justified. The reviewing body should be institutionally capable of securing operational records before they are altered or lost and should distinguish between tactical review, criminal investigation, administrative discipline and compensation.

The relevant standard is not hostile to security agencies. The rule-of-law tradition in Nigerian public law instead insists that executive power remain legally bounded and reviewable. *Military Governor of Lagos State v Ojukwu* (1986) 1 NWLR (Pt 18) 621 remains emblematic of the principle that state institutions are subject to law. In the maritime context, reviewability is also a source of operational legitimacy: communities are more likely to distinguish lawful interdiction from abuse where reasons, records, and complaint channels are visible.

Remedy must account for the productive nature of fishing assets

A seized fishing vessel is not only property; it is a productive livelihood asset. Delay in returning a vessel, engine, net, or catch can generate cumulative losses even if the seizure was initially lawful. Marine policy design should therefore distinguish evidentiary retention from unnecessary livelihood deprivation. Where assets are no longer required for investigation, there should be a documented release pathway. Where property is unlawfully damaged or destroyed, remedial processes should be capable of assessing both the replacement value and provable consequential loss within the limits of applicable law.

This point aligns with the SSF Guidelines and blue-justice scholarship. Procedural justice concerns who can participate, obtain reasons, and challenge decisions; distributive justice concerns who bears the costs of policy. In the Niger Delta, those concerns are amplified by pre-existing environmental and livelihood vulnerability. Pegg

and Zabbey (2013) and Jack (2025) show that fishing households may already operate under severe ecological stress. An avoidable security-related asset loss can therefore have effects that extend beyond the immediate incident.

Legal pluralism requires institutional coordination

The current architecture disperses responsibility among security agencies, the Attorney-General, courts, the National Human Rights Commission, fisheries institutions, maritime authorities, and potentially regional bodies. A fisher may know which unit boarded a vessel, but not which institution can compel evidence production or order release. The problem is therefore one of institutional navigation as much as substantive law.

The strongest solution is a single-entry complaint-and-referral mechanism rather than creating a new substantive immunity. A fisher or community representative should be able to lodge one complaint that records the date, location, vessel, agency, persons affected, and assets involved. The receiving institution should immediately preserve the evidence and refer the legal merits to the competent body. Community liaison can improve accessibility, but confidentiality, data protection, and operational security safeguards are essential.

A Marine Security–Fisheries Accountability Framework

The proposed framework translates the legal analysis into operational governance. It retains the article’s Power–Limits–Evidence–Responsibility–Remedy logic but adds fisheries-sensitive identification and livelihood-sensitive asset management. The framework is designed to improve security discrimination rather than weaken interdiction capacity.

Table 2. Proposed marine security–fisheries accountability framework

Component	Minimum operational requirement	Fisheries-specific application	Governance benefit
1. Power mapping	Record statutory authority, agency, operation and command chain	Distinguish TPPA, SPOMO, fisheries and other legal bases	Prevents legal category drift and clarifies responsibility
2. Fisheries-sensitive identification	Use objective indicators and reasonable suspicion; record reasons for boarding/search	Cross-check vessel/crew identifiers, licences, landing sites, gear and ordinary routes where available	Reduces avoidable misidentification without creating immunity
3. Proportionality protocol	Record threat, warnings, alternatives and reasons for force, seizure or destruction	Consider whether disabling/seizing a craft can achieve the objective without destroying a productive asset	Operationalizes necessity, proportionality and reasonableness

Component	Minimum operational requirement	Fisheries-specific application	Governance benefit
4. Evidence preservation	Secure geospatial, visual, communications, inventory and forensic records	Capture vessel, engine, gear, catch and licence data before release or destruction	Strengthens prosecution and independent review
5. Independent incident review	Automatic trigger for death, serious injury, disappearance, torture allegation, major disputed seizure or destruction	Include fisheries expertise where livelihood status or vessel function is contested	Reduces institutional conflict and improves legitimacy
6. Asset-release pathway	Periodic review of continuing evidentiary need	Return lawfully held boats/engines/gear promptly when no longer required	Limits unnecessary livelihood loss
7. Participation and remedy	Single-entry complaint, referral, notice of process and outcome	Community/fisher liaison and accessible documentation	Connects security governance to rights and sustainable livelihoods

Policy and Legislative Agenda

1. Clarify statutory triggers. Operational directives should require officers to identify the precise legal basis for boarding, searching, seizing, detaining, or destroying. TPPA section 64 should be invoked only where its offense-linked threshold is satisfied.
2. Adopt a cross-regime maritime enforcement protocol. The TPPA, SPOMO Act, fisheries legislation, constitutional safeguards, and evidence rules should be consolidated into a single operational decision matrix for Niger Delta maritime operations.
3. Create mandatory evidence packages before destruction. Where immediate destruction of a vessel or asset is considered necessary, the minimum evidence package should include geolocation, photographs/video, identifiers, cargo description, crew information, threat assessment, and command authorization, subject to genuine operational impossibility.
4. Establish independent incident-review triggers. Deaths, serious injury, disappearance, torture allegations, major disputed seizure and destruction of productive assets should activate a review independent of the operational chain of command.
5. Integrate fisheries institutions and fisher organizations into non-sensitive planning. Recognized landing sites, vessel typologies, seasons, and typical movement patterns can improve situational awareness, provided that information sharing is governed by data protection and security rules.
6. Create a time-bound asset-release mechanism. Seized fishing vessels and equipment should be reviewed periodically and returned when no longer required for lawful investigation, prosecution, or forfeiture proceedings.

7. Build an accessible single-entry complaint system. A complainant should not need to identify the correct terrorism, maritime, military, fisheries, or human-rights forum before reporting an incident. Intake, evidence preservation, and referral should be institutionally separated from the decision on the merits.
8. Embed blue-justice indicators in marine-security evaluation. Performance assessment should include not only arrests and interdictions but also wrongful-seizure reversals, time to asset return, complaint resolution, evidence completeness, and community trust. This is consistent with a blue-economy approach in which fisheries sustainability, community welfare, and economic development are treated as linked governance outcomes (Elezuo et al., 2024).

Limitations and Research Agenda

This study is doctrinal and documentary. It does not establish how frequently the TPPA 2022 is invoked in Niger Delta maritime operations, how often legitimate fishers are stopped or detained, or how prevalent unlawful asset destruction is. Operational reports establish the intensity of interdiction but cannot, without underlying case files, prove the legal basis or lawfulness of any specific event. Historical evidence of human rights violations demonstrates governance vulnerability but should not be automatically projected onto post-2022 practice.

A second limitation is the developing judicial interpretation of the TPPA 2022. The statutory analysis should therefore be updated before submission and, if necessary, again during revision using current Nigerian law reports and databases, particularly for sections 64–67. Future empirical work should combine case-file review with interviews of fishers, fisheries officers, naval and joint-task-force

personnel, prosecutors, human-rights institutions, lawyers, and community leaders. A mixed-method design could test whether the proposed framework reduces identification error, preserves prosecutorial evidence, and improves time to remedy.

Conclusion

The core accountability problem at the intersection of the TPPA 2022 and Niger Delta fisheries is not that the Nigerian state lacks the authority to conduct maritime security operations. It is that several distinct legal regimes operate in the same physical space, while the costs of category error can fall heavily on small-scale fishing communities. Legal precision, therefore, begins with a threshold question: what power was actually being exercised, under which statute, and on what factual basis?

When the TPPA is properly engaged, sections 63–67 provide strong investigative and detention powers but also contain legal conditions. Section 64's necessity and proportionality language, its seizure-inventory requirement, and its reporting duty are important, yet they do not create a complete accountability system. Constitutional remedies, the African Charter, anti-torture law, civil and criminal responsibility, administrative review, and regional mechanisms remain dispersed. In a marine setting, that fragmentation is compounded by evidentiary difficulty and the livelihood value of boats, engines, and gear.

A fisheries-sensitive accountability architecture can strengthen rather than obstruct security. Correct legal classification improves targeting; objective identification reduces error; evidence preservation strengthens the prosecution; independent review improves legitimacy; and the prompt release of unnecessary seizures reduces avoidable harm to livelihoods. Framed in this way, blue justice is not an argument for exempting fishers from law enforcement. It is a governance principle requiring that security power be lawful, discriminating, evidence-based, and accessible to review when it affects people whose lives and livelihoods depend on the sea.

Declarations

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