

The Contribution of the Lomé Charter to Combating Trafficking in Persons at Sea: Nigerian and South African Legal Perspective

Authors : Obinna Emmanuel Nkomadu

Abstract : A major maritime problem in the African continent is the widespread proliferation of threats to maritime security, and one of which is the traffic in persons (TIP) at sea, which victims are sometimes assaulted, injured, killed, and in many cases go missing. The South African and Nigerian law on TIP at sea is the Prevention and Combating of Trafficking in Persons Act and the Trafficking in Persons (Prohibition) Enforcement and Administration Act, respectively. These legislation prohibits TIP at sea but does not provides effective and efficient national coordination structures and international cooperation measures against traffickers who engage on human trafficking on the African maritime domain. As a result of the limitations on the maritime security laws of most African States and the maritime security threats on the continent, the African Union in 2016 adopted the African Charter on Maritime Security and Safety and Development in Africa (Lome Charter). The Lomé Charter provides mechanisms for national and international cooperation on maritime security threats, including TIP at sea. However, the Charter is yet to come into force due to the number of States required to accede or ratify the Charter. This paper identifies gaps on existing instruments on TIP at sea by those States and justify on South Africa and Nigeria should adopt the Charter. The justification flow from analysing relevant international law instruments, as well as legislation on human trafficking.

Keywords : cooperation against trafficking in persons at sea, lomé charter, maritime security, Nigerian legislation on trafficking in persons, South African legislation on trafficking in person, and trafficking in persons at sea

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