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AFRICAN CONTINENTAL FREE TRADE AREA (AFCFTA): CATALYST TO NIGERIAN SEA PORTS GROWTH AND DEVELOPMENT

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Abstract

This paper examines the current state of Nigerian seaports, identifies the challenges inhibiting their optimal performance, and explores the numerous untapped opportunities that can be harnessed through AfCFTA. It argues that with the right reforms and investment strategies, Nigeria can leverage its port infrastructure to dominate intra-African trade and catalyze inclusive economic growth across the continent.

Keywords: AfCFTA, Infrastructure, Maritime Growth, Development, Ports Import, Export.

1.0 THE HISTORY OF THE AFRICAN CONTINENTAL FREE TRADE AGREEMENT(AfCFTA)

Regional integration and indeed, the process of "globalization" and "free trade" has become a major topic of political debate and controversy across the world.[1]

The formation of the organization of African Unity (OAU) in 1963 ignited the vision of regional integration.[2] However, it was only in the early 1980's that the vision of regional integration was given substantive meaning by the first executive secretary of the Economic Commission of Africa, Adedeji Adebayo. His influential leadership led to the launch of the Lagos Charter in 1975 and the Lagos plan of Action in 1980.[3] The Lagos Plan of Action called for the integration of the continent based on "self-reliance, endogenous development and industrialization"[4]

[1] Professor Faizel Ismail "Inclusivity and the Transformational Potentials of the AFCFTA for African Countries". Nigerian Institute of Advanced Legal Studies. 2019 P. 6.
[2] Ibid.
[3] Ibid.
[4] Ibid.

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Ten years later, the OAU adopted the Abuja Treaty (June 1991). The treaty set out a step-by-step approach to regional integration in Africa with creation of the Regional Economic Communities (RECs) such as Ecowas, SADC and the EAC.

The "Abuja Treaty", set Africa on a course to establish the African Economic Community (AEC). The AEC sought to achieve a common currency and facilitate the free movement of goods, services, and factors of production within the continent. The establishment of the African Union (AU) and the new partnership for Africa's Development (NEPAD) in 2001 expedited discussions regarding the AEC. However, due to the delay in establishing a comprehensive continent-wide economic integration, different regions pursued Regional Economic Communities (RECs).

In May 2013 at the 50th Anniversary of the African Union[5] In affirmation of their commitment towards forging a new path for inclusive and sustainable growth and development, heads of states and governments of African nations signed the 50th Anniversary Solemn Declaration. The declaration represented Africa's commitment towards a Pan-African vision of "An integrated, prosperous and peaceful Africa, driven by its own citizens, representing a dynamic force in international arena"[6]. Agenda 2063 represented the blue print for the continent's plans for achieving this vision – within a fifty-year period from 2013 to 2063.

The AfCFTA agreement being one of the flagship programmes entered into force on 30th May 2019 with the aim of creating a single, liberalized market for the free movement of goods, services, capital and natural persons and the facilitation of investments on the initiatives of state parties and Regional Economic communities. In tandem a continental customs union would be created along with plans for social economic and industrial development, structural transformation, and enhanced competitiveness all to be achieved through diversification, regional value chain enhancement, agricultural development and food security.[7]

To achieve these objectives state parties are encouraged to:

- Eliminate tariff and non-tariff barriers on the trade in goods and liberalize trade in services, co-operate on investments, intellectual property rights, competition policy all trade related areas, custom matters, and implementation of trade facilitation measures.[8]
- Also expected was the establishment of a mechanism for the settlement of disputes as well as the establishment of institutions for the implementation and administration measures.[9]

1.1 THE AfCFTA - AIMS

The AFCFTA aims to establish "a single market for goods, services, facilitated by movement of persons in order to deepen the economic integration on the African continent. According to its final text, The agreements also states as an objective the sustainable and inclusive socio-economic development, gender equality and structural transformation of the state parties[10] Other objectives include: developing a customs union spanning the continent's countries; slashing, tariffs and removing, non-tariff – barriers, and improving intra-country cooperation investment, IPR, customs and trade facilitation, competition policy and other trade-related areas.[11]

[5] Business Day, Thursday 31 March 2022 p. 11.
[6] Ibid. p. 11
[7] Ibid. p. 11
[8] Ibid P. 11
[9] Ibid P. 11
[10] Sunday Telegraph, Sunday, October 6, 2019 P31.
[11] Ibid.

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The AfCFTA is the largest free trade area in the world, by area and number of participating countries.[12] Once fully implemented, it will be the fifth –largest economy in the world, with the potential to have a combined GDP of more than $3.4 trillion. It now has 54 national economies in Africa, could attract billions in foreign investment,[13] boost overseas exports, double intra-continental trade, raise incomes by eight percent and lift 50 million people out of poverty.[14]

1.2 LEGAL BASIS FOR AfCFTA

The Agreement on the establishment of the African Continental Free Trade Area (AfCFTA) is a multilateral legally binding instrument on state parties like Nigeria[15] having signed on 7th of July, 2019, ratified on 3rd December, 2020 and deposited the instrument of ratification on 5th December, 2020. While the Agreement[16] was adopted on 21st March 2018 in Kigali, Rwanda, it entered into force on 20th May, 2019.

The African Union summit on 5th December 2020 provided the legal basis for the operationalization and commencement[17]of preferential trading under the AfCFTA on 1st January 2021.

1.3 SUSTAINABLE MARINE ECOSYSTEM AND AfCFTA

The global pivot towards the Marine Blue Economy represents a paradigm shift in resource management, recognizing the ocean as a critical engine for sustainable national development and a reservoir of economic value, transcending traditional uses such as fishing and transportation. Defined by the World Bank as the sustainable use of ocean resources for economic growth, improved livelihoods, and ocean economy health, the Blue Economy aligns directly with the United Nations' Sustainable Development Goal 14 (SDG 14),[18] which mandates the conservation and sustainable use of the oceans, seas, and marine resources.[19]

Nigeria, as a major coastal State in the Gulf of Guinea (GoG) with a vast Exclusive Economic Zone (EEZ) and significant dependence on seaborne trade, is strategically positioned to leverage this global economic movement.[20] The potential for the Nigerian Blue Economy, encompassing maritime transport, offshore energy, aquaculture, and marine biotechnology. Furthermore, the operationalization of the African Continental Free Trade Area (AfCFTA) necessitates a robust, efficient, and secure maritime domain to facilitate seamless regional trade, placing Nigeria's coastal regulatory framework under intense international security.[21]

The effective implementation of AfCFTA heavily depends on efficient transport systems, particularly maritime transport. Given Africa's reliance on sea routes for international and intra-continental trade, ports serve as the physical interface through which AfCFTA's legal commitments are realized. Inefficient ports have the potential to undermine the objectives of AfCFTA by increasing transaction costs, delaying the movement of goods, and discouraging cross-border trade. Consequently, the development of efficient and competitive ports is a critical component of AfCFTA's success.

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[12] The Nation, Friday January, 20, 2023 P. 8.
[13] Ibid.
[14] Ibid.
[15] Muhammed Tawfiq Ladan, "Report on the Review of Nigerian Laws Relevant to the Implementation of the African Continental Free Trade Area Agreement (AFCFTA) And its protocol on trade in Goods". Nigerian Institute of Advanced Legal studies, Abuja/Lagos August 2022 P. 1.
[16] See Article 1(b) on the definition of the "Agreement" under the AFCFTA Agreement.
[17] Refer to https://au-AfCFTA.org for operational phase update.
[18] United Nations General Assembly Resolution 70/1, *Transforming our World: the 2030 Agenda for Sustainable Development* (2015), Goal 14 (Para 54).
[19] World Bank, *The Blue Economy: A Sustainable Ocean Economy for All* (Washington D.C.: World Bank, 2017) 3.
[20] United Nations Convention on the Law of the Sea, 1982, Art 57.
[21] Agreement Establishing the African Continental Free Trade Area, 2018, Protocol on Trade in Services, Art 1.

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For coastal countries like Nigeria, this means that the performance of the marine blue economy, especially ports, shipping, maritime security and trade facilitation will strongly influence how much benefit the country can derive from AfCFTA in terms of exports, imports, transit trade and services such as ship agency, bunkering and logistics.

1.4 AfCFTA AND MARITIME TRADE FACILITATION

The maritime industry is an essential component of international trade and economic development. As a gateway to global commerce, seaports facilitate the movement of goods, people, and services across borders, making them critical infrastructure for any country aiming to engage competitively in global or regional trade. In Africa, the growing demand for deeper economic integration and trade liberalization has brought significant focus to the role of seaports in advancing regional objectives, particularly under the African Continental Free Trade Area (AfCFTA). The success of this ambitious framework largely depends on the readiness and efficiency of trade-enabling infrastructure, especially ports, which are the main conduits for cross-border trade in Africa.

2.0 BACKGROUND OF NIGERIA PORTS

Nigeria's maritime sector is a critical component of its economy, serving as the gateway for the country's international trade. With a coastline of approximately 853 kilometers along the Atlantic Ocean, Nigeria hosts several key seaports that handle the majority of its imports and exports. The nation's major ports include Lagos (Apapa and Tin Can Island), Port Harcourt, Onne, Calabar, Warri, and Bonny,[22] each strategically located to serve different regions and economic activities. Lagos Port Complex, comprising Apapa and Tin Can Island, is the busiest and serves as the commercial hub, handling a large volume of containerized cargo, general goods, and petroleum products.

The development of Nigerian ports can be traced back to the colonial era when seaports were established primarily to facilitate the export of raw materials, such as palm oil, cocoa, and later, crude oil, to Europe.[23] Post-independence, the Nigerian government undertook expansion and modernization efforts to accommodate increasing trade volumes and diversify economic activities. This included the creation of deep-water ports such as Onne and the expansion of existing facilities in Lagos and Port Harcourt. The Lagos and Port Harcourt ports were among the earliest developed for international commerce.

Today, Nigerian ports are managed mainly by the Nigerian Ports Authority (NPA), which oversees operations, regulations, and policy implementation. In recent decades, port concessioning and privatization initiatives have introduced private terminal operators to improve efficiency, particularly in container handling and logistics services.[24]

Nigerian ports are central to the nation's trade and economic development. Their historical evolution, strategic locations and growing infrastructure capacity lay the foundation for future initiatives aimed at enhancing regional connectivity, trade efficiency, and integration into broader continental frameworks such as the African Continental Free Trade Area (AfCFTA). Despite these developments, Nigerian Ports have historically underperformed relative to their potential. Congestion, inefficient customs procedures, inadequate hinterland connectivity, and fragmented regulatory frameworks have limited their capacity to operate as regional trade hubs.[25]

[22] History-NPA, pg 1-14. https://nairametrics.com/wp-content/uploads/2013/01/History-NPA.pdf
[23] Badejo, B.A. and Solaja, O.M. (2017), "The Nigerian Seaports and development (1900-2015): Historical perspectives and dynamics", International Journal of Development and Sustainability, Vol. 6 No. 9, p, 1008.
[24] Ibid.
[25] OECD, Trade Facilitation Indicators for Africa (2021).

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The African Continental Free Trade Area (AfCFTA), launched in 2019, offers a transformative opportunity for Nigerian ports. By establishing a single continental market with over 1.3 billion consumers, AfCFTA seeks to eliminate tariffs on 90% of goods, reduce non-tariff barriers, and facilitate free movement of capital and services. Under AfCFTA, ports are not merely physical points of cargo handling; they become legal, institutional, and operational nodes that enforce trade regulations, ensure compliance with rules of origin, and facilitate cross-border trade. Therefore, Nigerian ports must align with AfCFTA's legal and institutional obligations to benefit fully from the agreement.[26] The implementation of AfCFTA presents a unique chance for Nigeria to reform and reposition its seaport for infrastructural development to serve as vital nodes for regional trade. By modernizing port facilities, digitizing operations, improving customs efficiency, and ensuring security and good governance, Nigeria can transform its maritime industry into a driver of regional economic growth. Furthermore, the expansion of value-added services such as logistics hubs, expert processing zones, and marine technology will not only boost domestic production but also integrate Nigerian businesses into African value chains.

2.1 DEVELOPMENT PORTS AGENDA AND INFRASTRUCTURE IN MARITIME DOMAIN: ROADMAP FOR AfCFTA

The maritime industry is a major contributor to Nigeria's economy given that it is a key component in generating employment and revenue generation. The maritime industry facilitates international trade and accounts for over 80 percent of Nigeria's imports and exports.[27] Maritime industry plays a crucial role in supporting global trade and serving as the primary mode of transportation for AfCFTA.

The introduction of the African Continental Free Trade Area (AfCFTA) will initiate a new trade expansion phase across Africa.[28] The AfCFTA is expected to stimulate significant trade, growth, and increasing sea cargo transportation volumes.[29] The expanding growth in maritime trade offers excellent potential for Nigeria's maritime sector.

Lagos Ports (Apapa and Tin can Island), are essential transit points for Nigeria and its landlocked neighbours. The existing transport system and Nigeria's.

Developing new Ports, including the Lekki Deep Seaport, demonstrates Nigeria's steadfast dedication to improving and modernizing its maritime infrastructure. These initiatives enable our ports to handle larger vessels and increase cargo flows by enhancing operational efficiency, which satisfies the growing trade requirements of the African Continental Free Trade Area (AfCFTA).[30]

Nigeria and the United Kingdom consolidated a series of landmark agreements and understanding as both countries sealed a 746 million pounds infrastructure agreement for the modernization of Apapa and Tin Can Island ports in Lagos.[31] The Apapa and Tin Can island ports are Nigeria's biggest and busiest ports.

2.2 LEKKI PORT AND AfCFTA

Also, the Lagos Free Zone, a special economic zone integrated with the Lekki port, is being positioned to be a major manufacturing hub and the first modern deep seaport in Nigeria, that can service vessels of up to 18000 TEU capacity.[32]

[26] Federal Republic of Nigeria, Instrument of Ratification of AfCFTA (2020).
[27] Daily Sun. Tuesday November 19, 2024 P. 22
[28] Nigerian Tribune. Friday 11 April, 2025 P. 12
[29] Ibid P. 12
[30] Ibid P. 12
[31] The Nation, Friday, March 20, 2026 P. 2
[32] BusinessDay, Thursday 31 March 2022 P. 18

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Also the $19 billion Dangote Refinery, the largest refinery in the world, is sitting in the Lekki Free Trade Zone.[33] In addition, the space and preparation for the Lekki international Airport is ongoing. The Airport will be part of the biggest logistics hub in Africa.[34]

The question remains, will Nigeria's port be able to function correctly, or will their current bottlenecks and bureaucratic delays block the nation's potential growth? The African Continental Free Trade Area (AfCFTA) enhances the importance of ports, which serve as essential lifelines for trade operations.[35] The anticipated expansion of trade volume across Africa demands efficient port systems to guarantee seamless good transportation and cost reduction while creating stronger regional connections. Efficient port systems strengthen supply chains by attracting investment capital, leading to industrial growth and job creation.

2.3 AUTOMATION: ROADMAP FOR DIGITAL REVOLUTION OF NIGERIAN PORTS

The Registrar and Chief Executive Officer of the Council for the Regulation[36] of Freight Forward in Nigeria (CRFFN) Kingsley Igwe unveils a comprehensive roadmap for the deployment of smart port systems – an initiative expected to recalibrate efficiency, security and global competitiveness across the nation's port system. According to Igwe,[37] "The transition to smart ports would fundamentally reshape port operations in Nigeria and marks a departure from labour – intensive, manual processes to a fully digitalised, automated and intelligence driven system designed to meet the demands of modern global trade."[38] Igwe explained that these technologies would significantly reduce vessel turnaround time and eliminate operational redundancies. Igwe noted that the smart port regime would deliver a more predictable and transparent logistics chain, powered by real-time data exchange and integrated digital platforms. He stressed that the adoption of these systems would streamline cargo clearance processes while minimizing human interference, thereby reducing delays, errors and opportunities for rent-seeking practices within the ports.

Beyond operational efficiency and substantial economic benefits. A smarter port ecosystem would lower the cost of doing business, enhance trade facilitation and position Nigeria as a preferred maritime gateway. With faster cargo movement and improved reliability, the country stands to attract higher cargo volumes and increased foreign investment into its port and logistics infrastructure. The integration of automated monitoring systems and digital tracking technologies would strengthen cargo visibility, curb pilferage and improve compliance with international shipping standards. The security implications of the transformation would reinforce Nigeria's standing in global maritime trade and boost confidence among international partners.

3.0 LEGAL AND HISTORICAL EVOLUTION OF PORT GOVERNANCE ON NIGERIA PORTS

Ports constitute the legal and institutional backbone of maritime trade and economic development. In the Nigerian context, ports are not merely physical infrastructures for cargo handling but legally regulated spaces governed by multiple statutes, administrative agencies, and contractual arrangements.

The evolution of port governance in Nigeria reflects the broader trajectory of the country's economic and political development. During the colonial era, port administration was primarily designed to facilitate the export of raw materials to Europe, with limited emphasis on efficiency, industrial development, or regional trade integration. Port regulation was rudimentary, and local participation in governance was minimal.

[33] The Nation, Friday July 28, 2023 P. 32
[34] Ibid. P. 32
[35] Nigerian Tribune Friday 18 April, 2025 P. 11
[36] Sunday Telegraph, Sunday May 3, 2026 P. 7.
[37] Ibid P. 7
[38] Ibid P. 7

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Following independence, the Nigerian government sought to centralize port administration to assert sovereignty and improve coordination. This led to the establishment of the Nigerian Ports Authority (NPA) in 1954, which became responsible for port ownership, management, and operations.[39] The NPA initially functioned as a service port authority, directly involved in cargo handling, stevedoring, and terminal management.

However, by the late 1990s and early 2000s, inefficiencies, congestion, and declining service quality prompted calls for reform. The federal government introduced the port concession programme (2005-2006), transitioning Nigeria to a landlord port mode.[40] Under this model, infrastructure ownership remained with the state, while terminal operations were transferred to private operators through concession agreements. This shift reflected a broader global trend towards landlord port models aimed at enhancing efficiency through private sector participation.[41]

Despite the introduction of port concessions, legal and institutional challenges have persisted. One of the most significant issues is the multiplicity of regulatory agencies operating within Nigerian ports. Agencies such as the Nigeria Customs Service, the Nigerian Maritime Administration and Safety Agency, the National Agency for Food and Drug Administration and Control, and the Standards Organisation of Nigeria all exercise overlapping regulatory functions at ports. While each agency operates pursuant to statutory authority, the absence of effective coordination mechanism resulted in duplication of processes, delays in cargo clearance and increased transaction costs.[42] These inefficiencies function as non-tariff barriers to trade and undermine Nigeria's obligations under AfCFTA to facilitate the free movement of goods.

3.2 NIGERIAN SHIPPERS COUNCIL (NSC) AND ECONOMIC REGULATION OF PORTS

The Nigerian Shippers Council was established to protect the interests of cargo owners and promote efficiency in shipping and port services.[43] In recent years, the NSC has been designated as the port economic regulator, with responsibilities including:

- Monitoring and regulating port charges and tariffs;
- Ensuring fair competition among service providers;
- Addressing complaints from shippers and cargo owners;
- Promoting trade facilitation and dispute resolution.

From a legal standpoint, the NSC plays a critical role in aligning Nigerian port operations with AfCFTA principles of non-discrimination and market access. However, the absence of a comprehensive port economic regulation statute limits the Council's enforcement powers. Its regulatory authority often relies on administrative directives rather than clear legislative backing, which weakens compliance and creates uncertainty for investors and operators.

3.3 NIGERIAN CUSTOMS SERVICE (NCS) AND TRADE FACILITATION

The Nigerian Customs Service is one of the most influential institutions within the port environment. Its powers derive from the Customs and Excise Management Act, which governs cargo clearance, revenue collection, and enforcement of trade laws.[44] Customs procedures directly affect port efficiency, clearance time, and trade competitiveness.

[39] Nigerian Ports Authority Act, Cap N126, Laws of the Federation of Nigeria 2004
[40] B. Oduntan, "Port Concession and Maritime Regulation in Nigeria" (2014) 4 Nigerian maritime Law Journal.
[41] World Bank, Port Reform Tool kit (2nd Edition, World Bank 2019).
[42] A. Adewuyi, 'Port Regulation and Trade Facilitation in Nigeria' (2020) 7 Nigerian Journal of Maritime Law 62.
[43] Nigerian Shippers' Council Act, Cap N142, LFN 2004.
[44] Customs and Excise Management Act, Cap C45, LFN 2004.

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Despite reforms aimed at automation and risk management, customs operations in Nigerian ports remain characterised by:

- Lengthy documentation requirements;
- Multiple physical inspections;
- Discretionary enforcement practices;
- Delays and increased transaction costs.

These inefficiencies undermine Nigeria's capacity to serve as a regional hub under AfCFTA which emphasises streamlined customs procedures and trade facilitation. Legal reform and institutional coordination are therefore essential to modernise customs administration in line with continental obligations.

3.4 NIGERIAN MARITIME ADMINISTRATION AND SAFETY AGENCY (NIMASA)

NIMASA is the principal agency responsible for maritime safety, security, and regulatory compliance.[45] Its mandate extends to:

- Implementation of international maritime conventions;
- Regulation of shipping activities and seafarer standards;
- Enforcement of port and maritime security measurers;
- Promotion of maritime capacity development.

NIMASA's role is particularly relevant to hub development, as compliance with international safety and security standards is a prerequisite for attracting major shipping lines and transshipment traffic. Weak enforcement or institutional conflict with other agencies can expose Nigerian ports to reputational risk and limit their competitiveness.

3.5 MULTIPLICITY OF AGENCIES AND REGULATORY OVERLAP

In addition to NPA, NSC, NCS, and NIMASA, several other agencies operate within Nigerian ports, including SON, NESREA, and port security agencies. While each agency has a legitimate statutory mandate, the cumulative effect is a highly congested regulatory environment.

This multiplicity results in:

- Overlapping inspections and documentation;
- Increased compliance costs for port users;
- Delays and administrative bottlenecks;
- Legal uncertainty regarding jurisdiction and authority.

From a legal perspective, the lack of a unified port governance framework undermines efficiency and contradicts best practices in successful regional hubs.

3.6 PORT CONCESSION REGIME AND PUBLIC-PRIVATE PARTNERSHIPS

Port concessions from the contractual foundation of Nigeria's landlord port model. Terminal operators enter into concession agreements with the NPA, defining operational rights, investment obligations, tariffs, and dispute resolution mechanisms.[46] These agreements are legally binding and often include arbitration clauses to manage disputes.

While concessions have improved infrastructure and cargo handling capacity, challenges remain in:

[45] NIMASA Act, Cap N102, LFN, 2004
[46] Nigerian Ports Authority, Terminal Concession Agreements (2006).

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- Monitoring compliance with concession terms;
- Enforcing service level agreements;
- Resolving disputes efficiently.

Weak contractual enforcement undermines investor confidence and limits the effectiveness of private sector participation in hub development.

3.7 LEGAL AND INSTITUTIONAL CHALLENGES TO HUB DEVELOPMENT

Several systematic challenges continue to affect Nigerian ports:

- Fragmented legislation and overlapping agency mandates,
- Inefficient customs and border procedures;
- Weak regulatory enforcement and accountability;
- Security and environmental compliance gaps.

These challenges directly affect Nigeria's ability to meet AfCFTA obligations and compete with established African port hubs.

4.0 KEY CHALLENGES FACING NIGERIAN PORTS IN THE AfCFTA ERA

The AfCFTA enhances the importance of ports, which serve as essential lifelines for trade operations. The AfCFTA agreement presents Nigeria with a pivotal opportunity to advance its economic integration with other African nations. Nigeria's substantial economic size and advantageous coastal position, positions it to benefit from expanded trade prospects. Entry point ports critical for Nigeria's economic progress face significant congestion issues, outdated facilities, and inefficient operations. As AfCFTA promises a surge in trade flow, the question remains: will Nigeria's ports be able to function correctly, or will their current bottlenecks and bureaucratic delays block the nation's potential growth? However, there are strong indications that the country may not have prepared adequately to benefit from AfCFTA.[47] The most potent fear to stakeholders in Nigeria's maritime industry, who listed catalogue of deficiencies in Nigerian ports that inhibit seamless operations identified as critical to Nigeria's gains in AfCFTA are;[48]

1. **Multiplicity of Government Agencies involved in the process.**

   Over the years, the federal government had repeatedly pruned the number of government agencies involved in goods clearing at the ports. Ironically, most of the agencies always find their ways back to the ports.

2. **Roads to the Ports.**

   Roads to the ports have remained death traps over the years. On several occasions flat-bed trailers hauling containers from the ports have slipped into deep gullies on the road with the unlatched containers falling and crushing vehicles and most times, passenger buses. Scores of lives have been wasted in the process, over the years, the Oshodi-Apapa highways, a major road leading to the nation's major port in Apapa has been under rehabilitation for 22 years now. Yet the road remains as deplorable as it was two decades ago.[49] Likewise, it takes a trailer several days to crawl into the port to load containers that took a month to clear due to avoidable bureaucratic bottlenecks.

[47] Daily Independent Tuesday, Decemer 28, 2021. P. 11
[48] Ibid P. 11.
[49] Ibid P. 11

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3. **Stowaway and Port Security Challenges.**

   Another major challenge confronting shipping agents is the persistent issue of insecurity and stowaways in Nigerian Ports. Stowaways boarding vessels without detection often leads to heavy financial implications including fines, diversion costs, crew management challenges and reputational damage for shipping companies operating from the Nigerian Ports. According to the shipping Association of Nigeria (SAN) Chairman Boma Alabi "shipping companies are often held responsible for situations that are largely security related and beyond their operational control".[50]

   Alabi said further that "the NPA has failed to provide adequate functional tugboats and pilotage services, which are critical for safe vessel navigation and that Tugboats and pilotage services are statutory responsibilities of the NPA…"[51]

4. **Prolonged Delays.**

   Operational problems at major Lagos terminals, including Apapa and Tin-Can Ports, stand out as exceptionally significant. Ships regularly face long delays of up to 25 days before port docking. Cargo dwell times at Nigerian Ports Surpass International benchmarks by averaging 13 days, while the global standard remains four days. The presence of bureaucratic bottlenecks drawn from more than 14 regulatory agencies causes prolonged delays and increases demurrage expenses. The container blockades enacted by various security agencies have been observed as a contributing factor to delays in the clearance of goods at Nigerian Ports.[52]

5. **Importers Sabotage.**

   Nigerian importers prefer to route their goods through neighbouring West African Ports, which then smuggled into the country. Deficiencies in the ports have driven most of the nation's importers to neighbouring countries' ports from where the goods are smuggled into Nigeria without the necessary import duty payments. Nigeria loses from both ends due to the deficiencies and lack of competitiveness of its ports. The government loses import duties, while ports operators forfeit their normal charges to the ports of Benin, Togo and Ghana.[53]

6. AfCFTA is trade between African countries via air, land and sea but there is no Nigerian vessel involved in the carriage of Nigerian goods under AfCFTA.[54] Foreign vessels carrying our goods to other African countries. Most of the vessels carrying Nigeria's AfCFTA goods to other African countries are foreign owned vessels. Thereby Nigeria is losing billions of revenues to capital flight.[55]
7. AfCFTA is threatened by crises across Africa, poor infrastructure, lack of preparedness of Nigeria, tariff barriers, political instability, poor port facilities and inconsistent trade agreement among member states.[56]
8. Francis Omotosho, a freight forwarder also said "the economy is plagued by microeconomic conditions as a result of poor infrastructure, poor access to capital and contradictions in the Gross Domestic Product (GDP).[57] Omotosho agreed that tariff barriers were obstructing AfCFTA implementation. He explained that as Africa emerges as a viable investment opportunity, demand has not driven supply, thereby increasing risks and reducing opportunities for investment in small

[50] The Guardian, Wednesday, April 22, 2026 P. 23
[51] Ibid P. 23
[52] Nigerian Tribune Friday, 11 April 2025, P. 12
[53] Daily Independent Tuesday, December 28, 2021 P. 11
[54] Nigerian Tribune, Monday, 23 September, 2024 P. 6
[55] Ibid P. 6
[56] The Nation Friday, May 27, 2022 P. 26
[57] Ibid P. 6

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and medium Enterprises (SMEs). He added: "payment providers have difficulties providing services. They include trade barriers manifested in form of discriminatory regulations, treatment of foreign providers, requirements for incorporation; licensing, prohibition – on cross border services or limitations in the movement of capital swell as intra trade barriers, difficulty in transmitting money from one country to another due to cross border connection or payment systems in either country".[58]

Other stakeholders added that while AfCFTA is a rule – based system, the country has weak laws with inability to protect small businesses against property right, intellectual property theft, strong monopolies and labour rights.[59]

9. Trade integration across the African continent has long been limited by outdated border and transport infrastructure and a patchwork of differing regulations across dozens of markets. Governments have often erected trade barriers to defend their markets from regional competition, making it more expensive for countries to trade with near neighbours than countries much further afield.[60]
10. Current port conditions present consistent congestion, outdated facilities, and operational delays that heavily restrict trade efficiency. Nigeria ports struggle with the significant problem of large quantities of cargo being redirected to nearby countries. The Nigerian Shipper's Council (NSC) indicates that about 60% of containers bound for Nigeria end up at ports in Ghana, Togo, Benin Republic, and Cote d'Ivoire.[61]
11. **Nigerian Ports and International Cargo tracking Note (ICTN)**

The absence of a fully operational technology to monitor and track cargo movements and combat illicit trade has exposed Nigeria to significant economic and security risks, with exacerbated smuggling, and trafficking of dangerous goods[62]. The frequent entry of contraband, arms, hard drugs and other illicit goods through the Nigerian ports compromises national security. Between June 2023 and May 2024, seizures of arms, ammunition, narcotics, pharmaceutical products and other illicit goods at ports and borders were valued at over N6 billion.[63]

The National Drug Law Enforcement Agency, (NDLEA) also reported a seizure of over 2.55 million kilograms of illicit drugs, including cocaine, methamphetamine, cannabis, tramadol, and codeine at the seaports between 2021 and 2025 with an estimated street value exceeding N3 trillion.[64] The Nigerian Customs Service (NCS) also made several seizures of illicit drugs at Lagos ports, also arrested 13 containers laden with expired pharmaceuticals, controlled drugs, security equipment and other prohibited goods with N6.38 billion at the Apapa port.

Five days after the seizure, the NCS, in collaboration with the NDLEA, intercepted and seized another two containers with 3,398 cartons of codeine syrup worth N3.39 billion concealed in household utensils at the Apapa Port.[65] Also the National Drug Law Enforcement Agency (NDLEA) secured another significant victory in its ongoing offensive against drug cartels. The NDLEA arrested containers loaded with illicit opioids worth over N33.6 billion in street value. The containers were intercepted at the Port Harcourt Ports complex in Onne, Rivers State, on various

[58] Ibid. P. 6
[59] Ibid. P. 6
[60] Ibid P. 6
[61] Nigerian Tribune Friday, April, 2025 P. 11.
[62] The Guardian, Wednesday, March 18, 2026 P. 20.
[63] Ibid P. 20
[64] Ibid P. 20.
[65] Ibid. P. 20

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dates in 2025. They contain 19,600,000 pills of Tramadol, Tafrodol, Tapentadol and Carisoprodol, along with 2,496,400 bottles of codeine syrup.[66] The combined street value of the seizures is estimated at N33.691,200,000.[67]

12. **Nigerian Customs and AfCFTA**

Also, the Registrar, National Association of Government Approved Freight Forwarders (NAGAFF) Academy Francis Omotosho said "Nigeria is not prepared for the implementation of the AfCFTA agreement, because of the multiple challenges in the ports and trade barriers within West Africa."[68] Omotosho also said that "the internal anti-free trade policies in Nigeria such as high tariffs, among others, were enough reasons why AfCFTA would not be achievable". Omotosho linked Nigeria's major problem with double examinations of cargos by the Nigeria Customs Services (NCS) which usually inflates expenses associated with business in Nigeria. Another problem, the registrar noted, is lack of commitment to eradicating the free trade barriers, inadequate trade infrastructure and unnecessary delay processes in Nigerian seaports. According to Deputy Comptroller Musa Omale he said "we only implement government policies on revenue targets placed on the agency by the Federal Government. We don't make these policies. Like the issue of tariffs, if the government gives me a target to meet up regarding, annual revenue generation, would I challenge the government and ask why? Once it is given, we only try hard to fashion out how to meet the target. For instance in 2021, what was the target given customs? About 1.6 trillion and customs tried and surpassed it".[69]

13. Ports in Onne, Calabar, Warri and Port Harcourt encounter obstacles that prevent them from supporting Lagos in managing Nigeria's trade movement. The ports face multiple operational challenges, including insufficient infrastructure and poor transportation links between road and rail networks. Ports like Calabar cannot service larger ships because they lack deep-water facilities.
14. Legal and regulatory challenges further exacerbate this situation. While Nigeria has enacted several maritime statutes and ratified international conventions, enforcement remains inconsistent. Weak application of the Nigerian Ports Authority Act, the NIMASA Act, and other relevant laws has allowed delays, corruption, and non-compliance to persist. The lack of clarity in concession agreements with private terminal operators has also resulted in disputes over tariffs, service standards, and investment obligations. Such legal uncertainties discourage private investment and reduce confidence among international shipping operators, undermining efforts to position Nigerian ports as regional hubs.
15. **Political Leadership and Arrangement**

The steps and efforts required for the proper implementation of the AfCFTA depend on the impetus and commitment of each country which is often influenced greatly by political considerations.[70] While it is not unexpected that countries will pursue only actions that align with their political goals. Measures required to eliminate non-tariff barriers also required political will which some nations lack[71] and this represents a significant challenge to the implementation of the AfCFTA port's development.

[66] The Guardian, Wednesday, April 22, 2026 P. 9
[67] ThisDay Wednesday April 22, 2026 P. 32
[68] New Telepgraph, Wednesday, June 1 2022 P. 22
[69] Ibid. P. 22
[70] BusinessDay, Thursday 09 November 2023 P. 23
[71] Ibid P. 23

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16. Colonial Allegiance Barriers

Colonial allegiance and language are major barriers in the West African sub-region ports development. Rather than co-operating to work out of economic woods and debt traps many of these countries, experts say[72] are busy 'fighting proxy wars' on behalf of their former colonial masters. Rivalries and unhealthy competition is sometimes at the instance of their former colonial masters who, in many ways, still influence their colonies in terms of trade policies and port governance.[73] Cultural division and disunity also acts as impediments to cross-border trade and regional integration in West Africa.[74]

17. Differential Development

The concept of variable geometry is anticipated in Article 5 of the AfCFTA Treaty to accommodate different state parties proceeding at their own pace in implementing the Agreement.[75] However, because many of the signatories to the Agreement are developing and less-developed countries, the conditions for liberalizing trade and the exchange supply infrastructure are simply inadequate. Without continent-wide infrastructure to support coastal, inland and air trade, commerce can simply not flourish under the AfCFTA.[76]

Differential development is a significant challenge when the AfCFTA is compared to the successes of the European Union. Most African countries do not have the level of economic independence nor the infrastructural support available in most EU member states.[77]

18. Existing, Regional Economic Communities

The AfCFTA declares the RECs as the building blocks of the trade area and makes special provisions for goods and services produced in these special economic zones. However, the reality is that these RECs are not all smoothly operating with the same rules and mechanisms and there is a need to align and harmonise the obligations, commitments, processes and procedures, standards etc under these RECs with AfCFTA to ensure a single coherent and harmonized market.[78]

Where state parties are subject to different commitments under the AfCFTA and their national and regional commitments, one of the general objectives of the agreement is to "resolve the challenges of multiple and overlapping memberships and expedite the regional and continental integration processes"[79] but the absence of a specific protocol on relations between the AfCFTA and existing RECs creates some uncertainty. Additionally, some economic alliances agreements such as the India ocean commission, Southern African customs Union, and Mano River Unions are not specifically, countenanced by the AfCFTA and their status concerning the AfCFTA treaty remains uncertain[80] which invariably affect ports development in the signatory states.

19. Slowly Intra-Africa Trade

The dependence of African economies on commodity production and exports, lack of diversification resulting in a mismatch between supply and demand, tariffs and non-tariff barriers

[72] The Nation. Tuesday, April 26, 2022 P. 13
[73] Ibid P. 13
[74] Ibid P. 13
[75] BusinessDay, Thursday 09 November, 2023 P. 23
[76] Ibid. P.23
[77] Ibid. P. 23
[78] BusienssDay, Thursday 09 November 2023 P. 23
[79] Ibid. P. 23
[80] Ibid P. 23

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and poor trade logistics.[81] The cost of trading in Africa is unattractive and prohibitive whether it is as a result of non-tariff barriers, trade bottlenecks created by infrastructural, policy and procedural constraints, complex clearance procedures, cumbersome documentation requirements or unpredictable trade policies.

20. Poverty level and Debt Traps

Also, the poverty rate in most countries on the continent is a major challenge for the implementation of the AfCFTA and efforts to address this challenge through the operationalization of the AfCFTA Adjustment Facility are yet to come to fruition.[82]

4.1 RECOMMENDATIONS

Nigeria's ports have the potential to be a significant driver of sustainable development under AfCFTA. However, to unlock this potential, several key recommendations need to be addressed. The following targeted recommendations are proposed.

1. The AfCFTA presents a remarkable platform to revitalize air indigenous ship ownership. Nigeria loses a significant portion of potential income to foreign ship-owners, reliance on foreign ownership of ships means that a large portion of freight revenue goes to foreign interests. There's a need to develop our ship ownership capacity as part of a larger maritime cluster that includes fleet management, ship repairs, and ship building. Indigenous participation in maritime coastal trade will protect cabotage, create jobs for seafarers and ship building technical expertise.
2. It is imperative that the Nigerian ports reposition to be competitive and well managed in order not to lose its gateway traffic to the ports. Nigeria's port must also meet international standards to ensure competitiveness in the AfCFTA market. Efficient maritime port facilities are critical for implementing AfCFTA's objectives. Ports and shipping lanes serve as gateways for trade, ensuring goods are delivered on time and at competitive costs. Port competitiveness is driven mainly by institution, infrastructure and macroeconomics; strong institutions provide the regulatory and governance framework necessary for stable and predictable business operations; while infrastructure is a cornerstone of port competitiveness, influencing both operational efficiency and long-term strategic viability.
3. The need for port modernization. It is imperative that modernization will position Nigerian Ports at the edge of competition and improve efficiency. Aside from the newly developed Lekki deep seaport, the remaining six ports in the country are grappling with decrepit infrastructure, ranging from silted channels to collapsed breakwaters and quays.
4. The Nigerian legal system should ensure swift prosecution of maritime corruption, extortion and ports crime such as smuggling and stowaway, specialized maritime courts should be established to expedite cases, enhance compliance and deter criminal activities in Nigeria's maritime domain.
5. The Nigerian Navy in collaboration with NIMASA should continue to expand its maritime surveillance and patrol operations particularly, in the deployment of advanced technologies, including radar and satellite monitoring in detection of stowaways and piracy. Concerns over the rising cases of stowaways at Nigeria's ports poses serious safety risks and breaches international maritime[83] regulations.[84] The growing trend of stowaways gaining access to ships through

[81] BusinessDay, Thursday 09 November 2023 P. 23
[82] Ibid P. 23
[83] Daily Trust, Wednesday, March 12, 2025 P. 37.
[84] Daily Sun, Wednesday, May 6, 2026 P. 24

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unconventional routes, particularly the rudder compartment, points to the need for stricter external vessel checks.[85]

Under the ISPS code ports are international. Most of our ports, especially in Lagos and some other ports, are international ports. Whatever it is, to protect the perimeter of such ports must be done by NIMASA. Who does not have business in the port should not gain access to the port. The port security officers, which include the Nigerian Navy, the DSS, and other security agencies in the port including immigration, rise to the occasion as well to ensure that people who are not supposed to be found within the port premises are not found there.[86]

The commander, Nigerian Navy Ship (NNS) Beecroft, commodore Aiwuyor Adams – Aliu,[87] reiterated the Navy's commitment to maintaining maritime security and preventing criminal activities within Nigeria's territorial waters. He warned that "stowaways attempts pose serious safety risks and violate international maritime regulation".

6. For Nigerian Ports to develop into regional trade hubs under AfCFTA, there must be a deliberate effort to clarify regulatory mandates, and align port governance structures with international best practices. Ports such as Tanger med (Morocco) and Durban (South Africa) have aligned domestic port governance with regional and international trade regimes. Their success demonstrates that legal certainty, regulatory clarity, and trade facilitation compliance are critical determinants of hub status. Nigeria can draw lessons from these jurisdictions by aligning its port laws with AfCFTA standards, thereby enhancing competitiveness and regional relevance. Nigeria should strategically position some ports, especially Onne and Lekki, as regional logistics hubs for AfCFTA. These hubs can serve as consolidation points for exports and imports destined for multiple African countries. Also, the engagement of Public-Private Partnerships (PPPs) frameworks can mobilize funding for port development projects. The success of Lekki Deep sea port, developed under its PPP model, serves as a template for future initiatives.
7. Good governance is the foundation of effective stewardship, ensuring that resources are managed responsibly and decisions serve long-term public interest. Policy makers and ports regulators must strengthen governance systems and align incentives to unlock value, strong institutions, anchored in regulatory autonomy and public accountability are the bedrock of resilient economies, regulatory clarity, the sanctity of contracts and consistency, reduce risk, lower transaction costs.[88]

   Closing the gap between government and the citizens through active engagement makes governance more inclusive, accountable, and effective. Effective governance is a competitive differentiator because it directly addresses the structural barriers that constraint growth; fragmented policy, and investment uncertainty. Good governance that delivers mitigates risk, builds investor confidence, and ensures public resources are deployed productively. It curbs corruption, strengthens public trust and improves service delivery.[89]

8. Ports logistics and multimodal Transport Integration. For Nigeria to do well in the African continental Free Trade Agreement (AfCFTA) it must boost local production that would meet the demand of the Africa market. It must also boost its logistics base such as roads, rail, and inland waterways systems connected to seaports. The integration of the Lagos – Ibadan rail line, Lagos –

[85] Ibid P. 24.
[86] Ibid P. 24.
[87] Ibid P. 24
[88] BusinessDay, Wednesday 30 July, 2025.
[89] Ibid.

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Calabar coastal road, and proposed dry ports in Kaduna, Funtua and Ibadan will enhance port accessibility.

9. For AfCFTA to work, an analyst, Mr. Gbolahan Oyebola, pointed out that there should be flexibility that would aid trade such as reducing bottlenecks to ease of doing business. Oyebola stressed that the government should overhaul regulations relating to tariffs, bilateral trade, cross-border initiative as well as capital flows across the region.[90]
10. According to Dr. Adesuwa Erediauwa,[91] Senior Research Fellow at the Nigerian Institute of International Affairs (NIIA) "Nigerian Ports ranked 311 out of 370 globally in port efficiency. Likewise, World Bank's 2023 container port performance index opined "Nigeria's success under AfCFTA depends on how resilient and efficient its ports become in the coming years".
11. The stage is set for Nigeria to harness AfCFTA's potential. Our government and maritime stakeholders must prioritize port efficiency with a clear roadmap and support indigenous investments in ships and ports. Maritime and port development offers Nigeria a pathway to economic growth, sustainable development and reap the benefits of AfCFTA transformative trade and economic initiatives in Africa's history to reposition Nigeria in the global economy.

    The maritime ports and blue economy has enormous potential to unlocking AfCFTA opportunities, to generate revenue, attract investment and create jobs through shipping, fisheries, offshore energy, maritime ports and logistics, with government support, consistent policy implementation and harmonization and conformity of AfCFTA's Nigeria's will unlock the immense trade economic potential that the AfCFTA promises by contributing to a new era of prosperity and collaboration across the African continent.

12. Today, Nigeria ranks third in the Global Terrorism Index, following Afghanistan and Somalia, in the league of countries most impacted by terrorism[92] Such a reputation deficit tag is a huge minus for a country thirsting for massive foreign investment to stimulate economic growth and reverse its status as the poverty capital of the world. Analysts describe AfCFTA as a huge economic opportunity for Nigeria given her huge natural resources and human capital potentials, but this will remain an elusive low-hanging fruit if the state of insecurity is not frontally tackled.
13. Revenue collection is the major economic security function of the customs administration in Nigeria. The source of such revenue includes: tariffs on imports and exports, excise duties and the collection of domestic taxes such as value Added Tax (VAT).[93] The Nigerian customs service collected N934,114,131 into all government accounts between 1973 and 1979; N31.5 billion between 1985 and 1991, N1.14 trillion between 2009 and 2011 and N3.5 trillion between 2012 and 2015. In 2023, the NCS collected N3,21 trillion in revenue and N6.1 trillion in revenue for the year 2024. In 2025, N7.28 trillion was collected.[94] Similarly, N2.3 billion was recovered from the 90-day window for the regularization of the documents of uncustomed vehicles, and N1.5 billion was recovered from the decongestion of N1,705 containers and 981 vehicles from the port.[95]

    One of the major challenges of trade facilitation is cumbersome custom procedure. The challenge of customs procedures to trade facilitation, implementing single window project, the pre-Arrival Assessment report, e-customs platforms, cargo tracking technologies, IT-based services and computerisation of customs operations will reduce paperwork, lower transaction costs, and shorten

[90] The Nation Friday, May 27, 2022 P. 26
[91] Daily Champion, Monday June 16, 2025 P. 13
[92] The Will Nigeria. February 14-20, 2021 P. 29
[93] The Guardian, Thursday, May 7, 2026 P. 14
[94] Ibid P. 14
[95] Ibid P. 14

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cargo dwell times full automation would also improve compliance with AfCFTA trade facilitation measure and global best practices. Reducing human interference, eliminating unnecessary checkpoints and streamlining documentation will encourage port usage and support intra-Africa trade facilitation.

4.2 CONCLUSION

Nigeria ports with its extensive coast line location occupy a strategically important position along major West Africa shipping routes, also possess significant potential to serve as gateways for intra-African and international trade. However, realizing this potential under AfCFTA requires addressing persistent structural, operational and institutional challenges within the port system.

AfCFTA presents opportunities for increased trade volumes and regional integration, port efficiency, infrastructure quality and trade facilitation remain critical determinants for success. Comparative insights from established African port hubs demonstrate that sustained investment, strong governance structures, effective public-private partnerships, and integrated transport corridors are essential for hub development.

However, the development of Nigeria's Ports is impeded by a combination of corruption, technological limitations, institutional inefficiencies and infrastructural deficiencies.[96] Collectively these challenges hinder efficiency, increase operational costs and reduce Nigeria's ports to serve as a preferred gateways for intra-Africa trade under AfCFTA. If port insecurity, port reforms, multiple regulatory agencies, and high cost of doing business are not addressed, Nigeria risks losing cargo, investment and regional influence to better managed ports and maritime systems in neighbouring states.

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[96] A. Adewuyi, "Legal and Regulatory Challenges in Nigerian Port Administration" (2019) 6 Nigerian Journal of Maritime Law. P.45