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Single Window Platform in the Nigerian Maritime Sector: Between Easiness and Contention Among Government's Agencies

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Abstract

The idea of Single Window Platform is a paperless clearing system introduced to facilitate the trade business in the maritime sector in order to aid easy cross-border trade. Under the system, importers and exporters are required to provide detailed and timely information about their shipment in advance on a global online platform. This research investigates whether the Single Window Platform improves operations, thereby facilitating the movement of legitimate trade the world over through the sea. This paper also considers the onerous goal that the Single Window Platform sets to achieve and whether these goals are achievable where competition and lack of cooperation exist among agencies involved in the implementation of the policy. However, investigation has revealed that major shipping lines have started investing in the West African coast and will transform the ports into the most preferred hub for maritime investment in Africa. The paper concludes that fast commencement of review processes well in advance in line with international best practices will enable the maritime sector attains lofty height.

Key Words: Single Window, Maritime, Government.

1.0.0: Introduction

Single Window Platform (SWP) is a concept that is mainly to facilitate the trade in the maritime sector to aid easy cross-border trade. It is a concept that allows government, individuals and contacting parties to transact business and transport goods. Where in place, the Single Platform allows for a stable and single entry point of all individual transacting business.[1]Transportation no doubt represents a vital element of economy and every state develops on the economy and revenue generated for the state. Transportation is also important for the fast mobility and efficient delivery of goods on time.

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[1]Richard Morton, 'eservices and Single Window in the Port and Maritime Sector European Port Community Systems Association Valencia,' <www.fundacion.valenciaport.com/docs/pdf> accessed on 30 December, 2018.

The idea of Single Window Platformis a novel area of transportation which emerged as a result of cumbersome and unreliable processes of maritime transportation.[2]Where in place, Single Window Platform aids the efficient transaction between government and business entity, curbs corruption, guarantees efficient transaction of the portand aids transparency in the port system.

This paper gives insight on the imperatives of adopting Single Windom Platform in Nigeria, the regulatory authorities responsible for the adoption of the practice as well as factors responsible for the bickering among agencies of the government saddled with the responsibilities of implementing the policy. Maritime sector has lost a host of its international traders to other businesses owing to disappointing 'door to door' paper documentation. It is high that the issue of Single Windom Platform be properly adopted in order to ease business.

2.0. Single Window Platform: Its Nature And Definitional Perspective

According to the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT),[3] a Single Window is a kind of facility that allows parties concerned in trade and transport to lodge standardized information and documents with a single entry point to fulfill all import, export as well as transit-related regulatory requirements.[4]

It is saying the obvious that every state engages in transaction both between individuals and government. In the process of interaction among parties, the use of inter-state trade which has been a long practice comes to play. Most states engage in import and export of goods to boost the economy of the nation. Companies and government agencies engaging in inter-states trade have to go through cumbersome processes to comply with import and export regulatory requirements.[5] In the process of exporting or importing goods, traders have to submit various degrees of paper by way of documentation from one desk to the other. The information of the trader has to be submitted from one agency to the other and carrying of files and paper forms from one organization to the other. These processes weaken traders and had to move to another venture that is less cumbersome.[6]

The United Nations Economic Commission for Europe (UNECE) has been playing onerous role towards implementation of the policy. For example, in 2005, UNECE strategized and developed the concept of Single Window in order to harmonize and simplify the long and stressful procedure of the international trade and the needful information to be able to flow between the trade and the government.[7]

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[2]Mihai – CosminNiculesu& Marius Minea, 'Developing a Single Window Integrated Platform for Multimodal Transport Management & Logistics' <www.sciencedirect.com> accessed on 29 December, 2018.

[3] Case Studies on Implementing a Single Window, available at https://www.unece.org/fileadmin/DAM/cefact/single_window/draft_160905.pdf, accessed on 17th May, 2019.

[4] Ibid at p. 1. Note that the single window concept was developed by the United Nations Economic Commission for Europe (UNECE) in 2005.

[5] United Nations Center for Trade Facilitation, 'Case Studies on Implementing a Single Window and Electronic Business (UN/CEFACT) <www.unece.org/cefact> accessed on 29 December, 2018.

[6] Ibid.

[7]Shulammite Foyeku, 'Single Window as Tool for Trade Facilitation' <www.shipsandports.com> accessed on 28 December, 2018. In Nigeria sometimes in 2013, the former Comptroller – General of Custom (Dikko Abdullahi)

The United Nation Center for Trade Facilitator and Electronic Business defined Single Window as a system that helps parties who are interested in trade to lodge standardized information and documents with a single entry point in order to fulfill all the requirements needed for the transit related trade.[8]In other words, Single Window is a trade facilitation program that simplifies and harmonizes the procedures for getting information and documentation completed at one point. The implementation of Single Window concept aids the international trade to submit their information at one single location instead of going through the formal rigorous system which has bedeviled maritime trade.[9] Single window concept is basically useful for the import and export clearance as an advanced tool for trade facilitation.

It merits mentioning that the concept allows the trader to submit all the data needed for the transportation and admissibility of goods at the port once to the authorities and at a single portal.[10]It can also be said to be the World customs organization's baby. It can be described as a mixture of collaborative efforts of parties involved in international trade activities with the use of technology to be able to provide one-time information in a standardized manner.[11] The concept of trade facilitation is to simplify formalities and harmonize procedures involved in various chains of supplies and to make documentations and information easier.[12]

It is almost certain that companies engaging in international business concern have onerous responsibility of submitting documents to various government agencies with regards to import-export regulatory requirement. Therefore, these requirements and the allied costs, constitute a burden both to Governments and indeed the business community. It is a major barrier to the development of international trade, particularly in developing countries

It has been asserted that the establishment of a Single Window facility is one means of addressing the government and business community's burden. Where adequately applied, Single Windom Platform is capable of:

i. Enhancing the availability of information that will simplify and guarantee information flows between trade and government;

ii. It can also bring about greater harmonization and better sharing of the relevant data across governmental systems;

iii. It brings significant gains to all parties involved in international business concerns;

launched the Single Window platform as part of means to facilitate the procedures involved in trading in Nigeria for both import and export.

[8] Ibid. Note that Single window concept can also be said to be a trade facilitator.

[9]Sulaimon Salau, 'Nigeria Jostles to Join 20 Other Nations on Single Window Platform' <https://m.guardian.ng/business-services/nigeria-jostles-to-join-20-othernations-on-single-window-platform/> assessed on 29 December, 2018.

[10] Mario-Apostolov, 'The Single Window Concept: A Key Instrument for Trade Facilitation and Good Governance' <www.tfig.unece.org> accessed on 29 December, 2018.

[11]'Fresh Push for Efficiency at Ports', <www.hellenicshippingnews.com> accessed on 30 December, 2018.

[12] Nigeria Port Authority, 'Customs to Unveil Single Window Platform at Ports' <www.businessdayonline.com> accessed on 29 December, 2018.

iv. It enhances competence in official controls and reduces costs both for Governments and for traders as result of better use of resources.[13]

3.0 **Regulatory Authorities In The Nigerian Maritime Sector**

The Federal Government of Nigeria established agencies which are directly connected to the implementation of Single Window Platform (SWP). These agencies have responsibilities to the realization of the Single Window policy to ease international business in Nigeria. Some of these agencies include; the Nigerian Ports Authority, Nigerian Shippers Council, Maritime Academy of Nigeria, Nigerian Custom Service, National Inland Waterways Authority, Council for the Regulation of Freight Forwarding of Nigeria, Nigerian Maritime Administration and Safety Agency, Nigerian Institute of Transport Technology and National Maritime Authority.

3.1 **The Nigerian Ports Authority**

The first legislation with respect to administration and scope of ports in Nigeria was the Ports Ordinance, 1917. Prior to this time, what was obtainable was legislation primarily concerned with health and sanitary regulation, collection of import and export duties, pilotage and the safety of ships and navigation.

The Nigerian Ports Authority (NPA) was established with the function of providing and operating necessary facilities in ports, maintaining, improving and regulating the use of the ports.[14] The NPA is a body corporate with perpetual succession and a common seal. It is capable of suing and being sued in its corporate name.[15]The functions of the Nigerian Ports Authority include provision of facilities for:

i. berthing, towing, mooring, moving or dry-docking of ships, in entering or leaving a port or its approaches;

ii. the loading and unloading of goods or embarking or disembarking of passengers in or from a ship;

iii. the lighterage or the sorting, weighting, warehousing and handling of goods; and

iv. carriage of passengers or goods.[16]

The Nigerian Ports Authority has the power to provide for the facilities needed for uploading and offloading of the good and this means the Authority is given the function to see through what happens in the port.[17] Therefore, the issue of Single Window Platform is one of the major concerns of this agency, being an institution saddled with responsibility of collection of import and export duties.

[13] See generally Case Studies on Implementing a Single Window.
[14]Section 1 of the Nigerian Port Authority Act, Cap.N126 Laws of the Federation of Nigeria 2010.
[15]See generally, section 1 (2) (a) & (b) of the Nigeria Port Authority Act.
[16]Section 7 of Nigeria Port Authority Act.
[17]Nigeria Port Authority Act.

3.2. Nigeria Shippers Council

The Nigeria Shippers' Council was established to provide for a forum for the protection of the interest of shippers, in matters affecting the shipment of imports and exports to and from Nigeria.[18] It is a body corporate with perpetual succession and a common seal.[19] The main function of the council is to protect the interest of traders engaging in import and exports within the Nigeria water-ways. [20]

In a matter of Single Window Platform, the Nigeria Shippers' Council should be at forefront as the issue centered on its members. For this reason, the Nigeria Shippers' Council is a stakeholder considering convenience,(which is the hallmark of the Single Window Platform) is bringing to them.

3.3. Maritime Academy Of Nigeria

The Maritime Academy of Nigeria (MAN) was established in 1979 and designated as a conservatory for the purpose of training and educating ship board ratings and personnel of shore-based.[21]As a sequel to the ratification of the International Convention on Standard of Training, Certification and Watch keeping for Seafarers by Nigeria in 1986,[22] the Maritime Academy of Nigeria was given recognition by the International Maritime Organisation.[23]

The Maritime Academy of Nigeria (MAN) was established to provide courses for instruction and training in maritime technology and to make research in maritime technology and applied maritime sectors.[24] The Maritime Academy of Nigeria Act commenced in 1998. MAN is a corporate body with perpetual succession and a common seal.[25] The main function of the body is to admit and train people on the running and operation of the ship, marine engineering, pilotage and navigation.[26]

4.4. National Inland Waterways Authority (NIWA)

The Authority is saddled with the responsibility to develop and improve the inland waterways for navigation.[27] The Authority shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.[28] The National Inland Waterways Authority main function is to provide regulation for the inland navigation and to ensure the development of infrastructural facilities for inland waterways and the development of indigenous technical and managerial skills.[29]

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[18]Section 3 of the Nigerian Shippers' Council Act, Cap N133 Laws of the Federation of Nigeria 2010.
[19]Section 1 of the Nigerian Shippers' Council Act.
[20]Section 3 of the Nigerian Shippers' Council Act.
[21] The establishment was made pursuant to Conclusion No.EC.(77) 172.
[22] The status of the school was raised in 1988 through the promulgation of Decree No.16 of 1988.
[23] See Ihenetu-Geoffrey C.C, "The Role of Maritime Academy of Nigeria (MAN) in the Development of the Maritime Industry". Available at http://works.bepress.com/chinedu_ihenetugeoffrey/12.pdf (accessed on 16/11/12).
[24]See the long title to the Maritime Academy of Nigeria Act, *Cap M3 Laws of the Federation of Nigeria 2010.*
[25]Section 1 (2) of the Maritime Academy of Nigeria Act.
[26]Section 3 of the Maritime Academy of Nigeria Act.
[27]Section 2 of the National Inland Waterways Authority Act. *Cap N47 Laws of the Federation of Nigeria 2010.*
[28]Section 1 (2) of the National Inland Waterways Authority Act.
[29]Sections 8 and 9 of the National Inland Waterways Authority Act.

4.5.0: Council For The Regulation Of Freight Forwarding In Nigeria

The issue of Single Window Platform concerns the Council for the Regulation of Freight Forwarding as the council is a major player especially having regards to the interest of its members. The Council was established by the Council for the Regulation of Freight Forwarding in Nigeria[30]for the purpose of determining the standard of knowledge and skills to be attained by persons seeking to be registered members of freight forwarders of Nigeria.[31] The function of the council is to determine the person and classes of persons who constitute freight forwards and to regulate and control the practice and associations of freight forwarding agents.[32]

4.6.0: Nigerian Maritime Administration And Safety Agency

The Nigerian Maritime Administration and Safety Agency (NIMASA) was established to promote the maritime safety and security of the country and to protect the maritime environment, shipping registration, commercial shipping and maritime labour.[33]It is a body corporate with perpetual succession and a common seal.[34] The objectives of the agency are to promote the development of indigenous commercial shipping in international and coastal shipping trade and to regulate and promote maritime safety, security, marine pollution and maritime labour.[35]

4.7.0: National Maritime Authority

The authority is established to co-ordinate and implement Nigeria's shipping policy.[36]The authority is a body corporate with perpetual succession and a common seal,[37]established by the National Shipping Policy Act.[38] The objectives of the authority shall be:

- to correct any imbalance in the Nigerian shipping trade for the purpose of implementing the provisions of the UNCTAD code of conduct;
- to improve Nigeria balance of payments positions by enhancing the earning and conservation of foreign exchange from the shipping industry;
- to use the national shipping policy as instrument of promoting the export trade of Nigeria and accelerate the rate of growth of the national economy; and
- to achieve a systematic control of the mechanics of sea transportation.[39]

The authority is saddled with some functions by virtue of the Act, but it has been argued that NIMASA needs to braze-up in order to surmount the challenges it so as to attain the required

[30] See Section 1 of the Council for the Regulation of Freight Forwarding in Nigeria Act, *Cap C54 Laws of the Federation of Nigeria 2010.*
[31]See the Long Title to the Council for the Regulation of Freight Forwarding in Nigeria Act.
[32]Council for the Regulation of Freight Forwarding in Nigeria Act.
[33]See the Long Title to the Nigerian Maritime Administration and Safety Agency Act, *Cap N161 Laws of the Federation of Nigeria 2010.*
[34]Section 3 of the Nigerian Maritime Administration and Safety Agency Act.
[35]Section 1 of the Nigerian Maritime Administration and Safety Agency Act.
[36]Section 4 of the National Shipping Policy Act *Cap N75 Laws of Federation of Nigeria.*
[37]Section 1 (2) of the National Shipping Policy Act.
[38]See the long title of the National Shipping Policy Act.
[39]Section 5 of the National Shipping Policy Act.

objectives.[40]It is also to coordinate the implementation of the national policy on shipping as may be formulated from time to time by the federal government and also to ensure that the Nigerian national carriers exercise fully, to grant national carrier status to indigenous shipping lines. The authority is also given some special functions in the National Shipping Policy Act as follows:

i. to investigate, determine and keep current records of ocean services, routes and lines form Nigerian ports of foreign markets, as may be determined by the minister to be essential for the promotion, development, expansion and maintenance of the foreign commerce of Nigeria

ii. to take records of bulk cargo carrying services for the purposes of promotion, development, expansion and maintenance of the foreign commerce of Nigeria,

iii. to keep the record of inland water transportation, including their relation to the transportation by land and air.[41]

4.8.0 Nigerian Institute Of Transport Technology

The Nigerian Institute of Transport Technology is established to provide for full or part-time courses of instruction and training of middle cadre managers, technicians and technologists engaged in the operations, management and general development of the transport sector of the Nigerian economy. The objectives and functions of the institute include but not limited to the following:

- to provide basic standard and specialized courses of instruction leading to the award of qualifications, certificates and diplomas in the techniques of transport.
- to provide approved and adequate training in the design, installation, maintenance, operation and modernization of technical equipment relevant in all forms of the transportation sector.
- to provide facilities for the training of persons in the installation, operation and maintenance of technical equipment and in the formulating and administration of rules, procedures and practices calculated to increase the margin of operational safety of transport services.
- to award certificates of attendance to those who participate and attain a sufficiently satisfactory standard in any of the courses organized by the institute.[42]

4.9.0 Nigeria Custom Service

This is an important agency on issues bothering on Single Window Platform. The Nigeria Custom Service is a body saddled with the responsibilities of collection of revenue on import and

[40] A.O. Abdulkadir,*"Nigerian Maritime Administration and Safety Agency: An Explication of its Power of Enforcement in Nigerian Maritime Domain",University of Jos Law Journal*, Vol. 11, April, 2016, at Page 170.
[41] Ibid.
[42]Nigerian Institute of Transport Technology Act *CAP N116 Laws of the Federation of Nigeria 2010*.

export goods and collection of other related taxes.[43]This agency represents the economic life of the country. The service is regulated by the Customs and Excise Management Act[44] and the Nigeria Customs Service Board Act.[45]The Act provides for the establishment of the service Board whose main function is to formulate the general policy guidelines for the Nigerian Customs Service and also to administer the Customs and Excise Management Act.[46]
The Board is mandated to see to the administration of the provisions of the Customs and Excise Management Act which provides for importations and exportation of goods. The Act provides for customs ports which the President shall declare and designate the area to be called the customs ports.[47] Part of the duties of the Nigeria Custom Service is to protect the customs ports and monitor the ships that go out and enter the country through the area designated as the customs ports.[48] The Act provides thus:

- Except as permitted in writing by the Board, the master of a ship entering Nigeria by sea from any place outside Nigeria shall not cause or permit the ship to call at any place therein other than a customs port, and any person importing or concerned in importing any goods by sea shall not bring the goods into Nigeria at any place other than a customs port.

- Except as permitted in writing by the board, a person shall not export or be concerned in exporting by sea any goods from any place in Nigeria other than a customs port, and the master of a ship shall not cause or permit the ship to depart on a voyage by sea to a place outside Nigeria from any place in Nigeria other than a customs port, or, whilst the ship is engaged on such a voyage, to call at any place in Nigeria other than a customs port.[49]

5.0.0: Harmonies Of Government Agencies In Relation To Single Window Platform

There are have been uneasiness in the camp of agencies saddled with the responsibility of clearing cargoes and revenue generation in Nigerian ports as to whose duty is it to take charge of the Single Window Platform in Nigeria, it is necessary and important for the government to saddle the responsibilities of managing the concept to a body corporate. Currently, there is no law put in place to regulate the concept. It is important to know which of the regulatory authorities will be fit to take responsibilities of Single Window after the full adoption in the country. The Single Window Platform is like a bus stop to all traders engaging in transportation business. The Federal government must put the interest of the individual into consideration. The Single Window is like a mother or an umbrella under which all the authorities regulating the ports in Nigeria are situated. Invariably, the Single Window concept should have a legal

[43]Section 4 of the Customs and Excise Management Act *CAP C45 Laws of the Federation of Nigeria 2010.*
[44]Customs and Excise Management Act.
[45]Nigeria Custom Service Board Act *CAP N100 Laws of the Federation of Nigeria 2010.*
[46]Section 3 of the Nigerian Customs Service Board Act.
[47]Section 12 of the Customs and Excise Management Act.
[48]Ibid.
[49]Section 12 (5) of the Customs and Excise Management Act

authority or a board which will be created by the National Assembly to regulate the running and administration of the concept.[50]

Considering the regulatory authorities of ports system in Nigeria, the following agencies are likely possible to be in the position of administering the single window:

i. the Nigeria Port Authority;

ii. Nigeria Shippers Council;

iii. National Maritime Authority; and

iv. Nigeria Custom Services.

It has been observed that the functions of these authorities overlap as to the management and protection of the interest of the ports, cargo and the trader. Although, the Nigeria Custom Services initiated the movement of adopting Single Window in Nigeria under the former Comptroller-General in 2013,[51] the Minister for Transportation is also of the view that what the Nigeria Custom Service implemented was not the Single Window Platform but just system automation.[52]He however believed that the Nigeria Custom Service is not ready to implement the Single Window Platform because of the fear of losing the control of the Single Window.[53] The Managing Director of the Nigeria Ports Authority further implored all the agencies in the maritime sector to harmonize and support the implementation of the single window platform.[54]

7.0.0 Single Window Platform And The Nigerian Maritime Industry

Single Window Platform as a one-stop-shop will be easier for the importer and exporter to provide the information needed at the port as a single procedure. The concept being a trade facilitator is being promoted by the World Trade Organization (WTO) to make trade easier.[55]

There are about 7 agencies in the Federal Ministry of Transportation which the traders dealing with transportation of goods need to pass through before making any documentation. They are:

i. Nigerian Ports Authority (NPA)

ii. Nigerian Custom Service (NCS)

iii. Nigerian Shippers Council (NSC)

iv. Maritime Academy of Nigeria (MAN)

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[50]BoyeUzamot, 'Which Agency of Government should Coordinate the Single Window' <www.shippingposition.com.ng> accessed on 31 December, 2018.
[51]ShulammiteFoyeku, 'Single Window as Tool for Trade Facilitation' <www.shipsandports.com> accessed on 28 December, 2018.
[52] Ibid.
[53] 'Customs Accused of Frustrating National Single Window Project', This Day Newspaper,<www.thisdaylive.com> accessed on 28 December, 2018.
[54]Ibid.
[55] 'Nigeria Endless Quest for single window,' This Day Newspaper <www.thisdaylive.com> accessed on 29 December, 2018.

v. National Inland Waterways Authority (NIWA)

vi. Council Registered Freight Forwarding of Nigeria (CRFFN)

vii. Nigerian Maritime Administration and Safety Agency (NIMASA)

viii. Nigeria Institute of Transport Technology (NITT).

Some of these agencies have embraced the use of Information and Communication Technology (ICT) to operate their official duties.[56] It is to be noted that the use of ICT is not the same as the adoption of Single Window Platform. The implementation of Single Window will make the entry in all the agencies to be easier and be done at one point. The time spent for clearing of goods at the port will also be reduced. Nigeria Maritime Sector can be strengthened through the adoption of single window concept, to reduce cost and time spent in the port operation for sending cargo and clearing goods.[57]

It is noteworthy that experts are of the view that the adoption of single window platform will make the Nigeria port more competitive[58] in the international trade network. Furthermore, the use of ICT by some government agencies have reduced the time spent in clearing goods at the port in a way, but has not reduced the numbers of processes involved to get the documentation and inspection of goods done.[59]

8.0.0 Rivalry Among Government Agencies

There are have been struggling among the government agencies as to who control Single Windom Platform in recent times. For example, in January 2017, the Nigerian Port Authority and Nigerian Custom Service moved to introduce the Single Window Platform in the Maritime Sector to be able to make clearing of goods easier at the port. However, what the Nigeria Custom Service implemented was not the single window, but System Automation which is also a form of ICT. The system automation is quite different from single window because it does not cure the cumbersome processes to be done but only reduce the time to be spent.[60]

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[56] Ibid. This was the fulcrum of discussion at the 'Media Trade Facilitation Workshop' organized by 'West Blue Consulting' in Akosombo, Ghana titled 'National Single Window Vision',

[57]OluwakemiDauda, 'How Single Window Platform can Grow Maritime Trade, by Experts' The Nation Newspaper (March 17 2016) <www.thenationonlineng.net> accessed on 29 December 2018.

[58] Ibid.

[59]ShulammiteFoyeku, 'Single Window as Tool for Trade Facilitation' <www.shipsandports.com> accessed on 28 December, 2018.

[60]Sulaimon Salau, 'Nigeria: Stakeholders Fret Over Neglect of Single Window Policy' The Guardian Nigeria (19 June 2018) <https://m.guardian.ng> accessed on 29 December 2018. The Executive Secretary/Chief Executive Officer of the Nigerian Shipper's Council (Mr. Hassan Bello) speaking in Lagos on the topic 'Transforming the Nigerian Ports for National Economic Developments: The Role of Nigerian Shipper's Council' is of the opinion that the use of system automation is part of National Single Window which is being introduced at the Nation's Ports. The Federal Ministry of Transportation under the leadership of Hon. Rotimi Amaechi is of the view that the system automation or the use of ICT in the transportation industries is different from the use of Single Window and what the Nigerian Custom Service and Nigerian Shippers Council are using presently is a manual oriented process and not the single window platform. See also 'Nigeria Endless Quest for Single Window', This Day Newspaper <www.thisdaylive.com> accessed on 29 December 2018.

It merits mentioning that while Nigeria had the idea of implementing the Single Window before Ghana, Ghana has in a way implemented the single window, even though it is still not working as expected.[61] This made the Minister for Transportation to show his displeasure at the Nigeria Shippers Council and Nigerian Custom Service that what is obtainable in recent time is system automation which is a form of ICT which only limits the paper work to be done. In other words, the present practice has not in any way reduced the time used for the operation at the port. The resentment of the Minister for Transportation makes the two main agencies of the transportation sector be in rivalry as to who will be in charge of the Single Window.[62]

9.0.0 Single Window Platform And World Trade Organization

Single Window as a trade facilitation program has an affiliation to the World Trade Organization being an organization that promotes fair trade. The World Trade Organization in 2017 propelled the Agreement on Trade Facilitation for its members to make trade easy for its members. Article 10 of the Trade Facilitation Agreement provides for the adoption of Single Window for the members of World Trade Organization.[63]

> "4.1 Members shall endeavour to establish or maintain a single window, enabling traders to submit documentation and/or data requirements for importation, exportation, or transit of goods through a single entry point to the participating authorities or agencies. After the examination by the participating authorities or agencies of the documentation and/or data, the results shall be notified to the applicants through the single window in a timely manner.
>
> 4.2 In cases where documentation and/or data requirements have already been received through the single window, the same documentation and/or data requirements shall not be requested by participating authorities or agencies except in urgent circumstances and other limited exceptions which are made public.

[61]Ibid.

[62]OluwakemiDauda, 'How Single Window Platform can Grow Maritime Trade by Expert' The Nation Newspaper (Nigeria, March 7, 2016) <www.thenationonlineg.net> accessed on 29 December, 2018. With this going on, the Minister for Transportation is also ill-bent on the refusal to allow the rivalry agencies to operate the Single Window. However, since the Nigerian Port Authority and Nigerian Custom Service are the arrow head agencies dealing with the ports and portals of the nation's transportation industry on behalf of the government, they are working towards implementation of the single window platform. The General Manager, public Affairs of Nigerian Port Authority (Chief Michal Ajat) related that the Director, Nigerian Port Authority (MrsHadiza Usman) made a courtesy visit to the Comptroller-General of Customs (Retired Col. Hammed Ali) in Abuja and discussed the way that the two agencies (Nigeria Custom Service and Nigeria port Authority) can make the single window working in the nation's ports. Single window as she said, is the synergy that will boost the economy and promote public private participation in the trade system.[62] One of the speakers at the stake holder's gathering at the conference, Mr. SomnukKertho, said out of the 189 countries that were assessed based on their economy and involvement in trade facility, Nigeria was ranked 182 because Nigeria is yet to adopt single window and it is difficult to do business in Nigerian ports because of the long processes to be followed. Other countries like Thailand, Morocco and Ghana were ranked 56, 102 and 171 respectively because most of their agencies have adopted the Single Window platform

[63]World Trade Organization' Agreement on Trade Facilitation, https://www.wto.org/english/docs_e/legal_e/tfa-nov14_e.htm accessed on 26 January 2019.

4.3 Members shall notify the Committee of the details of operation of the single window.

4.4 Members shall, to the extent possible and practicable, use information technology to support the single window."[64]

By the provision above, the World Trade Organization recognizes Single window and has also enjoined members to adopt the use of Single Window.

10.0. Benefits Of Adoption Of Single Window Platform

Single Window platform functions as a means to reduce the stressful procedure in the Nigeria ports and to introduce transparency, and to be able to predict the time for the arrival or take off of the cargo.[65] The benefits of adopting single window platform cannot therefore be over-emphasized. Some of the benefits are:

- competitiveness in the International Trade Network;
- improving transparency;
- increase in the revenue of the government; and
- reduction in corruption in the trade sector.

10.1.0: Competitiveness In The International Trade Network

Single Window Platform will make Nigeria's Ports competitive in the International Trade Network. It is said that it is easier for a camel to pass through the eye of a needle than to clear goods at the Nigeria's port. The cumbersome procedure used in Nigeria ports makes a lot of trader run away from doing business in Nigeria.[66] This makes the country to lose customers and income. At the 'World Bank Trading Across Borders' some years ago, Mr. Somnuk Keretho as a speaker at the workshop[67] observed that it is difficult to do business in Nigeria because of the low level for trade facilitation and the extent of time wasting at the port for clearing of goods. Adopting single window in Nigeria will make the Nigeria ports competitive in the international market, and traders would wish to transact business in Nigeria when it is guaranteed and reliable that the clearance of the goods will not be more than 48 hours which will make cross-border business traders come into the market and seek lots of opportunities as their interest would be guaranteed.[68] Adopting the single window will boost the trade facilitation in the country and this will interest the traders to transact business across-boarder.

[64] Ibid.
[65] Ibid.
[66]Oluwakemi Dauda, 'Road to Single Window Ports Operation'. The Nation Nigeria (March 26, 2017) www.thenationonlineng.net/road-single-window-ports-operation accessed on 02 January 2019.
[67]Oluwakemi Dauda, 'How Single Window Platform can Grow Maritime Trade by Expert' The Nation Newspaper (Nigeria, March 7, 2016) <www.thenationonlineg.net> accessed on 29 December 2018.
[68] Ibid.

10.2.0: Improving Transparency

Single Window Platform will improve transparency in the trade market. The clearance of goods at the Nigeria port these days, aside being cumbersome and time consuming, is not transparent because there are too many human relations and paper work and too much of files never attended to at various offices and abandoned goods not accounted for. It will benefit not only the government but also the trader when the government adopts the single window, as it will make the port clearance transparent, simpler and in harmony with the trader and the government. Some countries which have adopted the single window have shown that there are less processes to be done and minimal physical relations with people at the port. Everything is done in such a way that the physical presence of the owner of the cargo is not really needed at the port.[69] Adopting single window in the Nigeria sea port will boost transparency, simplicity and harmony of goods at the port.

10.3.0: Increase In Revenue Of The Government

Single Window concept is a cross-government system portal that opens a way for trade facilitation, to the transportation sector by using a single point to transact business in both National and International trade sector.[70] Part of the challenges facing Nigeria ports as regards to trade transportation is physical examination of goods which delay businesses and consume time evacuation of goods from the ports also takes lots of time because of the malfunctioning of the scanners. All these make the doing of businesses in Nigeria port most expensive and render some people unemployed as most traders divert their businesses to other countries which are cheaper to do business.[71] Adopting the Single window concept in Nigeria will generate revenue for the government as it will make traders both National and International to engage in competitive trade, when clearance of goods are done within time at the port and there are no unnecessary demands of unaccounted money collected from the trader, each trader will be able to pay the requite tax charged by the government and do business with ease and peace of mind, this will be a form of generating income to the purse of the government.

10.4.0: Reduction In Corruption In The Trade Sector

The human to human relations at the port in Nigeria makes the trade system cumbersome and tiring, and this makes the level of corruption high in the seaport. The long documentation processes in sea port makes the clearing of cargo runs to two or more weeks.[72] The Maritime Anti-Corruption Network (MACN) and the United Nations Development Program (UNDP) are of the view that to clear cargo at the port, it takes more than 140 official signatures by the local authorities in Nigeria which makes the cargo clearing delay. This, although, is for the person who is not ready to make illicit payment and get his way through the back door.[73] The analysis

[69]Francis Ugwoko, 'Facilitating Trade with National Single Window' This Day Newspaper (Nigeria, 21st October 2016) <www.thisdaylive.com> accessed on 29 December, 2018.
[70]Sulaimon Salau, 'Stakeholders Fret over Neglect of Single Window Policy', The Guardian Nigeria (19th June 2018) <www.guardian.ng> accessed on 31 December 2018.
[71] Ibid.
[72] Yusuf Babalola, 'Cumbersome Clearing Process Hinders Ease of doing Business at Ports' Leadership Newspaper Nigeria <www.leadership.ng> assessed on 01 January, 2019/
[73] Ibid.

conducted by the MACN and UNDP shows that Nigeria is one of the most challenging countries to do business with, without payment of unlawful demands. The traders need to rub the palms of many officials to get their signatures and their documentations done on time. The challenge faced by the trader in the clearing of cargos at the port makes the officials of the port corrupt to the extent that a trader who wants his cargo to be cleared can go to any length to make his cargo cleared whichever way. The report of the MACN and UNDP said that the unlawful demands put a huge risk on the shipping companies and also the case of extortion is not uncommon within the sea port. Adoption of single window will reduce the menace of corruption in the sea port to a great deal, as the relations between humans will reduce and the documentations which require heavy processes will be reduced to one point and the communications will only be between machines and less human.

11.0.0: Challenges Facing Adoption Of Single Window Platform In Nigeria

Since 2013 when Nigeria has been nursing the adoption of single window under the formal Comptroller-General of Nigeria Custom Service, the concept of Single Window has not seen the lime light in Nigeria.[74] Although, in the absence of the implementation of Single Window, Nigeria has made use of Pre-Arrival Assessment Report (PAAR) andthe Nigerian Trade Hub Portal as an alternative which has made cargo clearance a little easy thoughstill more than 48 hours.[75] The Vice President, Prof. YemiOsinbajo, who represented the President, Muhammadu Buhari, at the Lagos International Trade Fair, announced the intention of the Federal Government to implement the single window in trade system to be able to reduce the time and cost used in transacting and getting information and documentation done.[76] Part of the challenges facing the implementation of the single window is that the agencies in the trade transportation section are just trying to process their system to align with the new development of single window. One can hold the delay in the implementation of single window in Nigeria to some of the following challenges:

i. Corruption

Corruption is a deadly menace eating up the success and development of this country. Transparency is a luxury which most of the government agencies are not willing to accept. The birth of single window in Nigeria port industry will in every possible way curb corruption because the single window works effectively on transparency.[77] There is also a kind of rivalry among the Nigeria Port Authority and Nigeria Custom Service in the quest to operate the single window. These two agencies are the main agencies in the Nigerian port industry but the idea of implementing single window has made these two agencies to be at loggerheads as to which of the agencies will be managing the operation of single window. This made the Minister of Transportation to voice his opposition on allowing the Nigeria Custom Service to handle the

[74]ShulammiteFoyeku, 'Single Window as Tool for Trade Facilitation' <www.shipsandports.com> accessed on 28 December, 2018.
[75] Ibid.
[76] 'Fresh Push for Efficiency at Ports', <www.hellenicshippingnews.com> accessed on 30 December, 2018.
[77]Seatimesafrica, 'Nigeria Shippers: The Challenges of Clearing' <www.hitechcourier.com> accessed 30 December, 2018.

operation of single window.[78] This is because the Nigeria Custom Service sometimes said it budgeted over ₦1 billion for implementation of system automation. The minister said what the Nigeria Custom Service is doing is not single window but a form of manual operation under the Information Communication Technology.

ii. Lack Of Commitment From Government

The implementation of Single window in Nigeria ports has not seen the light because of lack of commitment from the government. The single window platform requires a long term commitment from the government, if Nigeria is ready to adopt same.[79] The former General Manager of Public Affairs of the Nigeria Port Authority advised that at each phase of port development, the Federal Government needs to plan ahead for almost 50 years to make adjustment to the necessary trend in the industry.[80] The Federal Government should also strengthen the various institutions and agencies to be able to implement the long awaited single window. It is obvious that the Federal Government is not ready for the adoption of single window.Since 2013, when the Nigerian Custom Service has brought the idea of adopting single window, nothing has been done or put in place for the implementation of same. For single window platform to be effective in the country and work properly, the government needs to be fully ready and prepare to be fully committed towards the implementation. The legislature also should be ready to enact regulation that will regulate it. The Vice President said it is not that Nigeria Government is not ready or willing to sign in on the Single Window but the Government is taking precautions as to the guardians against the flop of the concept after the full adoption.[81]

12.0.0: Imperatives Of Adopting Single Window Platform

Princess Vicky Haastrup, the Chairman of the Seaport Terminal Operators Association of Nigeria (STOAN), sometimes said that clearing of cargo in Nigeria's port is still archaic and ancient as the old ways of clearing cargo is what Nigeria still uses when other countries have moved on. Customs checks in the clearing of cargo in Nigeria are somewhat duplicate, as this takes a long process which requires signatures and clearing notes from some customs officials.[82]Also, there are too many government agencies required at the port which makes the clearing and examination of cargo duplicate as most of their duties and functions overlap. This makes it difficult for traders doing business in the country and also makes it expensive. The stages of doing business across boarders are based on 10 sub-indices which includes but not limited to starting a business, getting electricity, registering property and getting credit, and this makes doing business in other countries easier.[83]

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[78] 'Nigeria Endless Quest for Single Window', This Day Newspaper <www.thisdaylive.com> accessed on 29 December, 2018.
[79]'Fresh Push for Efficiency', <www.hellenicshippingnews.com> accessed 30 December, 2018.
[80] Ibid.
[81] Femi Adekoya, Benjamin Alade, Victor Uzoho and NgoziEgenuka, 'F.G. to Tackle Trade Challenges with New Platform' The Guardian Newspaper (Nigeria, 30th November 2018) <www.guardian.ng> accessed on 01 January 2019.
[82] Ibid.
[83] Ibid.

The National President of the National Council of Managing Director of Licensed Customs Agents (NCMDLCA), Mr. Lucky Amiwero, observed that it is not practicable to achieve 48 hours cargo clearance in Nigeria because of the archaic method which is not meeting up with international standard.[84]

In the Nigerian seaport, the clearing of cargo goes through the lengthy process of scanning which in most of the time delay the process because of the malfunctioning of scanners, physical examination of goods by various agencies and high cost in clearance of goods. These and many other challenges faced by traders have made most people abandon their goods at the port. Adopting the single window concept in Nigeria will require the government to follow some of the conventions which the country is signatory to like the World Customs Organization Convention which was signed by the Nigeria Custom Service which requires that there must be pre-inspection of cargo which is going and/or coming into the country and the owner of the cargo must supply information about himself. This is not being done in the country which makes the clearing and transportations of goods in the country cumbersome.[85]

Adoption of single window will no doubt boost efficiency and strengthen the port industry. It will therefore reduce the time and cost spent at the point for clearing of cargos. The implementation of single window will reduce the number of official signatures needed and there will be strict compliance with the custom declaration and the payment of illicit money which strengthens corruption will be reduced.[86] Part of what makes the country develop is engagement in Information and Communication Technology (ICT). The concept of Single Window is a branch of the ICT, and for the country to remain in the efficient global maritime trading activities there will be need for the implementation of Single Window Concept.[87] The adoption of Single Window will overcome the complex style of data submission and manual documentation.

13.0.0: Benefit Of Adopting Single Window In Other Jurisdiction

Single Window being a trade facilitator has been adopted in other jurisdictions like the USA, GHANA and KENYA to mention but few. Although in Ghana the single window concept has not been generally used but has been adopted and is being used anyhow, it has benefited the country in so many ways as it has reduced the long process involved in transacting business by companies and individuals. The United State of America use the single window as a form of (Automated Commercial Environment) which is aims at facilitating the process of import and export of goods.[88] The USA adopted the use of ACE to make the entry of the information of the trader easy between the regulatory agencies and this make the trading more efficient. The use of one process to store information of trader by using the single window portal makes the participation of trade easier in the USA. The use of single window has been of so many benefits to the USA some of which are:

[84]Ibid.
[85] Ibid.
[86]'Fresh Push for Efficiency at port' <www.hellenicshippingnews.com> accessed on 31 December, 2018.
[87]OluwakemiDauda, 'Road to Single Window Ports Operation' The Nation Newspaper (Nigeria, March 26 2017) <www.nationonline.net> accessed on 01 January, 2019.
[88]GETS' Benefit of using USA Single Window' https://globaletrade.services/blog/2016/9/22/benefits-of-using-usa-single-window accessed on 29 January 2019.

i. It simplified the filing system in the USA port as it eradicates the traditional way of filing of documents and moving from one agency to the other.

ii. It reduce the cost of clearing goods and the cost of manual labor, the high cost of moving goods from one place to the other is reduced by the adoption of single window.[89]

Furthermore, Kenya has also adopted the single window been a trade facilitator the benefit of Single Window to the policy makers is to the effect that it allows the smooth regional collaboration and make easier the exchange of regional trade information. It has also help in centralizing the information collected and for efficient use of human resources. The use of single window platform in Kenya has also made the collection of the requisite fees increase and transparent it also streamlined the trade portal for strict compliance of government policy and international treaties. The adoption of single window in Kenya has also helped the trader by making the trade facilities faster and predictable it also reduce cost of lodging trade documents[90]

14.0.0: Conclusion

It is a very good and impressive move on the government and the maritime agencies to provide 24 hours cargo clearing as opposed to the way and manner cargo is cleared in Nigeria. It is important to adopt the single window platform to be able to curb corruption in the maritime industry and provide for efficiency and transparent cross-border transaction. Adopting the single window platform in Nigeria will in every way boost the economy of the country and provide a development to the nation as it will create avenue for international trader to visit the country and transact business once there will be no delay in clearing their goods.

[89]Ibid.

[90]' MwanauluIssaMwajita', 'The effects of the implementation of the Kenya National Electronic Single Window System on trade facilitation, http://commons.wmu.se/all_dissertations accessed on 29 January 2019.