



## Nigeria's Supreme Court Clarifies Control Over Inland Waterways

### A Defining Moment for NIWA's Regulatory Role

On January 5, 2024, a pivotal Supreme Court ruling clarified the National Inland Waterways Authority's (NIWA) role as the singular regulatory body for Nigeria's inland waterways, marking a significant moment for regulatory clarity in the nation.

### The Genesis of the Legal Battle

The dispute traces back to 2012, initiated by the Association of Tourist Boat Operators and Water Dredgers against overlapping authorities between

NIWA and the Lagos Waterways Authority (LWA). The heart of the matter was the dual fees imposed on members by both entities, with LWA asserting local control over Lagos' waters, contrary to NIWA's stance that only the Federal Government has the right to oversee inland waterways, shipping, and dredging activities.

The Federal High Court initially sided with NIWA, a decision challenged by the Lagos State Government. The appellate court reversed this decision, suggesting such regulation fell under state jurisdiction. However, NIWA's persistence brought the matter to the Supreme Court, which ultimately



reaffirmed NIWA's exclusive authority.

## Key Outcomes of the Supreme Court Ruling

### NIWA's Exclusive Jurisdiction:

The Supreme Court unequivocally recognised NIWA as the sole authority over Nigeria's inland waterways, mandating local and state entities against assuming regulatory roles in this domain.

### Unified Regulatory Framework:



This decision underscores the importance of a singular, national approach to managing the country's waterways, ensuring consistent regulation and resource control under federal oversight.

## Streamlining Post-Decision Transition and Collaboration. Key Recommendations

### For NIWA:

Transition Guidelines: Craft concise guidelines for businesses to transition under NIWA's authority, with provisions for recognizing existing operations to ensure smooth adaptation.

### Consultative Platform:

Initiate a platform for dialogue with states and businesses to address transitional challenges, promoting mutual understanding and compliance.

### For State Governments:

Regulatory Adjustment: Align local activities with

federal laws, collaborating with NIWA to ensure a harmonized approach to waterway management.

Business Support: Act as intermediaries for businesses adjusting to new regulations, facilitating a smooth transition process.

### For Businesses:

Proactive Engagement: Businesses should actively liaise with NIWA to understand new compliance requirements and ensure uninterrupted operations.

Collaborative Efforts: Engage in dialogue with regulatory bodies to navigate the transition, contributing to a regulatory environment that supports business growth.

### Establishing a Cooperative Framework:

A collaborative regulatory framework is essential, balancing regulatory mandates with operational viability. This involves ongoing dialogue, adaptable policies, and a collective effort to foster the sustainable development of the inland waterways sector.

Elevate Your Strategy with SimmonsCooper Partners  
The recent regulatory changes require clear, actionable advice and strategic foresight. SimmonsCooper Partners is equipped to guide you through these adjustments with direct legal advice and effective strategies. Our focus includes navigating grandfathering rights, ensuring compliance with new regulations, and facilitating effective cooperation among stakeholders.

### Take Action Now:

For a tailored consultation, deeper insights, or any inquiries on how these developments affect your operations, visit us at [www.scp-law.com](http://www.scp-law.com) or reach out directly at [info@scp-law.com](mailto:info@scp-law.com).