

The Controversial Jurisdiction of the National Industrial Court of Nigeria over Labour-Related Maritime Claims: A Comparative Analysis

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Abstract

The jurisdiction of the National Industrial Court of Nigeria (NICN) over labour-related maritime claims is a subject of growing interest and legal debate. While the NICN enjoys exclusive jurisdiction over labour and employment matters under section 254(C) of the 1999 Constitution of Nigeria (as amended), its jurisdiction over maritime labour disputes remains a grey area. This article explores the tension between the NICN's mandate and the Admiralty Jurisdiction Act, which grants the Federal High Court exclusive jurisdiction over maritime claims, including those that are labour-related. The article also examines comparative jurisdictions, specifically India and South Africa, where similar maritime labour claims are adjudicated. Apart from sharing a common-law heritage with Nigeria, these countries are all developing economies in which the courts routinely entertain labour-related maritime claims. The article offers recommendations to address the jurisdictional conflict in Nigeria, advocating for legal clarity to enhance access to justice for maritime workers and to harmonise judicial practices across the courts.

Keywords

jurisdiction, labour-related maritime claims, National Industrial Court of Nigeria, Federal High Court, maritime sector, labour rights, conflicts

1. Introduction

The maritime sector plays a critical role in Nigeria's economic and legal landscape, accounting for over 90% of the country's international trade.¹ Within this dynamic sector lies a distinct category of legal claims – maritime labour disputes – that concern the rights and obligations of seafarers, dockworkers, shipowners, and other key stakeholders.² These claims are not merely ancillary to commercial shipping; they are foundational to the sector's human infrastructure. As such, they merit clear legal pathways for adjudication and

- 1 Intelpoint 'In Q4 2024, More than 98% of Exports and 90% of Imports were Transported through Maritime' <<https://intelpoint.co/insights/in-q4-2024-more-than-98-of-exports-and-90-of-imports-were-transported-through-maritime/>> accessed 16 June 2025.
- 2 Ibid.

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enforcement. However, Nigeria's judicial architecture presents a perplexing jurisdictional puzzle in this regard.³ At the heart of the confusion is the apparent overlap between the jurisdiction of the National Industrial Court of Nigeria (NICN) and the Federal High Court (FHC). On the one hand, the NICN, empowered by the 1999 Constitution (as amended)⁴ and the National Industrial Court Act, 2006,⁵ enjoys exclusive jurisdiction over matters relating to labour, employment, trade unions and industrial relations. On the other hand, the FHC retains exclusive competence over admiralty and maritime claims pursuant to section 251(1)(g) of the Constitution and the Admiralty Jurisdiction Act (AJA).⁶

The dilemma is most visible in employment contracts involving seafarers and maritime labourers, where the line between labour law and admiralty law becomes increasingly blurred.⁷ For instance, section 2(3)(r) of the AJA expands the FHC's jurisdiction to include claims brought by a ship's master or crew member in respect of unpaid wages or any other payment owed to them by an employer – whether arising under an employment contract, statute or even the law of a foreign country. However, section 254C(1)(a) of the 1999 Constitution vests the NICN with exclusive jurisdiction over all labour-related disputes. This duality raises critical jurisprudential and procedural questions:⁸ first, which court has final jurisdiction when a maritime employee sues for unpaid wages or unfair dismissal? And second, is the nature of the contract – maritime or labour – the determining factor, or is it the nature of the claim itself?

Judicial interpretations have not always been consistent. Some decisions have interpreted maritime employment disputes strictly as admiralty matters, thus falling within the jurisdiction of the FHC. Others have upheld the NICN's competence over such disputes, particularly where the substance of the claim is rooted in labour rights rather than maritime commerce.⁹ The absence of doctrinal coherence has led to forum shopping, procedural delays and the risk of conflicting decisions, undermining the effective enforcement of maritime labour rights in Nigeria. Complicating this further is Nigeria's international obligation under conventions such as the Maritime Labour Convention 2006 (MLC 2006), which mandates accessible and fair legal remedies for maritime workers.¹⁰

3 Oluwakayode, A 'Navigating Jurisdictional Turbulence on Maritime and Civil Aviation Labour Claims in Nigeria: Federal High Court versus National Industrial Court Controversies' (2024) 24(2) *Global Journal of Human-Social Sciences* 23.

4 Constitution of the Federal Republic of Nigeria, 1999 Third Alteration Act, s 254(C).

5 National Industrial Court, 2006, s 7.

6 Admiralty Jurisdiction Act, 1991, s 2.

7 Aruno, S & Anish, B 'Interface of Maritime Law and Labour Laws: A Critical Study' <https://www.researchgate.net/publication/390194523_An_Interface_Of_Maritime_Law_And_Labour_Laws_A_Critical_Study> accessed 16 June 2025.

8 Davis, JP 'Legality, Morality, Duality – Utah Law Digital Commons' <<https://dc.law.utah.edu.cgi>> accessed 16 June 2025.

9 See *Assurance Foreningen Skuld (Giensidig) v MT Clover Pride & Palm Spring Global Ltd* (Unreported) Suit No FHC/L/CS/1807/2017; *Akuroma Stephen v Seateam Offshore Ltd* Suit No NICN/PHC/124/1017; *The Vessel MT Sam Purpose v Amarjeet Singh Bains & Others* Appeal No CA/LAG/CV/419/2020.

10 Article V of the MLC 2006 and reg 13 of the Convention's enforcement framework oblige member states to ensure that both seafarers and shipowners enjoy equal legal protection by putting in place appropriate enforcement mechanisms for dispute resolution.

The jurisdictional uncertainty arguably impairs the realisation of such obligations, especially when procedural technicalities overshadow substantive justice.¹¹

This article interrogates the scope and limits of the NICN's jurisdiction over labour-related maritime claims by analysing the relevant constitutional and statutory provisions, judicial pronouncements, and procedural norms governing both the NICN and the FHC. Furthermore, the article draws on comparative perspectives from India and South Africa. Apart from sharing a common law heritage with Nigeria, these countries are developing economies in which labour-related maritime claims are commonly heard by their respective courts. In India, High Courts typically hear labour-related maritime claims involving seafarers under the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017. Labour courts, established under the Industrial Disputes Act, 1947, rarely cover seafarers, who often fall outside the Act's definition of 'workmen'. As a result, employment disputes in the maritime sector are largely handled within admiralty jurisdiction.

In South Africa, labour-related maritime claims are handled by high courts exercising their admiralty jurisdiction, not labour courts.¹² The Admiralty Jurisdiction Regulation Act 105 of 1983 governs all maritime claims, and employment-related disputes are included within that definition.¹³ These jurisdictions offer instructive lessons for reforming Nigeria's judicial approach to maritime labour disputes. The central thesis of this article is that the resolution of this jurisdictional ambiguity is not a mere procedural concern but a substantive issue with wide-reaching implications for the protection of maritime labour, judicial efficiency and Nigeria's international reputation.

2. The concept of jurisdiction

In legal discourse, jurisdiction refers to a court's authority or competence to hear, adjudicate, and determine disputes brought before it. It is not merely procedural; it goes to the very foundation of the adjudicatory process.¹⁴ Without jurisdiction, a court's decision, however sound in reasoning, is a nullity.¹⁵ This principle is deeply rooted in Nigerian jurisprudence. In the *locus classicus* of *Madukolu v Nkemdilim*,¹⁶ the Supreme Court famously held that for a court to have jurisdiction: (a) the court must be properly constituted with respect to the number and qualifications of its members; (b) the subject matter of the case must be within its jurisdiction; (c) the case must have been initiated by due process; and (d) any condition precedent must have been fulfilled such as issuance of statutory notices before the commencement of action. These four requirements continue to serve as the foundation for all jurisdictional analysis in Nigerian law and have received considerable judicial validation.

11 In 2013, Nigeria ratified the MLC 2006 and therefore the provisions of the Convention became applicable in Nigeria <<https://www.ilo.org/resource/news/nigeria-ratifies-maritime-labour-convention-2006-mlc-2006>> accessed 18 June 2025.

12 Admiralty Jurisdiction Regulation Act 105 of 1983, s 6.

13 *Ibid*, s 1(1)(n).

14 *AG Federation v Guardian Newspaper Ltd* (1999) 9 NWLR (Pt 618) 187 SC.

15 *Skye Bank v Victor Iwu* (2017) 16 NWLR (Pt 1590) 24; *Bot v Jos Electricity Distribution Plc* (2021) 15 NWLR (Pt 1654) 395; *AG Lagos State v Dosunmu* (1989) 3 NWLR (Pt 111) 552.

16 (1962) 2 SCNLR 341.

A crucial aspect of jurisdictional analysis in Nigerian law is the distinction between procedural and substantive jurisdiction. While both concern a court's legal competence to adjudicate a matter, they operate at different levels of legal authority and have distinct legal consequences.¹⁷ Procedural jurisdiction refers to the rules and conditions that govern the method or manner in which a court's jurisdiction is to be invoked.¹⁸ These may include requirements such as service of court processes outside jurisdiction without leave of court, issuance of pre-action notices, or the observance of statutory time frames for filing actions. The key feature of procedural jurisdiction is that it does not go to the existence of the court's power to hear the case, but rather to the proper exercise of that power. Accordingly, procedural jurisdiction can be waived by the party entitled to rely on the procedural protection.¹⁹ This position was comprehensively articulated in *Attorney General of Kwara State v Adeyemo*,²⁰ where the Supreme Court held that jurisdictional defects arising from procedural lapses, such as improper service or failure to comply with pre-action requirements, may be waived by the defendant and do not render the entire proceedings a nullity. The court explained that statutory conditions created for a party's benefit may be waived by that party, thereby validating the proceedings.

For example, where a statute mandates a pre-action notice before instituting a claim against a public authority, failure to serve such a notice is not necessarily fatal. If the public authority does not object at the outset of proceedings, it is deemed to have waived the requirement. Similarly, the defendant may waive the 30-day requirement under section 99 of the Sheriffs and Civil Process Act for service outside the jurisdiction. In *Kalu v Federal Republic of Nigeria*,²¹ the Court of Appeal affirmed that objections based on procedural jurisdiction must be raised in a timely manner, preferably by a preliminary objection at trial, failing which the party is deemed to have acquiesced.

In contrast, substantive jurisdiction refers to a court's authority to adjudicate a matter based on the subject matter or parties involved, as defined by the Constitution or an enabling statute. It is rooted in public policy and cannot be conferred by the parties or waived by consent.²² Where a statute or the Constitution excludes a court from hearing a particular class of cases, any proceeding conducted in violation of such exclusion is void *ab initio*, regardless of the parties' conduct.²³ In *AG Kwara v Adeyemo*, the Supreme Court reaffirmed that jurisdiction conferred by substantive law, especially where public policy is implicated, cannot be waived.²⁴ This position is well-illustrated in *Tukur v Governor of Gongola State*,²⁵ where the court held that once a court lacks substantive jurisdiction, its decision is a nullity, no matter how properly conducted.

17 Ibid.

18 *AG Anambra State v AG Federation* (1993) 6 NWLR (Pt 302) 692.

19 Ibid.

20 (2016) LPELR-41147 (SC) 14-16, paras E-C, per Rhodes-Vivour JSC.

21 (2012) LPELR-9287 (CA) 39-42, paras F-B, per Eko JCA.

22 *Bronik Motors Ltd v Wema Bank Ltd* (1983) 1 SCNLR 296; *Egunjobi v FRN* (2012) 12 NWLR (Pt 1314) 320.

23 *Osadebay v AG Bendel State* (1991) 1 NWLR (Pt 169) 525.

24 *Attorney General Kwara State v Adeyemo* (2017) 1 NWLR (Pt 1546) 210 SC.

25 (1989) 4 NWLR (Pt 117) 51.

The Supreme Court emphasised in *Ariori v Elemo*²⁶ that while procedural jurisdiction can be waived by the litigant, jurisdiction grounded in substantive law cannot be waived under any circumstances. The jurisprudential implication of this distinction is significant for jurisdictional contests between the NICN and the FHC. For instance, where a litigant files a maritime employment claim in a court without subject-matter competence, say, a labour claim in the FHC, the defect is substantive, and the court cannot assume jurisdiction even if the opposing party fails to object. Conversely, if a claim is correctly filed in a competent court but suffers a procedural irregularity (e.g. lack of pre-action notice), the defendant may choose to waive that irregularity, and the proceedings would remain valid.

Jurisdiction, though often treated as a singular concept, may be broken down into several interrelated forms, each addressing different dimensions of judicial authority. The most prominent categories are personal jurisdiction, territorial jurisdiction and subject-matter jurisdiction.²⁷ Personal jurisdiction (or jurisdiction *in personam*) concerns the court's authority over the parties to a dispute, typically grounded in the parties' presence in the forum or their voluntary submission to the court's authority.²⁸ Territorial jurisdiction refers to the geographical boundaries within which a court may validly exercise its powers and enforce its judgments.²⁹

However, subject-matter jurisdiction lies at the core of jurisdictional analysis, particularly in Nigeria's judicial framework, where constitutional and statutory instruments allocate exclusive competence to different courts based on the nature of the dispute. Subject-matter jurisdiction refers to a court's authority to adjudicate particular categories of cases, and it is strictly conferred by the Constitution or an enabling statute.³⁰ It cannot be assumed, implied, conferred by consent or waived by any of the parties. The Supreme Court has consistently emphasised that subject-matter jurisdiction is determined by the principal relief sought in a claim, not by incidental, ancillary or consequential remedies.³¹ In other words, a court's jurisdiction is assessed by examining the core subject of the dispute as disclosed in the originating processes, not by labels or secondary claims.

This doctrinal clarity becomes particularly important where two courts appear to have competing jurisdiction over a matter, as is the case with the NICN and the FHC. Section 254C(1) of the 1999 Constitution (as amended) vests the NICN with exclusive jurisdiction over labour and employment matters, including workplace disputes, unfair terminations, and employee entitlements. Section 251(1)(g) of the same Constitution grants the FHC exclusive authority over admiralty and maritime matters. In labour-related maritime disputes, such as claims by seafarers for unpaid wages or wrongful dismissal, the question of which court has subject-matter jurisdiction determines the court's competence to hear the case in the first place.³² Understanding and correctly applying jurisdictional rules is

26 (1983) 1 SC 13.

27 *AG Anambra State v AG Federation* (1993) 6 NWLR (Pt 302) 692.

28 *Ibid.*

29 *A-G, Federation v A-G, Abia State* (2001) 11 NWLR (Pt 725) 68.

30 *Tukur v Government of Gongola State* (1989) 4 NWLR (Pt 117) 517 SC.

31 *FBN Plc v Ben Segba Tech Serv Ltd* (2024) 16 NWLR (Pt 1963) 1.

32 Ng, M 'The Protection of Seafarer's Wages in Admiralty: A Critical Analysis in the Context of Modern Shipping' (2008) 22 *A&NZ Mar LJ* 133.

therefore fundamental to the administration of justice. As reaffirmed by the Supreme Court in *Elebanjo v Dawodu*,³³ where a court proceeds without jurisdiction, its entire proceedings and judgment are liable to be set aside on appeal, regardless of how well-conducted the process may have been. The doctrine of nullity attached to jurisdictional errors underscores the need to resolve such questions at the very threshold of any litigation.³⁴ In practical terms, jurisdictional certainty ensures that parties approach the correct forum from the outset, thereby reducing delays, avoiding duplicative litigation and enhancing the predictability of judicial outcomes.³⁵

This is particularly critical in maritime labour disputes, where claimants, often vulnerable seafarers, depend on swift and specialised remedies. If jurisdiction is mischaracterised or misallocated, it may result in prolonged litigation, conflicting judgments or a denial of access to justice. As held in *NDIC v CBN*,³⁶ jurisdiction is not a mere technicality but a matter of substantive justice. Given Nigeria's dual-track judicial structure, in which specialised courts like the NICN coexist with generalist courts such as the FHC, questions of subject-matter jurisdiction must be approached with doctrinal rigour and legislative clarity. Failing to do so risks undermining constitutional safeguards and creating legal uncertainty in a sector that already grapples with systemic enforcement challenges.

3. FHC jurisdiction on maritime matters

The jurisdiction of the FHC over maritime matters is firmly rooted in the combined effects of section 251(1)(g) of the 1999 Constitution (as amended), section 7(1)(d) of the Federal High Court Act³⁷ and the AJA. Section 251(1)(g) of the Constitution confers exclusive jurisdiction on the FHC in matters arising from shipping and navigation on Nigeria's inland waterways and seas, while the Federal High Court Act also vests admiralty jurisdiction in the court. The AJA further expands the scope of that jurisdiction by expressly including both proprietary and general maritime claims. Section 1(1) of the AJA provides that the admiralty jurisdiction of the FHC extends to 'any question relating to a proprietary or general maritime claim'. Within the ambit of general maritime claims, section 2(3)(r)(i) and (ii) specifically recognises claims by a master or member of the crew of a ship for wages, or any amount the employer is obliged to pay the employee, whether such obligation arises from a contract of employment or by operation of law, including foreign law.

This statutory inclusion of wage-related disputes within the FHC's admiralty jurisdiction appears, at first glance, to settle the question of the forum for labour disputes involving maritime workers.³⁸ However, the AJA is notably silent on broader employment-related

33 (2006) 15 NWLR (Pt 1001) 76, para D; (2006) All FWLR (Pt 328) 604, 638, paras G-H, per Mohammed JSC.

34 *Madukolu v Nkemdilim* (note 16).

35 *Skye Bank v Victor Iwu* (note 15).

36 (2002) 7 NWLR (Pt 766) 272.

37 CAP F12 LFN 2004.

38 Olaniwun, A 'Case Alert – Admiralty Jurisdiction of the Federal High Court Does Not End Upon the Discharge of Cargo From a Vessel' <<https://www.olaniwunajayi.net/blog/case-alert-admiralty-jurisdiction-of-the-federal-high-court-does-not-end-upon-the-discharge-of-cargo-from-a-vessel/>> accessed 20 June 2025.

claims, such as wrongful dismissal, redundancy, workplace discrimination, or unfair labour practices, all of which fall squarely within the exclusive jurisdiction of the NICN under section 254C(1) of the 1999 Constitution. This constitutional provision, introduced by the Third Alteration Act 2010, significantly restructured the Nigerian judicial landscape by conferring exclusive jurisdiction on the NICN in all matters relating to labour, employment, trade unions, industrial relations and the workplace.

This overlap between the FHC's admiralty jurisdiction and the NICN's labour jurisdiction becomes particularly problematic in cases involving maritime labour claims.³⁹ For instance, where a seafarer seeks redress for unpaid wages, the FHC may have jurisdiction under the AJA. However, if the same seafarer also claims unfair termination or breaches of statutory labour protections, the case may properly belong before the NICN. The existing statutory framework does not provide sufficient clarity to resolve such dual-natured claims, leading to potential forum shopping, conflicting decisions or even jurisdictional paralysis.⁴⁰

This jurisdictional ambiguity echoes the legacy of *Savannah Bank v Pan Atlantic Shipping & Anor*,⁴¹ where the Supreme Court issued a definitive pronouncement that the FHC possesses exclusive jurisdiction over admiralty matters to the exclusion of the State High Courts.

However, recent jurisprudence has witnessed the emergence of a trend: the categorisation of certain maritime-related transactions as 'simple contracts' and, by that reasoning, as falling outside admiralty jurisdiction.⁴² This development has allowed some claims to be entertained by the State High Courts, despite their apparent maritime character. For instance, in *Chevron (Nig) Ltd v Lonestar Drilling (Nig) Ltd*,⁴³ the Supreme Court held that a breach of contract involving the transportation of a rig by sea did not constitute an admiralty matter, as the claim was framed purely in contract. Similarly, in *Ports & Cargo Handling Services Ltd v Migfo (Nig) Ltd*,⁴⁴ contracts involving the sea carriage of X-ray and prosthetic equipment were treated as 'simple contracts' within the jurisdiction of the State High Court. While some of these cases predate the AJA or arose under concurrent jurisdiction regimes, they nonetheless raise lingering concerns.⁴⁵ Given that neither the Constitution nor the AJA expressly excludes simple contracts from admiralty coverage, provided that the subject matter falls within the defined maritime scope, these decisions have arguably opened a grey area that could erode the exclusivity and coherence of the admiralty jurisdiction originally intended for the FHC.

Nigerian appellate courts have, over time, articulated a consistent judicial stance affirming the FHC's jurisdiction in maritime matters, particularly under the AJA. While this affirmation is clear in general admiralty contexts, it remains less settled when labour-related

39 Ibid.

40 Ani, C 'Delineating Jurisdictional Indicators of Maritime Claims in Nigeria: The Case of Unpaid Crew Wages of the Vessel Mt Sam Purpose (Ex Mt Tapti)' (2021) 3 *International Review of Law & Jurisprudence* 74.

41 (1987) 1 NWLR (Pt 49) 212.

42 Ani (note 40).

43 (2007) 16 NWLR (Pt 1059) 168.

44 (2013) 3 NWLR (Pt 1333) 555.

45 Ibid.

maritime claims are involved. Nonetheless, decisions such as *Ports and Cargo Handling Services Co Ltd & Ors v MIGFO (Nig) Ltd*,⁴⁶ *Brawal Shipping (Nig) Ltd v Extraction and Commodity Services Ltd*,⁴⁷ *KLM Royal Dutch Airlines v Kumzhi*⁴⁸ and *Alraine Shipping Ltd v Endura Auto Chemicals*⁴⁹ collectively emphasise the courts' broad interpretation of the FHC's admiralty jurisdiction. In these cases, the courts appeared to adopt an expansive view, recognising maritime jurisdiction even in matters involving contractual claims related to sea carriage and operations. However, these rulings often do not fully engage with the complexities introduced by the 2010 constitutional amendment, particularly the NICN's exclusive jurisdiction over labour and employment matters. Therefore, while the case law provides strong judicial support for the FHC's authority in maritime contexts, it also invites further examination as to how courts ought to treat hybrid claims that straddle both maritime and employment law.

The practical and doctrinal tension between the AJA and the 1999 Constitution raises broader concerns about jurisdictional coherence and access to justice in maritime labour claims. While the AJA remains a foundational statute governing maritime commerce and shipping in Nigeria, its application to employment-related disputes, such as claims for unpaid wages, wrongful termination or abandonment, remains problematic. The AJA does not account for the procedural flexibility or sector-specific remedies available in the NICN, which, under its 2017 Civil Procedure Rules,⁵⁰ provides for mechanisms such as alternative dispute resolution, expedited hearings, and labour-sensitive remedies. Thus, even when the FHC is vested with technical jurisdiction under the AJA, particularly in financial entitlements, the NICN may be better positioned to holistically adjudicate maritime employment disputes.⁵¹ This friction came into sharp relief in *Assurance Foreningen Skuld (Gjensidig) v MT Clover Pride & Palm Spring Global Ltd*,⁵² where the FHC itself declined jurisdiction in favour of the NICN. Despite the maritime context, the court recognised that the substance of the claim – crew wages and repatriation – was fundamentally labour-related. Relying on section 254C(1)(a) and (k) of the Constitution, the court held that only the NICN had the constitutional authority to determine the matter.

Given this jurisprudential trajectory, Nigerian courts ought to be guided by the well-established principle that subject-matter jurisdiction is determined by the primary relief sought, not merely by the setting in which the dispute arises.⁵³ Claims made and relief sought by the claimant in a matter determine the issue of a court's jurisdiction.⁵⁴

46 (2009) 11 NWLR (Pt 1153) 611.

47 (2001) 14 NWLR (Pt 732) 172.

48 (2004) 8 NWLR (Pt 875) 231.

49 (2002) FWLR (Pt 96) 486.

50 National Industrial Court of Nigeria (Civil Procedure) Rules 2017 <<https://www.nicnadr.gov.ng/national-industrial-court-of-nigeria-civil-procedure-rules-2017.pdf>> accessed 2 July 2025.

51 *Ibid.*

52 (Unreported) Suit No FHC/L/CS/1807/2017.

53 *WRPC Ltd v Agbuje* (2005) 4 NWLR (Pt 917) 860; *Mobil Oil (Nig) Plc v Kena* (2000) 1 NWLR (Pt 695) 555.

54 Chike, BO 'Jurisprudence of Jurisdiction and the Rules Regulating Acquisition of Jurisdiction' (2025) 5(1) *De Juriscope Law Journal* 150.

Where the dominant claim concerns employment rights, whether unpaid wages, workplace injury or wrongful dismissal, the NICN is the appropriate forum, even where the facts involve ships, crew or offshore operations. However, judicial approaches differ.⁵⁵ While some appellate courts continue to emphasise the FHC's statutory authority under the AJA, others have adopted a more purposive interpretation that places labour disputes within the NICN's mandate.⁵⁶ In the absence of definitive Supreme Court guidance reconciling these approaches, particularly after the Third Alteration Act, this unresolved overlap perpetuates legal uncertainty, fosters forum shopping, and risks denying maritime workers timely and specialised relief within Nigeria's bifurcated judicial framework.

4. NICN jurisdiction and the Third Alteration Act 2010

The NICN was originally established under the Trade Disputes Act of 1976 to adjudicate trade union and industrial relations disputes.⁵⁷ However, its authority was limited, and for decades the court functioned more as a tribunal, rather than a fully-fledged superior court of record. That position changed dramatically with the enactment of the 1999 Constitution (Third Alteration) Act 2010, which elevated the NICN to the status of a superior court of record under the Constitution and granted it exclusive jurisdiction over a wide range of labour and employment-related matters.

Specifically, section 254C(1) of the 1999 Constitution (as amended) provides that the NICN shall have exclusive jurisdiction in civil causes and matters 'relating to or connected with any labour, employment, trade unions, industrial relations and matters arising from the workplace.' This jurisdiction encompasses claims for unfair dismissal, redundancy, wages, benefits, workplace discrimination and other statutory employee rights, including those conferred by international labour conventions ratified by Nigeria.⁵⁸ The scope of the NICN's jurisdiction was deliberately expanded to reduce the fragmentation of labour litigation and to develop judicial expertise in employment law. However, the broad language of section 254C(1) has created interpretative tension when labour disputes arise within sectors already governed by other constitutionally recognised jurisdictions, most notably the FHC, which under section 251(1)(g) of the Constitution has exclusive jurisdiction over admiralty matters. This overlap is particularly pronounced in labour-related maritime claims, where seafarers and offshore workers pursue employment claims (such as unpaid wages or wrongful dismissal) arising from contracts that also involve maritime transactions governed by the AJA.

55 Ibid.

56 *The Vessel MT Sam Purpose v Amarjeet Singh Bains & Ors* (Unreported) Appeal No CA/LAG/CV/419/2020; *Maritime Workers Union of Nigeria v Intels Nigeria Limited and Associate Maritime Services Limited* Appeal No NICN/LA/177/2023; *Akuroma Stephen v Seateam Offshore Limited* NICN/PHC/124/2107.

57 National Industrial Court of Nigeria 'History' <<https://nicnadr.gov.ng/history>> accessed 4 July 2025.

58 Some of the International Labour Organisation (ILO) Conventions ratified and applicable in Nigeria include: Freedom of Association and Protection of the Right to Organise Convention, 1948; Right to Organise and Collective Bargaining Convention, 1949; Occupational Safety and Health Convention, 1981; Termination of Employment Convention, 1982. See <<https://www.ilo.org/>> accessed 20 July 2025.

The result is a jurisdictional grey area: while the NICN clearly has authority over employment-related claims, such as wrongful termination or breach of workplace rights, the FHC may also assert jurisdiction on the basis that the contract of employment is linked to maritime activity, vessel operation, or claims arising from the carriage of goods and services by sea. Courts have responded inconsistently. In some cases, maritime labour claims, particularly those involving crew wages, were considered admiralty claims. In other cases, courts have leaned toward the NICN's authority based on the substance of the dispute.⁵⁹

This jurisdictional uncertainty has practical consequences. Litigants, especially vulnerable seafarers and dockworkers, may be left unsure of where to file claims, leading to prolonged disputes, duplicated proceedings or jurisdictional objections that delay substantive justice. Furthermore, the lack of clear judicial criteria for allocating such disputes between the NICN and the FHC raises concerns about access to justice and judicial economy. Given this, the challenge is not merely doctrinal but also systemic. It is submitted that the courts must develop a coherent framework for resolving jurisdictional contests in maritime employment contexts. Until such guidance emerges, whether through Supreme Court pronouncements or legislative clarification, the tension between the expansive labour jurisdiction of the NICN and the admiralty competence of the FHC will continue to test the coherence of Nigeria's constitutional court system.

5. NICN jurisdiction on labour-related issues in maritime matters

The emergence of the NICN as a constitutionally recognised superior court of record following the 2010 Third Alteration Act has significantly reshaped the landscape of employment adjudication in Nigeria. Section 254C(1) of the Constitution now grants the NICN exclusive jurisdiction over civil causes and matters connected with labour, employment, industrial relations and workplace rights. However, the interaction between this expansive mandate and the FHC's existing jurisdiction, particularly in matters touching on maritime labour, has generated considerable tension within the judicial system. This jurisdictional tension is particularly acute in cases involving seafarers, offshore workers and dock labourers whose employment relationships are rooted in maritime operations. While the AJA and section 251(1)(g) of the Constitution vest the FHC with exclusive jurisdiction over admiralty matters, including claims for crew wages and contracts of carriage by sea, the NICN has increasingly asserted jurisdiction in cases where the primary grievance arises from the employment relationship rather than from maritime commercial activity per se.

Notable jurisprudence from the NICN supports this interpretative approach. In *Maritime Workers Union of Nigeria v Intels Nigeria Limited and Associate Maritime Services Limited*,⁶⁰ a recent case referred by the Minister of Labour and Employment under section 14(1) of the Trade Disputes Act, the NICN assumed jurisdiction to resolve an objection raised by the Maritime Workers Union of Nigeria against an arbitral award issued by the Industrial Arbitration Panel (IAP). A key issue in the case was whether the NICN has the

59 See *Assurance Foreningen Skuld (Giensidig) v MT Clover Pride & Palm Spring Ltd, and others* (note 9) and *Ani* (note 40).

60 Appeal No NICN/LA/177/2023.

jurisdiction to entertain matters that border on contracts for service. The matter, rooted in maritime employment relations, illustrates the NICN's role as the final adjudicator in trade disputes, including those involving dockworkers and maritime employers. The referral mechanism and subsequent proceedings reaffirm the NICN's exclusive jurisdiction over collective labour disputes in the maritime sector.

The decision by the NICN, Port Harcourt Judicial Division, in *Akuroma Stephen v Seateam Offshore Ltd*,⁶¹ clarifies the scope of the NICN's jurisdiction over maritime labour disputes. The claimant, a seafarer, sought compensation for injuries sustained during offshore operations. In response, the defendant challenged the court's jurisdiction via a preliminary objection, arguing that the claim arose within the context of maritime activity and therefore fell exclusively under the admiralty jurisdiction of the FHC pursuant to section 2(3)(c), (d) and (r) of the AJA. The NICN, per Justice Polycarp, dismissed the objection and held that the court's constitutional jurisdiction under section 254C of the 1999 Constitution (as amended by the Third Alteration Act) overrides any contrary statutory provision in the AJA. The court further declared the relevant provisions of the AJA void to the extent of their inconsistency with the Constitution, reaffirming that matters concerning workplace safety, injury and employer negligence, even in a maritime setting, fall squarely within the NICN's exclusive labour jurisdiction.⁶² This ruling reinforced the NICN's authority over employment-related claims involving seafarers, and marked an important development in asserting constitutional supremacy over conflicting statutory maritime frameworks.

This position was ultimately affirmed by the Court of Appeal in the landmark case of *The Vessel MT Sam Purpose v Amarjeet Singh Bains & Ors*.⁶³ In interpreting section 254C(1)(a) and (k) of the 1999 Constitution (as amended), the court adopted a literal and purposive approach, holding that the NICN has exclusive jurisdiction over all labour and employment-related matters, including those arising in the maritime sector. The court emphasised that where the principal claim in an action concerns the rights, entitlements or conditions of employment, such as crew wages, it falls within the constitutional purview of the NICN, notwithstanding its maritime context.

Importantly, the court also addressed the argument that section 91 of the Labour Act excludes seafarers from the definition of 'workers'. It held that this statutory definition does not override the express constitutional grant of jurisdiction to the NICN under section 254C. Furthermore, by invoking the supremacy clause in section 1(3) of the Constitution, the court affirmed that any provision of law, including the AJA or the Merchant Shipping Act, that purports to confer jurisdiction contrary to the Constitution is null and void to the extent of its inconsistency. In doing so, the court cited with approval the decision in *Assurance Foreningen Skuld v MT Clover Pride & Palm Spring Global Ltd*,⁶⁴ where the FHC had declined jurisdiction over a claim for crew wages and directed such claims to the

61 NICN/PHC/124/2017.

62 The Nigeria Lawyer 'Court Voids Part of Admiralty Act, Insists on Taking Seaman's Case' <<https://thenigerialawyer.com/court-voids-part-of-admiralty-act-insists-on-taking-seamans-case/>> accessed 5 July 2025.

63 Note 56.

64 Note 9.

NICN. The Court of Appeal thus reaffirmed that where the substance of a dispute pertains to labour rights, the maritime context does not divest the NICN of its constitutionally entrenched authority.⁶⁵ This reasoning aligns with broader judicial trends that reinforce the NICN's primacy in employment-related litigation and signals a narrowing of the FHC's admiralty jurisdiction where labour issues are central.

Building on the Court of Appeal's reasoning in *MT Sam Purpose v Amarjeet Singh Bains*,⁶⁶ a significant jurisprudential shift is evident: employment-related disputes in the maritime context, particularly claims for wages, wrongful termination or occupational safety, clearly fall within the constitutional remit of the NICN. However, this constitutional clarity remains in uneasy tension with Nigeria's extant statutory framework. Notably, the AJA still enumerates crew wage claims and contracts of service aboard vessels as matters that fall within the exclusive jurisdiction of the FHC. This dissonance between constitutional amendment and legislative inertia has created a normative vacuum. Without corresponding updates to the AJA or harmonisation of related statutes, Nigerian courts are routinely forced to interpret jurisdictional questions on an *ad hoc* basis. The dominant-relief test, in which courts determine jurisdiction based on the primary substance of the claim, has emerged as a pragmatic yet imperfect tool for resolving these disputes. However, it is no substitute for legislative or apex court clarity. This interpretative gap places an undue burden on litigants, particularly vulnerable seafarers, who may be caught between competing forums. In some cases, they risk dismissal on purely procedural grounds, despite the substantive merit of their claims. It also fosters uncertainty among employers and maritime operators regarding where their obligations must be adjudicated.

While the NICN has, in recent years, taken firm jurisdictional positions over maritime employment disputes, and the Court of Appeal has begun to back this approach, a definitive resolution remains elusive. Absent a Supreme Court pronouncement or comprehensive statutory reform aligning the AJA with the Third Alteration Act, these jurisdictional tensions will persist. Until such clarity is achieved, maritime workers' access to justice will continue to depend more on interpretative fortune than legal certainty.

6. Comparative analysis: India and South Africa

Numerous countries have walked the same path that Nigeria is now negotiating, and while there are obvious differences in geography and economic structure, the shared colonial heritage and the trajectory of colonial laws influencing our jurisprudence provide a basis for comparison.⁶⁷ Admiralty law has always been the subject of jurisdictional conflict and uncertainty. This was the position in India when the Supreme Court, in *MV Elisabeth & Ors v Harwan Investment and Trading Pvt*,⁶⁸ a landmark but highly controversial decision, held that the Admiralty Court Act of 1861 could not be relied upon to vest admiralty and

65 Ibid.

66 *The Vessel MT Sam Purpose v Amarjeet Singh Bains & Ors* (note 56).

67 Ogunjewo, H 'Colonial Heritage and Nigeria's Struggle for Nationhood' <<https://api-ir.unilag.edu.ng/server/api/core/bitstreams/27ec6719-87c2-4861-a9b1-144ac8f95880/content>> accessed 25 July 2025.

68 1993 AIR 1014.

maritime jurisdiction, while extending the jurisdiction to entertain admiralty claims to all high courts in India.

Originally, only three high courts had jurisdiction to entertain admiralty claims in India, which was problematic for small ports and coastal communities, which had to spend scarce resources commuting long distances to resolve maritime claims.⁶⁹ The rationale behind the Supreme Court's pronouncement is simple: the Admiralty Court Act was a vestige of colonialism, warping economic progression in the country, especially in the maritime industry.⁷⁰ But this decision would usher in an era of judicial uncertainty about which court could determine admiralty cases, including the ones overlapping with labour law, such as the payment of seafarers' wages and other employment issues.

South Africa's journey is also clear evidence of forum shopping. The English Colonial Courts of Admiralty Act of 1890, which granted every court in a British possession unlimited civil jurisdiction and the status and jurisdiction of a Colonial Court of Admiralty, made the uncertainty in the South African system abundantly clear. Even after South Africa became a republic in 1961, the Supreme Court continued to apply the 1890 Admiralty Act, creating an uneven legal system in which admiralty claims could be resolved under the common law or the Admiralty Act.⁷¹ This flaw and the problematic definition of 'maritime claims' led to the need to draft an Act that specified which courts have the authority to consider admiralty claims and at what point they can step into the arena of labour law.⁷² Given the aforementioned and the changes the legal reforms have brought to the jurisdictional certainty of admiralty claims in South Africa and India, it is important to examine what lessons can be learnt from these two countries.

6.1 India's road to a unified admiralty jurisdiction

An investigation of India's admiralty and maritime claims trajectory must begin with the Admiralty Court Act of 1861, which served as the genesis of colonial laws governing maritime claims in India. Three main laws are relevant to this discourse: The Admiralty Act of 1861 gave only three courts the jurisdiction to hear maritime claims (Bombay, Calcutta and Madras), which were said to have unlimited jurisdiction like the then High Court of England; the Colonial Courts of Admiralty Act of 1890 provided the institutional architecture for deploying the Admiralty Act across colonies; and the Colonial Courts of Admiralty (India) Act of 189 specifically applied to India. India's colonial admiralty jurisdiction was very rigid and cumbersome for many stakeholders in the maritime sector.

The need to address this rigidity led to the enactment of the Admiralty Jurisdiction and Settlement of Maritime Claims Act, 2017, which allowed parliament to expand admiralty

69 Casemine 'Broadening Admiralty Jurisdiction: Insights from *MV Elisabeth v. Harwan Investment and Trading Pvt. Ltd*' <<https://www.casemine.com/commentary/in/broadening-admiralty-jurisdiction:-insights-from-m.v-elisabeth-v.-harwan-investment-and-trading-pvt.-ltd./view>> accessed 21 July 2025.

70 Ibid.

71 Wagener, M 'South African Admiralty and Its English Origin – Will It Jump or Must It Be Pushed?' (2005) 36(1) *Journal of Maritime Law and Commerce* 61.

72 Ibid.

jurisdiction to any court while also designating five other courts with jurisdiction to hear maritime claims in India, as seen in section 2(e) of the Act.⁷³ Section 3 of the Act vests the aforementioned high courts in section 2(e) with the exclusive jurisdiction to hear admiralty claims. Although this may have been broad and took into consideration India's unique geographic features, there is no indication that these courts possessed the technical know-how of a specialised admiralty or maritime claims court.

Furthermore, section 4 of the Admiralty Act of 2017 specifically delineates what constitutes a maritime claim. For the purpose of this article, section 4(1)(o) provides that the court may exercise jurisdiction to hear and to determine any question on a maritime claim arising out of any 'claim by a master or member of the crew of a vessel or their heirs and dependents for wages or any sum due out of wages or adjudged to be due which may be recoverable as wages or cost of repatriation or social insurance contribution payable on their behalf or any amount an employer is under an obligation to pay to a person as an employee, whether the obligation arose out of a contract of employment or by operation of law'. This provision clearly fuses pure admiralty claims and labour cases arising out of maritime or admiralty issues. The Act's unambiguous position regarding the courts that have the authority to consider these claims suggests that parliament intended for there to be a single point of contact for all admiralty-related claims, regardless of the labour aspects.

It appears to be settled in India that any dispute related to a maritime claim, whether or not it is related to employment, will fall under the purview of admiralty claims, and therefore will remain within the exclusive jurisdiction of the high courts listed in section 2(e) of the Admiralty Act, 2017, despite the fact that labour courts in India normally have the authority to hear general employment-related disputes between employers and employees. Though some have argued for specialised admiralty courts in India in line with the tenets of the MLC 2006, the approach in the 2017 Act has brought some level of jurisdictional certainty to the admiralty and maritime claims arena.⁷⁴ It is equally important to note that the mention of the central government's right to designate other high courts as courts with substantive admiralty jurisdiction ensures that they can respond to nascent challenges in the maritime sector.⁷⁵

Evidently, Nigeria can draw some lessons from India. Instead of the legal ping-pong that exists in Nigeria's jurisprudence, the country can follow India's bold steps by amending its laws to clearly vest jurisdiction to hear labour-related maritime claims in the FHC, which already handles complex maritime issues. The FHC should have a dedicated maritime labour section that interacts with the NICN on mechanisms and best practices

73 High Court of Bombay, Calcutta, Madras, Karnataka, Gujarat, Orissa, Kerala, and the High Court of Judicature at Hyderabad for the state of Telangana and the state of Pradesh and any other High Court, as may be notified by the Central Government for the purposes of the Act. See Ipleaders 'The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017' <<https://blog.ipleaders.in/admiralty-jurisdiction-settlement-maritime-claims-2017/>> accessed 25 July 2025.

74 Shyam, D 'Admiralty Jurisdiction in India: Pre and Post Elizabeth' (2007) 49(1) *Calcutta Law Journal* 81; Mohit, S 'Assessment of Role of Admiralty Courts in India in Protecting Abandoned Seafarers Onboard Vessels in Indian Ports' (2022) 11(2) *Transactions on Maritime Science* 5.

75 *Ibid.*

for resolving diverse employment disputes. Alternatively, Nigeria may consider vesting exclusive jurisdiction over labour-related maritime claims in the NICN by amending the Constitution to explicitly exclude such claims from the scope of admiralty matters reserved for the FHC. This would effectively resolve the ongoing constitutional ambiguity regarding the appropriate forum for adjudicating maritime labour disputes. However, even with such an amendment, judicial clarity would remain essential, and it would fall to the Supreme Court to provide authoritative interpretation that establishes binding precedent for the lower courts and ensures the consistent application of the law.

6.2 The South African framework: Admiralty Jurisdiction Regulation Act 105 of 1983

South Africa's story is markedly different from India's approach. South Africa modernised its admiralty law system 34 years earlier than India and emphasises the importance of defining maritime claims in the Admiralty Jurisdiction Regulation Act. In South Africa, employment-related disputes may fall under admiralty jurisdiction if they constitute maritime claims, as defined by the Admiralty Jurisdiction Regulation Act. This means disputes concerning a ship, its operation, or maritime activities could be subject to admiralty law and the jurisdiction of the high court's admiralty division. However, the application of admiralty jurisdiction to employment disputes is not straightforward and depends on the specific nature of the claim and its connection to maritime activities.

Section 1(1)(n) of the Admiralty Jurisdiction Regulation Act provides that a maritime claim is 'any claim by a master or member of the crew of a ship arising out of his employment'.⁷⁶ This definition places employment-related issues squarely within the jurisdiction of the high courts. In South Africa, however, it has been customary for the court to determine whether a dispute qualifies as a maritime claim by analysing its nature or subject matter. In cases where the dispute does not fit the Act's definition of maritime claims, the courts must rule that it falls under common-law jurisdiction and decline jurisdiction. It is important to remember that before the Act was passed, the South African High Courts used the 1861 Admiralty Court Act from the colonial era to decide cases that fell under the law's definition of admiralty issues.⁷⁷ It also permitted claims not covered by the law to be decided under Roman-Dutch law, which was broad and encompassed common law principles from England and other Western European nations.⁷⁸

This lack of certainty and the courts' omnibus approach led the Maritime Law Association of South Africa (MLASA) to push for the enactment of the Admiralty Jurisdiction Regulation Act, which brought some clarity and finally ended colonialism.

What is abundantly clear in South Africa is that there is a unified high court system with strict requirements for maritime claims. The 1983 Act provides an expansive definition of maritime claims that includes a catch-all provision. The jurisdiction of the

76 Admiralty Jurisdiction Regulation Act 105 of 1983 <https://www.gov.za/sites/default/files/gcis_document/201504/act-105-1983.pdf> accessed 25 July 2025.

77 Scott, DG (Judge of Appeal, Bloemfontein) 'Admiralty Jurisdiction in South Africa Prior to 1983' (2002) 8 *Fundamina* <https://journals.co.za/doi/abs/10.10520/AJA1021545X_57> accessed 25 July 2025.

78 Wagener (note 71).

courts is not in dispute in South Africa; what has to be determined is the subject of the dispute and whether it falls within the definition of maritime claims. It is argued that this strategy avoids the conflict that exists between Nigeria's high courts and the NICN. Instead of multiple courts obtaining jurisdiction through enabling Acts, which leads to confusion, forum shopping, and uneven jurisdiction over the same subject, the laws are clear about the primary factor in determining jurisdiction.

While some may contend that the CCMA or labour courts can hear labour-related maritime claims under section 185 of the Labour Relations Act 66 of 1995, which forbids unfair dismissal and unfair labour practices, it is argued that in cases where a prior law has expressly provided for jurisdiction in a particular subject, a new law cannot bestow jurisdiction on the same subject without repealing or amending that provision of the law. It. At best, the Labour Relations Act is only a general law for labour matters, and the issue of labour-related disputes in admiralty jurisdiction has long been settled in South Africa.

6.3 Lessons for Nigeria from India and South Africa

An examination of India and South Africa reveals the same struggles but a different approach. Section 2 of India's Admiralty Jurisdiction and Settlement of Maritime Claims Act of 2017 designates eight high courts, which have the sole authority to hear cases pertaining to maritime claims. A lesson for Nigeria is the need to be definitive about what constitutes a maritime claim. India boldly defined maritime claims to include wages or any issue arising out of any contract of employment involving a master, member or crew of a ship. India's message is that, regardless of labour aspects in maritime claims, the eight high courts exercising their admiralty jurisdiction are the only judicial bodies that can hear labour-related maritime claims.

Nigeria can adopt this position by amending the AJA to include a comprehensive definition of what constitutes a maritime claim in alignment with what already exists in section 1 of the AJA. This definition should clearly stipulate that claims arising out of employment contracts or seafarers' and crew wages will be heard by the FHC. Furthermore, the practice in South Africa is instructive for Nigeria. In South Africa, whether a dispute can be heard by the high courts or labour courts depends on its nature and subject matter. The central question in South African jurisprudence is whether the matter falls under the Admiralty Jurisdiction Regulation Act's definition of maritime claims. To the extent that the Act defines claims arising out of employment to include maritime claims, it is settled that only the high courts in South Africa can hear a labour-related maritime claim.

Crucially, the South African legal system, based on Roman-Dutch law, emphasises the importance of carefully examining claims to determine whether they qualify as maritime claims. Where any issue falls outside the *stricto sensu* scope of labour law, the courts will decline jurisdiction. This was the result of the legislative clarity brought by the Act. Nigeria must therefore choose how to paddle its canoe: whether it wants a system in which the high courts have the authority to decide maritime claims, or a bifurcated system that gives the NICN sole authority to decide labour-related maritime claims. To achieve this, Nigeria needs to define maritime claims precisely, including whether employment-related disputes are covered by this definition.

7. Conclusion

This paper has explained the persistent jurisdictional conflict between the NICN and the FHC in adjudicating maritime labour disputes. While section 254C of the 1999 Constitution (as amended by the Third Alteration Act) unequivocally vests the NICN with exclusive jurisdiction over labour and employment matters, the AJA and section 251(1) (g) of the Constitution continue to grant the FHC jurisdiction over admiralty matters, including claims related to seafarers' wages and contracts of service aboard vessels. This overlapping framework has fostered uncertainty, forum shopping, inconsistent rulings, and delays in justice delivery, undermining the legal protection and welfare of maritime workers.

Important case law has begun to clarify the issue. Decisions such as *Assurance Foreningen Skuld v MT Clover Pride*,⁷⁹ *Akuroma Stephen v Seateam Offshore Ltd*⁸⁰ and *MT Sam Purpose v Amarjeet Singh Bains*⁸¹ suggest that the Nigerian appellate courts are increasingly inclined to uphold the NICN's exclusive jurisdiction over maritime labour disputes; however, these gains are fragile if they are not reinforced by legislation. As seen in India and South Africa, resolving similar jurisdictional conflicts was achieved only through deliberate statutory reform and clarity in the definition and scope of maritime claims.

Nigeria must now choose its path. Drawing from India's legislative model, particularly the Admiralty Jurisdiction and Settlement of Maritime Claims Act, there is a strong case for amending the AJA to expressly include or exclude employment-related maritime claims from admiralty jurisdiction. South Africa's Admiralty Jurisdiction Regulation Act further demonstrates the utility of clearly defining maritime claims and vesting jurisdiction in a unified judicial forum based on the subject matter of the dispute. Accordingly, three key reforms are proposed. First, the National Assembly should amend the AJA and other relevant statutes to align with the Constitution's jurisdictional scheme, clearly indicating which court has jurisdiction over maritime employment disputes. Where labour issues are predominant, jurisdiction should lie with the NICN. Second, the Supreme Court should, at the earliest opportunity, offer an authoritative interpretation that harmonises these overlapping provisions and binds the lower courts to a unified jurisprudence. Third, the NICN could be strengthened by establishing a specialised maritime labour division, equipped with judges and registrars trained in both admiralty and employment law, thereby marrying domain expertise with constitutional mandate.

Ultimately, jurisdictional clarity is not merely a technical issue; it is foundational to the delivery of justice. For maritime workers, many of whom face hazardous conditions and frequent contractual abuse, access to an appropriate and effective forum is essential. Legislative and judicial inertia must give way to bold reform. By ensuring coherence in its legal framework and aligning with international best practices, such as those set out in the MLC 2006, Nigeria can deliver on its constitutional promise of justice for all workers, including those who labour on its waters.

79 *Assurance Foreningen Skuld v MT Clover Pride* (note 9).

80 *Akuroma Stephen v Seateam Offshore Ltd* (note 61).

81 *MT Sam Purpose v Amarjeet Singh Bains* (note 56).

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