

MACN PROJECT NIGERIA BULLETIN

The Newsletter on the MACN-CBi Port Project in Nigeria



Project Highlights from Sept - Dec 2022

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VP Osinbajo praises MACN, CBI and Government Partners on Outstanding Achievement Award 2022



Soji Apampa (CEO, CBI) presenting the Outstanding Achievement Award to H.E. Yemi Osinbajo, SAN, GCON at the State House

On November 14, 2022, the MACN Nigeria Project, represented by the Convention on Business Integrity (CBI) had the immense pleasure of presenting the *Outstanding Achievement in Collective Action Award* received during the 4th International Collective Action Conference 2022 in Switzerland to His Excellency, the Vice President of the Federal Republic of Nigeria, Prof. Yemi Osinbajo, SAN, GCON.

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During the visit to the Vice President, Mr Soji Apampa remarked that the success of the port reform project, which made the award possible, was as a result of the foresight and early intervention of the Vice President, who mandated agencies of government such as the Independent Corrupt Practices and other Related Offences Commission (ICPC) and the Nigerian Shippers Council (NSC) to work with the private sector and civil society to push forward the port reform agenda.

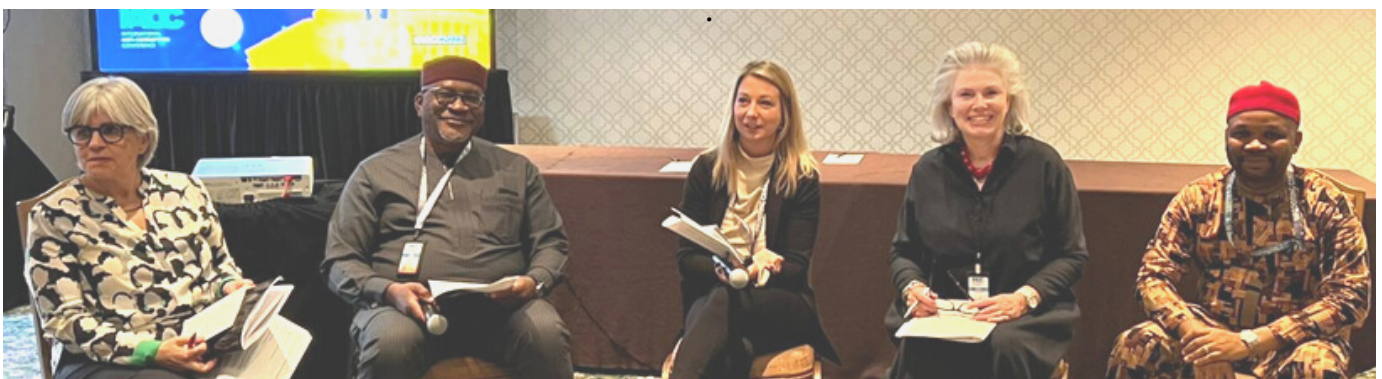
The Vice President congratulated CBI for its anti-corruption work alongside federal government agencies. He assured that the government would continue to support such initiatives that seek to improve the business environment and wider economy. Ending his remarks, the VP said, "this is cheery news of our Anti-corruption efforts; what is required now is to stay focused in the fight against corruption." He thereafter charged CBI to work towards galvanising the strength and innovation of youth towards the fight against anti-corruption.

MACN, CBI Participates at the 2022 International Anti-Corruption Conference (IACC) in Washington DC,



**INTERNATIONAL
ANTI-CORRUPTION
CONFERENCE**

The MACN and CBI were delighted to have participated at the recently concluded 2022 International Anti-Corruption Conference held in Washington DC, hosted by Transparency International. The event, held every two years, last took place in 2018 and was held online in 2020 due to the disruptions by the COVID-19 pandemic. The 2022 event themed "*Uprooting Corruption, Defending Democratic Values*" attracted over 1,500 delegates from across the world to discuss the effects of climate change, organised crime and attempts to damage public defenders, i.e. civil society activists and investigative journalists on the fight against corruption. A strong delegation from Nigeria in



From L-R: Ms. Gemma Aolfi, Basel Institute of Governance, Mr Soji Apampa, CEO, CBI, Mrs Cecilia Müller -Torbrand, CEO, MACN, Prof. Pascale Dubois, Georgetown Law School, & Mr Uche Igwe, Researcher, London School of Economics .

the public, private and civil society sectors attended the conference, including the UN Global Compact Network Nigeria, and the Independent Corrupt Practices and other Related Offences Commission (ICPC).

The MACN-sponsored session, which took place on the sidelines of the conference and on the World Anti-Corruption Day - December 9, 2022, explored how data can be used to drive Collective Action against corruption. The session featured panelists from the Basel Institute on Governance, CBI, MACN, London School of Economics, and Georgetown Law School. The panel showcased and presented the results and lessons learned from ten years of collecting data through the MACN Anonymous Incident Reporting Platform and shared experiences of how corruption data can assist the private sector actors in preventing corruption and raising the bar for integrity.

Nigeria showcased its relatively new Ports Integrity Ratings that track levels of Transparency of Operating Procedures, Consistency or otherwise of their application and Predictability or otherwise of time and cost associated with port calls (all proxies for tracking levels of corruption in Nigerian ports and terminals).

The PSTT War Against Inefficiency



NIGERIAN SHIPPERS' COUNCIL
Port Economic Regulator

"The supreme quality of leadership is unquestionably integrity. Without it, no real success is possible, whether on a section gang, on a football field, in an army, or in an office."

US President Dwight Eisenhower

On November 1-2, 2022, the leadership of the Port Standing Task Team (PSTT) reviewed the implementation of the Nigeria Port Process Manual (NPPM) with the theme, "Global Best Practices in Port Operations and the Industry Perspective" as a way of examining progress, underscoring expectations from specific stakeholders, and re-iterating what was crucial in the effort to restore integrity to port and terminal operations in Nigeria.

The two-day interactive meeting, moderated by CBI Nigeria, delivered a key message from the PSTT which sounded like the words of General S. Paton, "Lead me, follow me, or get the hell out of my way."



Key Stakeholders at the PSTT Seminar

It was clear from the meeting that the PSTT meant business and while they would support any stakeholder that needs help, they would not hesitate to discipline any actor that chose to stand in their way.

The Executive Secretary and Chief Executive of the Nigeria Shippers Council (NSC), Hon. Emmanuel Jime, opened the sessions. He made it clear that compliance with the NPPM would pave the way to efficiency in port operations in Nigeria. Hon. Jime's submission was followed by a review of the NPPM and its implementation thus far by the National Coordinator of the PSTT, Mr. Moses Fadipe. He cautioned that achieving transparency, accountability and efficiency would depend on operators reviewing their operating procedures and technology to bring them in conformity with the expectations of the NPPM.

Mr Fadipe's paper was thereafter reviewed by representatives of COMET Shipping, Five Star Logistics, Port Health Services and Nigerian Customs Apapa Command.

Other key themes discussed at the seminar covered topics such as "obligations of various actors in vessel boarding and rummaging", presented by Captain Iheanacho Ebubeogu and discussed by a panel made up of Grimaldi Shipping Agency, Nigeria Drug Law Enforcement Agency (NDLEA) and Nigeria Immigration Services.

Mr. James Olley, Former Managing Director of Maersk Nigeria, challenged those present to evaluate what it would take to have seamless, paperless operations. This resulted in a stimulating debate over the long-awaited "single window," with Mediterranean Shipping and the NPPM Implementation Committee leading the debate.

Mr Milton Ofobrukwuta took the meeting through "Understanding Terminal Operations as Enshrined in NPPM (Issues and Prospects)". He made the fascinating revelation that a terminal operator cannot charge where it has failed to provide users with what is required to complete a particular process step. There were many exchanges around sources and

causes of delays in the cargo clearance process. Representatives from PTML, Ports and Cargo, State Shippers Association, Lagos discussed this paper. This was followed by the Sector Commander of the Federal Road Safety Corps (FRSC), who presented on the “Behavioural Impact of Truck Drivers on the Traffic Gridlock in Apapa and Tin Can Ports Corridors.” This topic was discussed by representatives of the Maritime Truckers Associations - NARTO and AMATO and a representative of the truck call-up system, ETO.



The final session of the day was led by Mr Olayemi Abass, who spoke on “Dock Labour Compliance with NPPM: The Way Forward.” His paper particularly lamented the insufficient inclusion of Dockworkers in the process thus far; however, many impressions about the conditions of Dock workers were corrected by the representative of the Nigeria Ports Authority (NPA), who was able to support her claims with first-hand descriptions. Representatives of the Maritime

Workers Union of Nigeria (MWUN), AP Moeller Terminal (APMT) and Nigeria Association of Government Approved Freight Forwarders (NAGAFF) debated this equally electrifying session.

In all, over the course of two days, frank exchanges took place among stakeholders. As Albert Einstein said, “The world is dangerous, not because of those who do evil, but because of those who look on and do nothing.” That certainly is not the case with the PSTT and stakeholders in Nigeria’s Ports and Terminals.

“Joined-up” working is not the norm for Nigerian Government Agencies, so when we see a Port Standing Task Team operating as though it were one unit; this is truly a remarkable thing to behold. In the words of Harry S. Truman, “It is amazing what you can accomplish if you do not care who gets the credit.” General Colin Powell is credited with having said, “The most important thing I learned is that soldiers watch their leaders’ actions. You can give them classes and lecture them forever, but it is your personal example they will follow.”

“General Fadipe,” of the Port Standing Task Team, as he is sometimes jocularly called in secret by friends and foes alike, appears to have understood that the supreme quality of leadership is unquestionably integrity - living it, demonstrating it and demanding it and this is what we see of the PSTT.

MACN/CBi Hosts 2nd Compliance Roundtable



On December 15, 2022, the Federal Ministry of Transportation, the Maritime Anti-Corruption Network (MACN) and Convention on Business Integrity (CBI) convened the 2nd instalment of the Compliance Roundtable series titled "Institutionalising Operational Efficiency in the Maritime Industry through Compliance Functions of the Agencies".

The 2nd roundtable was designed to reflect on the direction of the Honourable Minister of Transportation that port agencies must ensure implementation of the Nigerian Port Process Manual (NPPM) and their own Standard Operating Procedures (SOPs) with at least 80% compliance by the end of the year 2022.

Held at the Transcorp Hilton Hotel, Abuja, the meeting had in attendance representatives from key port sector institutions such as the Nigerian Customs Service, Technical Unit on Governance and Anti-Corruption Reforms

TUGAR, Nigerian Shippers Council (NSC), Port Health Service, Nigerian Port Police, Nigeria Agricultural Quarantine Service, Nigerian Maritime Administration and Safety Agency (NIMASA), and Independent Corrupt Practices and Other Related Offences Commission (ICPC). Other stakeholders present included the National Association of Government Approved Freight Forwarders (NAGAFF), the Council for the Regulation of Freight Forwarding in Nigeria (CRFFN), Rivers and Bayelsa Shippers Association (RIBASA), Calabar Chamber of Commerce and the MACN Integrity Alliance (IA) leaders from Lagos and Calabar.

The event began with a welcome address from the CEO of CBI, Mr Soji Apampa who commended all agencies and organisations in attendance, and recognised their efforts towards institutionalising efficient operations in Nigeria's maritime sector.



Mr Babatunde Sule, Director of Maritime Services, Federal Ministry of Transportation, representing the Hon. Minister



Mr Soji Apampa, CEO, CBI, delivering his opening remarks at the start of the Roundtable Meeting.



Mr Vivek Menon, Associate Director of the MACN delivering a goodwill message during the Roundtable Meeting.

Mr. Apampa provided statistics to demonstrate the successes of the Compliance Mechanism so far, including increased and consistent use of the Pre-arrival Notification system and the local Help Desk, a drastic reduction in port call costs of berthing vessels, reported incidents are actively resolved in good time, and reports against Nigeria from the MACN database of global maritime incidents have been in steady decline since the development of the Nigerian Port Process Manual (NPPM) in 2020.

Notably, the number of reported incidents for the year 2022 (as at December 15, 2022) were recorded at 76, a record low compared to the 266 incidents recorded in 2019.

Mr. Apampa observed the collaborative efforts of all participating port agencies are clearly making a tangible difference for national and international stakeholders alike.

He equally stressed the need to avoid finger pointing and blaming during the dialogue, and encouraged support and collaboration where compliance levels differ. Mr Apampa went on to explain that the main aim is to get compliance functions working at the same pace everywhere, stating that issues cleared in Lagos can still pose problems in other ports, and that corruption is harder to conquer when ports are working at different levels of efficiency, enabling loopholes to be

created, rather than when a concerted effort is made by all parties to stamp out corruption simultaneously. Following the welcome address, the Chairman of the Independent Corrupt Practices and Other Related Offences Commission (ICPC) represented by Mr. Jimoh Sulahiman gave the first Keynote address on the Sustainability of the Port Reform Agenda.

Mr. Sulahiman emphasised the ICPC's commitment to efficiency and competition in the maritime sector. He called to attention the ICPC's ethics and integrity intervention trainings in mobilising port agencies towards transparency and accountability. He noted that the ICPC also enforces appropriate consequences for infractions of the NPPM and SOPs under a zero-tolerance policy, in a concerted effort to sanitise ports of corrupt elements and facilitate trade internationally.

He stated that the overall success of the interventions have been due to the collaborative work of all port agencies and stated that competition among agencies should not detract from progress or sustainability of the Port Service Support Portal platform (PSSP) or operations of the Port Standing Task Team (PSTT), which are game changers in compliance engagement and enforcement actions.

On his part, the National Coordinator of the Port Standing Task Team (PSTT) in the second keynote address, and representing the Executive Secretary of the Nigerian Shippers' Council (NSC), focused on the role of the NSC as the Ombudsman in the Collective Action effort to embed compliance in the Maritime Sector.



Mr Moses Fadipe, National Coordinator, Port Standing Task Team (PSTT)



Deputy Comptroller Aliyu Gambo representing the Nigerian Customs Service



Mr Jimoh Sulahiman, representing the Chairman of the ICPC



Mr Lasun Bamigbayan representing the Federal Road Safety Corp (FRSC)

Notably, Mr Fadipe stated that since the NSC's appointment in 2015 as the Port Economic Regulator, the agency has instituted specialist departments to address compliance issues namely Regulatory Services, Consumer Affairs, and a Complaints Unit. He added that the interventions of the Council under its complaints handling mechanism has led to the recovery of over N1 billion through alternative dispute resolution methods.

Mr Fadipe stated that the NSC also monitors trends through the online Port Service Support Portal (PSSP) with the view to intervene as appropriate to ensure SOP compliance among agencies and foster the ease of doing business in Nigeria. Support offered to port users by the NSC typically involves minimising demurrage and storage costs in Ports, stopping transfer charges to off dock terminals (especially for unsolicited services), facilitating container deposit refunds, recovering empty containers, and drastic reduction on the illegal placement of lien on cargo among other actions, all of which ensure that agencies do not adopt extortionate policies against port users.

The NSC, he concluded, considers the benefit of its interventions to the economy in terms of stability, accessibility, and adequacy of service, ensuring compliance, minimising costs, and encouraging private sector investment while providing regulatory services. He stated that the NSC's Regulatory Services panel works closely with its Special Duties Unit and PSTT to prevent profiteering or abuse of monopoly.

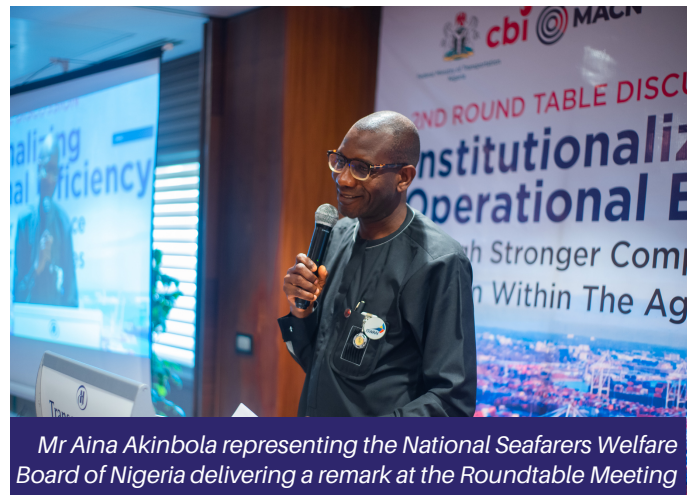
On the challenges of sustaining the work of the PSTT, Mr Fadipe mentioned that NSC remains the sole financier of the PSTT. He remarked that bridging this resource gap will require the collective support of key sector stakeholders. He emphasised that the NSC will not relent in its funding support to the PSTT, but extended overtures to other agencies that are capable of providing financial support for the Task Team. He recognised the success of the multi-stakeholder approach encouraged by the NSC, and commended inputs from the private sector and civil society, such as CBI to help ensure the implementation of systemic solutions to root cause issues. He encouraged stakeholders to continue to engage in structured dialogue to generate a common vision and solutions, and noted that the success of the NPPM still needs to be reinforced by a stronger legal framework.

The Honourable Minister of Transportation, Hon. Mu'azu Jaji Sambo, represented by the Director of Maritime Services, Mr. Babatunde Sule, delivered the third keynote address on Compliance as the key catalyst for the ease of doing business in the maritime sector.

The Minister's remark started with a recognition of the collaboration with CBI and MACN as well as other relevant stakeholders to achieve some significant milestones that has contributed to improvements in compliance with rules and procedures, corruption reduction, and quality service delivery at Nigerian ports and terminals.

These achievements notwithstanding, Mr Sule stressed the need to sustain the gains already made in improving ethics and compliance standards and anti-corruption efforts through the political will and support of institutional leaders and decision makers of government agencies, especially as it relates to improving the compliance function within individual port agencies.

The Director commended the consistent steps made by the private sector and government through collaboration to institute transparency in economic activities and enhance revenue generation in line with the expectations of the Nigerian Shippers' Council. He noted that the NSC as port economic regulator has a duty to increase patronage of ports for import and export by providing corruption free terminals. In closing, the Director stressed that relentless efforts must be made towards reforming and mainstreaming compliance function methodologies across all agencies and ports. Such functions should offer solutions to anticipated corruption in port operations and leverage support in this regard.



Following the keynote addresses, Mr. Apampa of CBI gave a review of the Compliance Risk Management Process, sharing the compliance and ethics framework that should guide port agencies in implementing their compliance function effectively. Key stages in the process includes the conduct of a Risk Assessment as a first step. The second step involves establishing a Prevention mechanism which sets the tone at the top and sets out positive and negative incentives for compliance. The third step is characterised by establishing a robust Detection mechanism that enables port agencies to discern if the tools, controls, and governance/reporting arrangement introduced are effective in identifying and preventing deviance from SOPs.

For the fourth component of the framework – Response, Mr. Apampa noted that an adequate response is one that is 1) opened immediately upon report submission, 2) stops loss during investigation, & 3) provides a timely resolution to issues. Finally, an analysis of case response reports through feedback Evaluation is crucial to know how to improve efficiency and transparency at the ports.

Key Takeaways from 2nd Compliance Roundtable

Following the presentations, the session moved to plenary discussions where participants had the opportunity to respond to issues raised and asked questions about the state of progress in Nigerian ports. Some of the key reactions are detailed below:

1. Participants recommended that the Nigerian Port Authority (NPA) should issue ID cards to dock workers so that they are clearly identifiable, which will in turn keep their actions transparent and accountable.

2. Alerts placed on cargo by Marine Police is a significant challenge to seamless clearance. Although NSC and Marine Police agreed not to put alerts on cargo, many port users are still blocked by these alerts.

3. Participants requested the Nigeria Customs Service (NSC) to reinstate their Time Release Studies as a step in improving visibility and transparency of their operations, & reducing port congestion and complaints.

4. The Nigerian Maritime Law Association (NMLA) proposed the need for a strong law consistent with the African Continental Free Trade Agreement (AfCFTA) that can prevent companies from pushing back against PSTT directives.

5. Participants bemoaned the lack of attention by the PSTT at the Eastern ports. They called for the work around compliance to SOPs and NPPM to be implemented in the East.

6. The leadership of the Truckers' Association asked the FRSC do a better job in protecting truck drivers from violent threats and attacks by criminals/thugs which can sometimes lead to a container falling off a truck. The practice of latching, which is commonly used but not internationally recognised, was said to be an ineffective means of preventing the fall of a container from a truck. The FRSC was asked to identify means of enforcing personnel and container safety.

7. Participants asked the Federal Ministry of Transportation to further empower the PSTT to conduct its operations outside the port corridors because maritime policies are often predatory towards freight forwarders. Trucks are often held back for infractions caused by shipping containers (who are been released), and truckers are held responsible when clearing agents refuse to show up.

8. The leadership of the Truckers' Association asked for sincerity in the designation of trucks as meeting the Minimum Safety Standard. They see the MSS stickers as a revenue generation tool and nothing more as trucks that are not documented still carry the MSS stickers and clear the electronic barriers.

9. Participants noted that current compliance enforcement strategies are fines-based and hence only incentivises revenue generation rather than trade facilitation. They called for more creative and positive incentive schemes to be considered.

Key Takeaways from 2nd Compliance Roundtable

10. Participants, in response to the PSTT presentation, stated that the action of shifting checkpoints from the port corridors does not eradicate the corruption problem. Rather, it re-designates the extortion to another location. It was recommended that the “no stopping, no waiting” policy needs be extended so that freight forwarders are not exploited elsewhere.

11. The Nigerian Maritime Administration and Safety Agency (NIMASA) mentioned that the PSTT should do more to engage with the compliance offices in individual agencies as a means of strengthening its activities.

12. An appeal was made to the NSC that the concept of transit parks should be revisited for more ease of business for truckers.

Mr Adeyinka Aroyewun, National President of the Council of Maritime Truck Unions and Associations (COMTUA)



Mr Emeka Akabuogu, Secretary, Nigerian Maritime Law Association



Mr Ofon Udofia, President of the Rivers and Bayelsa Shippers Association (RIBASA)



Mr Peter Agbaminoja, Deputy Director, Legal, NIMASA

Agency Spotlight: Reviewing the Impact of PSTT in 2022



EASE OF DOING BUSINESS

PORT STANDING TASK TEAM KICK-STARTS "OPERATION FREE PORT CORRIDOR"

During the 2nd Compliance Roundtable, Mr Moses Fadipe, the National Co-ordinator of the PSTT delivered a presentation titled "The Compliance Journey So Far: Gaps and Opportunities in the current Compliance Response in the Maritime Sector." He started by giving a detailed overview of the state of affairs in the ports prior to the inception of the PSTT. He reminded stakeholders of the excessive delays at anchorage and serious vehicle reception delays; as well as the 5-hour wait time averagely to anchorage after pilot assignment.

Under the previous regime, he continued, there was no oversight over which agencies boarded vessels, how long they spent, and what they did while on board. The average resolution time for cases was 5-10 days with a demurrage cost of \$20,000 dollars per day, leaving ample room and opportunity for bribery when a port user wanted to avoid

official channels and "cut costs."

Since March 2021, however, the landscape has vastly changed following the institution of the PSTT. The PSTT's mandate has made it possible to dismantle corruption networks at the port corridors and investigate breaches of the Nigerian Port Process Manual (NPPM), leveraging the support of the ICPC which wields the power to prosecute, and the DSS which supports enforcement actions by PSTT

Mr. Fadipe explained that every agency has now keyed into the NPPM and that port users have been discouraged from carrying cash to the terminals to avoid corrupt transactions. In addition, the Pre-arrival Notice mechanism has made it simpler for compliance officers to have records of where a vessel is supposed to be, with boarding operations completed within 1-4 hours of vessel arrival in line with International standards.

Equally, demurrage payments are now largely a thing of the past as no extra days are spent navigating operational inefficiencies. Improved Cargo Dwell Time, Ship Turn-around Time, and Speedy cargo delivery have also increased the efficiency of yard capacity and the number of containers that can be examined daily. Grievance reporting has been tightened, with cases being resolved on the same day as they are presented.

On PSTT's impact on operational efficiency and compliance function, Mr. Fadipe pointed to successful policies like the Formal Registration of every agency official boarding a vessel, and the enforced Joint Boarding of Vessels by Customs and Immigration. This policy, he said, has improved port transparency, cut inspection times, ensure that officials must board vessels together and complete their inspection within 30 minutes of boarding or formally request for an extension of time. He added that the new approach now makes it easier to identify, track and monitor the operational activities of vessel agents.

Checkpoints along the port corridors have also been dismantled, and more trucks are moving through the ports than previously possible. The implementation of the policy "no stopping, no waiting" policy has also reduced congestion, at the ports, with traffic offenders apprehended and profiled, and compelled to pay fines in accordance with Federal Road Safety Corps (FRSC) rules.

While acknowledging these achievements, Mr. Fadipe took the opportunity to urge the Honourable Minister of Transportation to revise the current invoice recovery process because the providers and clearers of invoices are typically based offshore thus it has implications for full transparency.

He also noted that other port-related issues that require urgent attention includes the need for additional cargo equipment for terminal operators to perform their duties, address the various bottlenecks associated with Customs' clearance of cargo, and improve information flow so that instructions from agency heads can match operational realities in the field.

Furthermore, Mr Fadipe stated that since the statutory law does not detail the number of samples that agencies are allowed to collect for testing purposes, this has ingrained a form of corrupt practice among port officials that the PSTT is eradicating through the creation of Sample Registers. The Registers is designed to detail the quantities of samples taken and by which port official. Where the sample sizes are too large, the Task Team recovers samples and returns them to the rest of the cargo.

On a final note, Mr. Fadipe made an appeal to Freight Forwarders to educate their members not to carry any samples for agencies as it makes them liable to punishment for someone else's corruption. He asked for the support of the Federal government to address some of the controversies over the SOPs, He requested for support to bolster the PSTT staff strength, as well as more vehicles to extend their reach.

Get involved! Join the Integrity Alliance

To sustain efforts and continue the ambition to drive positive change under this initiative, there is need to form strategic partnerships with the public and private sectors. On the private sector side, the Integrity Alliance Group is a key stakeholder group that can help to achieve the following:

- Monitor ongoing reforms at the Nigerian Ports specifically, and the Maritime Industry generally, in a bid to propose changes that would aid Ports efficiency.
- Assist to popularize/publicize the Standard Operating Procedures (SOPs) and The Grievance Mechanism Portal - User Experience Diary - and other reporting helplines that enable importers, exporters and other port users to resolve issues and challenges faced.



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To Learn More About the Port Service Support Portal (PSSP)

The Port Service Support Portal is a complaints management and Port service support solution aimed at addressing business to business transaction problems in Nigerian Ports.
Please visit - www.pssp.ng