Mitigating Losses While Administering Justice in Maritime Related Cases In Nigeria

Introduction

The dynamics that come to play in the administration of justice are critical issues for discussion among legal practitioners and judicial stakeholders in general. The maritime sector, being a peculiar and necessary industry, requires practical and commercial approaches much more than the orthodox ways of doing things. This paper[1] therefore evaluates the outcome of detentions and forfeiture of vessels, among other things, using the facts and decisions resulting from the judgment of Honourable Justice Buba (Retired) in **FEDERAL REPUBLIC OF NIGERIA v. M.T. ANUKET EMERALD - CHARGE NO. FHC/L/209C/2015 - UNREPORTED**. As the aforesaid case is of a maritime nature, it is imperative to set the tone by providing context around the maritime/shipping industry as done below.

Importance of the Shipping Sector

Shipping is at the center of world economy. The international shipping industry is responsible for the transportation of around ninety per cent (90%) of world trade. The United Nations Conference on Trade and Development (UNCTAD) estimates that the operation of merchant ships contributes about Three Hundred and Eighty Billion United States Dollars (US$380,000,000,000.00) in freight rates within the global economy, equivalent to about five percent (5%) of total world trade.[2] As of 2019, the total value of the annual world shipping trade had reached more than Fourteen Trillion United States Dollars (US$14,000, 000,000,000.00).[3]

Furthermore, ships are very special, technically sophisticated and high value assets. A larger hi-tech vessel costs over Two Hundred Million United States Dollars (US$200,000,000.00) to build.[4] Also, by their nature and usage, ships are mobile assets as they are always on the move. Thus, at nearly every point, a ship is engaged in a voyage or scheduled for a voyage. There are multiple interests in every ship voyage, ranging from the owner of the vessel and its financier(s), the vessel's insurers, the charterers (including any sub charterers) and their insurers, the suppliers and the recipients of the cargo being carried by the ship, to the businessmen whose operations are tied to the voyage.

Further to the above, it must be noted that maritime law – the body of laws that govern maritime business and other related matters such as shipping and maritime-related offences - is sui generis.

All over the world, maritime laws recognise the peculiar nature of ships and the need for them to be able to engage in their primary purpose – which is to trade. This recognition pervades the entire body of Nigerian admiralty laws[5], including our various rules of court, as they contain provisions on the speedy disposal of cases where a ship is involved. This recognition is based on the understanding that the peculiar nature of ships as well as their function in the international trade, ships cannot be in a location for a long time. Industry practitioners have opined that whenever a ship is held in a location, someone is incurring costs, either by way of loss of earnings, cost of maintenance, or other costs.

In civil proceedings involving ships, the Admiralty Jurisdiction Procedure Rules 2011 (**"AJPR"**) contains provisions for a speedy dispensation of justice. For instance, unlike under the regular civil procedure rules, a plaintiff in an action in rem is not required to accompany its statement of claim with the written statements of its witnesses but may file same within seven (7) days after the writ.[6] Also, the originating process in an action in rem may be served on any day.[7] In cases where a vessel is arrested as security for a claim, the AJPR provides that the vessel shall be released upon (i) the written consent of the plaintiff; (ii) dismissal or discontinuation of the suit; (iii) the provision of security by way of bail bond, bank guarantee, letter of undertaking from the vessel's protection and indemnity club ("**P&I Club**"), and insurance bonds.[8] The AJPR also provides that an application by an interested person for the release of an arrested ship shall be heard within three (3) days of filing and service of same. Where a plaintiff's claim exceeds the sum of Five Million Naira (**N**5,000,000.00) or its foreign currency equivalent or where the plaintiff has no assets in Nigeria, the AJPR empowers the Court to order the plaintiff to provide security for the costs to be incurred by the defendant on account of the vessel arrest, including any interest payable to the bank or other financial institution for the security provided for the release of the vessel.[9] The above-referenced provisions of the AJPR all demonstrate the need to ensure a speedy disposal of admiralty matters with the aim of ensuring that vessels are not arrested and/or detained for a long time and/or without just cause.

As the ANUKET EMERALD case is of a criminal nature, I would be commenting on the forfeiture and detention of vessels (under our criminal procedure framework)

1. *This article is an update of the one that I contributed to the book – "**The Essence of Time in the Administration of Justice in Nigeria: Commentaries on Selected Judgments, Rulings and Papers for Honourable Justice Ibrahim Buba**" – which was launched in February 2023 in commemoration of Honourable Justice Buba's retirement from the bench.*

2. *Shipping and World Trade: Driving Prosperity, available at https://www.ics-shipping.org/shipping-fact/shipping-and-world-trade-driving-prosperity/, last accessed on January 22, 2023.*

3. *Shipping and World Trade: Driving Prosperity, available at https://www.ics-shipping.org/shipping-fact/shipping-and-world-trade-driving-prosperity/, last accessed on January 22, 2023.*

4. *Shipping and World Trade: World Seaborne Trade (supra).*

5. *The principal admiralty law in Nigeria is the Admiralty Jurisdiction Act, Cap. A5, Laws of the Federation of Nigeria 2004.*

6. *Order 3, Rule 3(2) of the AJPR.*

7. *Order 6, Rule 11 of the AJPR.*

8. *Order 11, Rule 5(1) of the AJPR. See also the case of MV "NOZOMI" & ANOR v. SEABRIDGE BUNKERING (PTE) LTD (2016) LPELR-41449(CA) where the Court of Appeal that the three forms of security generally accepted for the release of a vessel are: (i) provision of Letter of Undertaking from a Protection and Indemnity Club; (ii) Bank guarantee; and (iii) Insurance Bond from a reputable insurance company.*

9. *Order 13, Rule 1(b) of the AJPR.*

and how it is imperative that the forfeited and detained vessels are properly administered to ensure that justice is ultimately served.

The Anuket Emerald Case

On March 8, 2015, a 2008 built Panamanian flagged oil/chemical tanker named MT ANUKET EMERALD (the **"Vessel"**)[10] was intercepted by officers of the Nigerian Navy during a routine patrol within Nigerian waters. The Vessel was arrested with her fourteen (14) man crew - three (3) Russians, three (3) Ukrainians, seven (7) Filipinos and one (1) Georgian and they were later arraigned (along with the two (2) other companies) before Honourable Justice Buba of the Federal High Court, Lagos Division, on five (5) counts including conspiracy and illegal dealing in about 1,738.087 metric tons of petroleum products (the **"Cargo"**).

As at arraignment, the registered owner of the Vessel was Combe I Shipping Limited (an English company), her beneficial owner was Alliance Tankers Incorporated (one of the largest tanker chartering entities in Singapore) and her charterer (and owner of the cargo on board) was Monjasa DMCC of the United Arab of Emirates.

After arraignment, each member of the crew was granted bail in the sum of Fifty Million Naira (₦50,000,000.00). Given that each crew member was not Nigerian and would have difficulty in procuring local sureties, the Court granted the acceptance of a bank guarantee of Seven Hundred and Fifty Million Naira (₦750,000,000.00) as bail bond for the entire crew. Nevertheless, the Vessel and the cargo on board were to remain under detention pending the determination of the case.

On March 18, 2016 (after a trial that lasted for about for nine (9) months), the Vessel and the other sixteen (16) accused persons were convicted of all the counts and they were summarily sentenced - varying periods of imprisonment for the crew men with majority of them having the option of fine. Furthermore, the Court ordered that the Vessel and its cargo be forfeited to the Federal Government of Nigeria (**"FGN"**).

The appeal was unsuccessful as the Court of Appeal (Lagos Division)[11] upheld the convictions and forfeiture of the Vessel.

Events after the forfeiture of MT ANUKET EMERALD

Following the above stated forfeiture order (and to date), the Vessel remains anchored at Elegushi Beach, a private beach in Lekki, Lagos State. The International Centre for Investigative Reporting (ICIR) reported that the Vessel was sighted on April 19, 2019, at Elegushi Beach, where it was docked at about one hundred (100) meters from the shoreline and was transloading the Cargo into waiting motor tankers in the presence of personnel of the Nigerian Navy, some private security operatives, and other individuals.[12] The report also stated that during the said transloading activity, there was seen an oil spillage, covering as long as twelve (12) feet on the stretch of about half of the beach shoreline, thereby polluting the lagoon, endangering the marine lives in it and some picnickers who visited the beach to swim.

Apart from the above stated disturbing environmental fall out of the transloading of the Cargo, it is bizarre to note that the Vessel, who was just eight (8) years old and in pristine condition at the time of her forfeiture, is left to wallow at a private beach in Lagos. It would not beyond any layman's expectation (and mine) that the Vessel should have been handed over to one of the government agencies (particularly, the Petroleum Products Marketing Company Limited (PPMC)) that regularly charterers motor tanker vessel, at huge costs, for its operations - transportation of petroleum products.

If no agency of government needed the Vessel (or strangely, was unwilling to accept the Vessel), she should have been sold at her prevailing market price. Anyone of these steps, to my mind, would have aided the administration of justice in the ANUKET EMERALD case as the positive use of the forfeited Vessel would have balanced out the huge time and cost expended by the Government in the investigation and prosecution of the case.

Upon research, it is further sad to note that the treatment of the MT ANUKET EMERALD (post forfeiture) is not an isolated case as several commercially viable vessels that were forfeited to FGN or detained by agencies of government have been poorly administered and allowed to wallow away. Recently, the House of Representatives Ad Hoc Committee on Assessment and Status of All Recovered Loots, Movable and Immovable Assets from 2002 to 2020 by Agencies of the Federal Government of Nigeria for Effective, Efficient Management and Utilisation (the **"Committee"**) embarked on oversight visits to the locations of such assets for an on-the-sight assessment. During the visit, it was discovered that about ten per cent (10%) of some of the ships either forfeited to the government or detained by law enforcement agencies have submerged and some of them have been abandoned for about seven (7) years.[13]

Of particular importance are the stories of MT GOOD SUCCESS and MV THAMES. The former, which was carrying 1,459 metric tonnes (1,979,056.45 litres), sank at the NNS Beecroft Naval Base, Lagos, on November 5, 2016, following its forfeiture to the Federal Government of Nigeria on the orders of the Federal High Court, while the latter sank on February 27, 2017, at the NNS Pathfinder Naval Base in Port Harcourt. The Committee noted that both the Economic and Financial Crimes Commission (EFCC) and the Nigerian Navy seem to lack the capacity and resources to manage the forfeited and detained vessels in their custody, as they have no budgetary provision for same. It also noted that the bureaucratic bottlenecks in the process of securing approval for the evacuation and/or auctioning of the vessels also account for their eventual sinking.[14]

In addition to the loss of revenue occasioned by the sinking of forfeited and/or detained vessels, another major concern is the environmental impact of leaving these vessels to sink in our waters. Interestingly, most of the submerged vessels are laden with large quantities of either crude oil, premium motor spirit (PMS) or automotive gas oil (AGO). These products gradually spill into the water once the vessels sink, thereby endangering lives within and beyond the marine habitat.

Based on the foregoing, can forfeiture of vessels to FGN be said to be justice or a loss to the country? Personally, I believe it is a loss as we are unable to maximize the assets for the good of Nigerians.

Alternatives to Forfeiture and Detention of Vessels in Criminal Matters

Given the various challenges that arise from the detention and forfeiture of vessels and bearing in mind that government agencies in Nigeria lack the capacity and resources to maintain the vessels in their custody, it is necessary to consider other viable alternative to pre-conviction detention and post-conviction forfeiture of vessels. Instead of detaining a vessel used in carrying out an illegal activity on Nigerian waters till the conclusion of criminal trial given the length of criminal trials in Nigeria, it may be necessary for courts to consider the option, in befitting circumstances, of releasing the vessel on bail upon the provision of a security in the value of the vessel. Such security may be by way of a bank guarantee, letter of undertaking from a reputable P&I Club, etc. These seems to be the trends in other maritime jurisdictions and at international fora.

10. Built with a carrying capacity of 7381 tonnes dead weight, a length of about 101.39 meters and a width size of 19.05 meters.

11. Judgment delivered by Honourable Justice Mohammed Lawal Garba on December 19, 2017.

12. INVESTIGATION: Ministry of Justice fingered in a foreign vessel's continuing evasion of forfeiture judgment, available at https://www.icirnigeria.org/investigation-ministry-of-justice-fingered-in-a-foreign-vessels-continuing-evasion-of-forfeiture-judgment/, last accessed on January 22, 2023.

13. 90 ships seized by EFCC rot away in Lagos, others, available at https://punchng.com/90-ships-seized-by-efcc-rot-away-in-lagos-others/, last accessed on January 22, 2023.

14. How Malami compromised transparent disposal of forfeited vessels – Magu, available at https://www.premiumtimesng.com/news/headlines/404313-how-malami-compromised-transparent-disposal-of-forfeited-vessels-magu.html, last accessed January 23, 2023.

Article 73(2) of the United Nations Convention on Law of the Sea (**"UNCLOS"**) provides as follows:

> *"Arrested vessels and their crews shall be promptly released upon the posting of reasonable bond or other security."*

Also, Article 226(1) (a) and (b) of UNCLOS provides that:

a) *"States shall not delay a foreign vessel longer than is essential for purposes of the investigations provided for in articles 216, 218 and 220....*

b) *If the investigation indicates a violation of applicable laws and regulations or international rules and standards for the protection and preservation of the marine environment, release shall be made promptly subject to reasonable procedures such as bonding or other appropriate financial security."*

Furthermore, Article 292 of UNCLOS provides that:

1. *"Where the authorities of a State Party have detained a vessel flying the flag of another State Party and it is alleged that the detaining State has not complied with the provisions of this Convention for the prompt release of the vessel or its crew upon the posting of a reasonable bond or other financial security, the question of release from detention may be submitted to any court or tribunal agreed upon by the parties or, failing such agreement within 10 days from the time of detention, to a court or tribunal accepted by the detaining State under article 287 or to the International Tribunal for the Law of the Sea, unless the parties otherwise agree.*

2. *for release may be made only by or on behalf of the flag State of the vessel*

3. *The court or tribunal shall deal without delay with the application for release and shall deal only with the question of release, without prejudice to the merits of any case before the appropriate domestic forum against the vessel, its owner or its crew. The authorities of the detaining State remain competent to release the vessel or its crew at any time.*

4. *Upon the posting of the bond or other financial security determined by the court or tribunal, the authorities of the detaining State shall comply promptly with the decision of the court or tribunal concerning the release of the vessel or its crew."*

It is necessary to note that Nigeria signed the UNCLOS on December 10, 1982, ratified the treaty on August 14, 1986, and domesticated same through the Suppression of Piracy and Other Maritime Offence Act ("SPOMO Act") in 2019.[15]

It is in view of the above-referenced provision of UNCLOS that the International Tribunal for the Law of the Sea (**"ITLOS"**) in the **M/T 'SAN PEDRO PIO' CASE (SWITZERLAND v. NIGERIA), ITLOS CASE NO. 27,** made an order on July 6, 2019, under Article 290 (5) of UNCLOS, allowing Switzerland to post a bond or other financial security, in the amount of Fourteen Million United States Dollars (US$14,000,000.00) with Nigeria in the form of a bank guarantee and undertake to ensure that the master and the three (3) officers of M/T SAN PEDRO PIO are available and present at the criminal proceedings in Nigeria, if the Annex VII arbitral tribunal finds that the arrest and detention of the SAN PADRE PIO, its cargo and its crew and the exercise of jurisdiction by Nigeria do not constitute a violation of UNCLOS. The tribunal further ordered that upon the posting of this bond or other financial security and the issuance of this undertaking, Nigeria shall immediately release the SAN PADRE PIO, its cargo and the master and the three (3) officers, all of whom were arrested by the Nigerian Navy on January 23, 2018.

The tribunal also ordered Nigeria to ensure that the crew is all allowed to leave the territory and maritime areas under the jurisdiction of Nigeria. However, SAN PEDRO PIO was later released unconditionally in July 2021 following the signing of a Memorandum of Understanding between the Nigerian and Swiss governments. On the quantum of financial security ordered by the ITLOS in this case, it is not clear whether the tribunal considered the value of the vessel in arriving at the bond sum. It is advised that where courts require a ship owner to post security for the release of a vessel in a criminal matter, same should not exceed the value of the vessel as the security is meant to replace the vessel. The foregoing is the long-established practice in civil maritime matters which our court adopt (and same is captured in the AJPR[16]) and so I urge same in criminal matters. As such, where it is found that the vessel ought to be forfeited to FGN, the security provided will be forfeited in place of the vessel.

In the United States of America, seized assets can be temporarily released prior to initiation of forfeiture proceedings. Accordingly, a ship may, under certain conditions, be able to return to commercial service prior to forfeiture proceedings. Such conditions typically include a large bond, consent to the jurisdiction of the relevant court of the United States over the ship, and an undertaking by the ship's owners, charterers, and managers to cooperate fully with relevant authorities. Where civil forfeiture proceedings are initiated, a forfeiture may not be made if the shipowner is able to prove: (i) he did not know of the illegal conduct giving rise to the forfeiture, or (ii) that upon learning of the criminal conduct, he did everything within his reasonable power to stop the illegal conduct.[17] Criminal forfeiture proceedings may also be commenced following a criminal conviction. In the popular MSC GAYANE case, a drug-smuggling case involving a Liberian-flagged vessel which was used to smuggle US$1 Billion worth of cocaine into the United States in 2019, the ship was detained for nearly one month and released on bail following the payment of Fifty Million United States Dollars (US$50,000,000.00)[18] to the United States Government. The ship's operator also agreed with the United States Department of Justice that where a judge decides to impose forfeiture on the ship, the ship will have ninety (90) days to return to a United States port. Where the ship owner or operator is unable to post security for the release of the ship, the ship may be seized and held by the United States government until the legal processes are complete, which could be a matter of weeks, months or years.[19]

Where the court must order the outright forfeiture of a vessel either because the penal statute given it no discretion to order the payment of a fine in lieu, it may be necessary for the court to direct particular government agencies, that have the capacity to use and maintain the vessel, to take custody of the forfeited vessel and manage them. Where no agency is able to use and/or manage the vessel, the court may order that the prosecuting agency sells the forfeited vessel at the prevailing market value and remit the proceeds of sale to the accounts of the government.

In civil proceedings, as I have noted earlier, the Admiralty Jurisdiction Act (AJA) and the AJPR contain provisions that are aimed at ensuring the speedy disposal of maritime matters. However, there are several instances of vessel arrested as security for civil claims that remain in detention for an unreasonable period, most of which deteriorate and, in some cases, eventually sink. The major reasons for this appear to be the inability of the provide security for the release of the vessel and the protracted delay in determining substantive maritime claims in Nigerian court.

15. *See the Explanatory Memorandum to the SPOMO Act.*

16. *Order 10, Rule 5 of AJPR*

17. *See Section 983(d) of the United States Code as amended by the Civil Asset Forfeiture Reform Act, 2000. This is generally known as the 'innocent owner defence'. A similar provision is contained in Section 32(c) of the National Drug Law Enforcement Agency (NDLEA) Act, Cap. N30, Laws of the Federation of Nigeria, 2004. Thus, where the act constituting the offence was done by a commercial carrier, and the owner was not privy to the act, the vessel will not be forfeited*

18. *Ten Million United States Dollars (US$10,000,000.00) in cash and Forty Million United States Dollars (US$40,000,000.00) in surety bond*

19. *Narcotics on Ships - Fines, ship seizure and detention or forfeiture, available at https://www.nortonrosefulbright.com/en-bi/knowledge/publications/8c3ba49a/narcotics-on-ships#section2, last accessed January 23, 2023.*

It is necessary to note that the AJPR provides that where a ship has been arrested and the owners fail to provide bail for the release of the ship within a period of six months (or earlier, where the vessel is depreciating in value), the Court may order that the ship be sold by the Admiralty Marshal[20] and the proceeds of sale paid into an interest-yielding fixed deposit account in the name of the Admiralty Marshal. Therefore, where the owner of an arrested is unable to provide security for the release of the vessel, the arrestor ought to apply for the sale of the vessel and the court, before whom such application is brought, is enjoined to determine same speedily, so as to preserve the vessel from becoming a total waste as a result of protracted arrest.

Shift in Trend to be Encouraged!

It is noteworthy that there is a gradual shift in the practice of keeping vessels in detention throughout the period of criminal trials by some government agencies. In 2021, MV SPAR SCORPIO, together with the crew on board, were arrested by the Nigerian Customs Service (NSC) at Tin Can Island Port, Apapa, Lagos, upon the discovery of large quantities of substances suspected to be cocaine on board the ship while she was discharging a cargo of sugar. The NCS agreed to release the vessel's master and third officer on administrative bail, but the bail was not perfected as the cost of procuring same (the professional fees charged by the sureties were deemed too high by the vessel owners). However, the NCS later handed over the case file to the National Drug Law Enforcement Agency (NDLEA) who later released the vessel (though the vessel was never charged) and her crew on administrative bail and upon the provision of a bond in the sum of One Million United States Dollars (US$1,000,000.00). A similar scenario played out in the case of MV CHAYANEE NAREE which was arrested in Lagos on October 13, 2021, for carrying substances suspected to be cocaine and exparte order of interim attachment of the vessel CHAYANEE NAREE to FGN was procure. The CHAYANEE NAREE (though never charged) was subsequently released on bond (as procured by her owners) and the aforesaid order of interim attachment vacated.

This approach is highly commendable, and it is hoped that law enforcement agencies continue to tow this path as it will greatly save arrested and detained vessel from becoming wasted assets and save ship owners from the attendant loss of revenue and saving FGN funds for more pressing matters.

It may be necessary to note that for every detained or forfeited vessel that deteriorated into a wasted asset or sink on Nigerian waters, FGN and the Nigerian people are the greatest losers. This is because while the owner of a detained or forfeited ship may have made a claim for constructive total loss[21] and received the full value of the ship from the vessel's insurers (where such owner is able to prove that he was not privy to the act that gave rise to the detention and forfeiture of the vessel), the wasting ship which is ordinarily a revenue-generating asset is of no use to FGN if not properly used as discussed above, in addition to the loss of goodwill in the international market on account of such detention. Submerged vessels also damage the environmental and the aesthetics of the coastlines and constitute wrecks that may damage other vessels on our waterways. Consequently, the government will have to incur further financial losses in removing the wrecks or financial liability for the Nigerian Port Authority (**"NPA"**) which may be liable for damage claims arising from wrecks within NPAs areas of control/operations. It is against this backdrop that I strongly recommend that as an alternative to the continuous detention, arrested and detained vessels may be released upon the provision of security in the full value of the vessel.

Conclusion

It is a fact that a sizeable number of the abandoned vessels littering Nigerian waterways were arrested and detained by government agencies and/or forfeited to FGN. Paucity of funds and the fact that vessels, by their very nature, are complex assets that require huge maintenance capital, have made FGN to be able to adequately maintain these vessels. On the flip side, the ship owners and other interested persons incur huge costs and suffer severe losses whenever ships are detained and forfeited.

The above considerations make it imperative that courts, judicial tribunals and administrative agencies consider alternative security measures other than pre-conviction detention since criminal trials often take a long time to conclude. The alternatives should be by way of bank guarantee or insurance bonds/undertaking.

Similarly, where a court is inclined to order the forfeiture of a vessel, it is recommended that the court makes specific directives mandating a particular agency of government (with the capacity to use and maintain the vessel) to take custody of the forfeited vessel and/or, where necessary, dispose vessel at the prevailing market value and remit the revenue from the sale to the accounts of the government.

The above recommendations accord with international law and happen to be the practice in some other maritime jurisdictions. It is commendable that some law enforcement agencies are already adopting these measures in Nigeria and I hope our courts also adopt this practice.

Nigerian courts are generally enjoined to bear in mind the need for a speedy disposal of matters involving ships, whether civil or criminal, and to always apply the relevant provisions of the various laws and rules of court that will aid the courts in ensuring that ships are not kept under arrest and/or in detention for a long time. Courts should also take proactive steps to ensure that arrested, detained or forfeited vessels are preserved from becoming total losses.

Finally, I congratulate Honourable Justice Buba on his retirement from the bench and urge him to remain a steadfast member of the Nigerian maritime legal community by continuing to contribute as and when required.

20. Order 9 Rule 6(2) of the AJPR.

21. A constructive total loss ("CTL") claim is made by a ship owner for the value of the insured ship where the ship is reasonably abandoned on account of an unavoidable actual total loss, or because it could not be preserved from actual total loss without an expenditure that would exceed her value. CTL is part of the war risk insurance cover which is taken out by vessel trading in or taking a voyage to a war risk area as determined by the Joint War Committee comprising of underwriting representatives from the Lloyd's Market Association and the International Underwriting Association. Most war risk insurance policies exclude constructive total loss arising by reason of infringement of any customs or trading regulations by the ship owners, their servants, agents or privies.

For more information please contact

Adedoyin Afun
Partner
adedotin.afun@bloomfield-law.com

or your usual contact at Bloomfield LP.