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## Securing the Gulf : towards an integrated maritime security strategy for the Gulf of Guinea

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**WORLD MARITIME UNIVERSITY**

Malmö, Sweden

**SECURING THE GULF: TOWARDS AN  
INTEGRATED MARITIME SECURITY STRATEGY  
FOR THE GULF OF GUINEA**

By

**DAUPREYE FRANKLIN MATTHEW**

**Nigeria**

A dissertation submitted to the World Maritime University in partial  
fulfilment of the requirements for the award of the degree of

**MASTER OF SCIENCE  
in  
MARITIME AFFAIRS**


**(MARITIME SAFETY AND ENVIRONMENTAL ADMINISTRATION)**

**2012**

## DECLARATION

I certify that all the material in this dissertation that is not my own work has been identified, and that no material is included for which a degree has previously been conferred on me.

The content of this dissertation reflect my own personal views, and are not necessarily endorsed by the University.

Signature: .....

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## **ABSTRACT**

Title of Dissertation: **Securing the Gulf: Towards an Integrated Maritime Security Strategy for the Gulf of Guinea**

Degree: **Master of Science**

The resurgence of piracy in the Gulf of Guinea in 2007 greatly affected the economy of some West African states especially Nigeria and Benin. The severity of attacks by pirates led to United Nations Security Council resolution 2018 (2011) expressing deep concern about the threat posed by piracy in the region and an intention for a cooperative regional action to combat this maritime security crime .

Despite current efforts by some states in the region to curb piracy, this maritime security challenge still persists. Some factors identified as fuelling piracy include weak legislation, inadequate capacity of coastal navies, proliferation of small arms and unemployment. To combat piracy in the region certain challenges identified as obstacles to cooperation need to be addressed. These include lack of political will, inadequate inter agency coordination, influence of extra regional powers and poor maritime domain awareness amongst others.

This dissertation analyses the challenges to cooperation in the region as well as the strengths and limitations of the countermeasures implemented in other piracy hotspots such as Southeast Asia and Somalia. Particular attention is given to the Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia( ReCAAP) and Djibouti Code of Conduct (DCoC) with a view to suggesting a maritime security strategy in the Gulf of Guinea as called for by the United Nations.

**Key words:** Piracy, Maritime Security, Gulf of Guinea, Nigeria, Benin, Regional Cooperation.

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## LIST OF ABBREVIATIONS

|            |  |
|------------|--|
| AFRICOM    | Africa Command   |
| APS        | Africa Partnership Station                                 |
| ASF        | Asian Shipowners' Forum                                    |
| BIMCO      | Baltic and International Maritime Council                  |
| DCoC       | Djibouti Code of Conduct                                   |
| ECCAS      | Economic Community of Central African States               |
| ECOMOG     | Economic Community of West African States Monitoring Group |
| ECOWAS     | Economic Community of West African States                  |
| EiS        | Eyes in the Sky  |
| EU         | European Union   |
| FAO        | Food and Agriculture Organization                          |
| GDP        | Gross Domestic Product                                     |
| GG         | Gulf of Guinea   |
| GLME       | Guinea large Marine Ecosystem                              |
| ICC        | International Chamber of Commerce                          |
| IMB        | International Maritime Bureau                              |
| IMO        | International Maritime Organization                        |
| INTERTANKO | International Association of Independent Tanker Owners     |
| ISC        | Information Sharing Centre                                 |
| MALSINDO   | Malaysia Singapore Indonesia                               |
| MDA        | Maritime Domain Awareness                                  |
| MEND       | Movement for the Emancipation of Niger Delta               |
| MOWCA      | Maritime Organization of West and Central African States   |

|        |   |
|--------|---|
| MSC    | Maritime Safety Committee   |
| NATO   | North Atlantic Treaty Organization  |
| NIMASA | Nigerian Maritime Administration and Safety Agency  |
| PCC    | Patrol and Coastal Combatants   |
| ReCAAP | Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia. |
| SUA    | Suppression of Unlawful Acts against the Safety of Maritime Navigation,1988                 |
| UN     | United Nations  |
| UNCLOS | United Nations Convention on the Law of the Sea, 1982                                       |
| UNODC  | United Nations Office for Drugs and Crime   |
| UNOWA  | United Nations Office for West Africa   |
| UNSC   | United Nations Security Council   |

## Chapter 1

### 1 - Introduction

#### 1.1 - Background

Piracy in its various forms have posed a threat to trade and shipping for millennia (Mejia, Cariou & Wolff, 2010, p.2). Cilician pirates raided the Mediterranean in the age of Classical Greece and Rome, and the Vikings pillaged and terrorized the coasts of Europe. Pirates also roamed the waves of the Arabian Sea and Indian Ocean (Havern, 2012).

Historically, efforts to suppress maritime piracy were characterized as acts of littoral warfare rather than constabulary or police action (Kraska, 2011a). In 67 BC, Roman general, Pompeius Magnus, was given authority to purge the Mediterranean seas of pirates. The General was given the wherewithal for three years and had overriding authority in all provinces for up to fifty miles inland (Souza,2001). With the rise of England in the early modern period, nations thinking about the concept of piracy as a form of warfare faded. It led to the granting of letters of marque and reprisal, governments issued licences authorizing private vessels to attack and capture enemy vessels (Kraska, 2011a).

However in 1856, the Paris Declaration of the worlds' maritime powers abolished letters of marque. France and the United Kingdom signed an agreement to stop the granting of letters of marque because of the difficulty in controlling privateers (Hutchins, 2011, p.854). It was the confluence of naval technology, the maintenance of freedom of the seas by the Royal Navy and the progress of international law that contributed to the demise of maritime piracy. With the end of World War II, the hegemonic dominance of the United States Navy assured freedom of the seas and the safety of maritime commerce (Kraska, 2011a).

After the cold war and by the late 1980s, decolonization and globalization were forming the weak states and the shipping boom that would set conditions for a reemergence of piracy in the 1990s and 2000s. The epicenter of the new piracy in the 1990s and early 2000s was Southeast Asia, but the center shifted to the Horn of Africa after 2005 (Kraska, 2011a).

Since 2007, much of the international efforts in combating piracy have been focused on Somalia waters, after taking over the number one spot of global piracy from Southeast Asia waters (Onuoha, 2012). According to Neethling (2010), of the almost 300 ships that were attacked in 2008, 111 were around the Horn of Africa and in the Gulf of Aden. Since 2009, attacks continued and a number of ships from various nations were seized (Neethling, 2010.p.90). The spike in attacks prompted the deployment in 2008 of an on-going international coalition of navies to fight Somali piracy (Onuoha, 2012)

The international focus on the challenges posed by Somali pirates, underscored the momentous threat that piracy in the Gulf of Guinea posed to the states in the region and international community as well (Pham, 2011). According to the International Maritime Organization (IMO), 64 incidents of piracy were reported in 9 countries of the Gulf of Guinea in 2011, up from 45 in 7 countries in 2010 (Baldauf, 2012). The reported incidents are so severe that some attacks off Benin and Nigeria involve a ship being hijacked and a significant part of its cargo stolen and losses from each attack range from US\$2 million to \$6 million (Ichikawa, 2012). The resultant effect is that Nigeria and other countries in the Gulf of Guinea are losing \$2 billion annually to this maritime crime (Okwe, 2012).

Further, United Nations Security Council (UNSC) Resolution 10558 states that the threat of piracy was fitting together with other forms of transnational organized crimes, including oil bunkering, sea robbery, hostage-taking, human and drug trafficking and terrorism. As a matter of necessity, the United Nations Security Council could not ignore

the strategic economic importance of the Gulf of Guinea oil and the significant threat piracy posed to that vital commerce (United Nations Security Council, [UNSC], 2012b).

As a consequence, UN Security Council Resolution 10558 clearly states that Gulf of Guinea countries need to develop a comprehensive and integrated regional anti-piracy strategy for the region (UNSC, 2012b). Supporting the UNSC resolution, Admiral Ola Ibrahim, the Nigeria Chief of Defence Staff, stressed the need for a collective approach on maritime security to protect the adjacent maritime environment since 38 out of 54 states in Africa have coastal fronts (Ibrahim, 2012, p.8).

Although every regional maritime security situation is unique, past experiences in other regions can provide useful lessons in counter piracy operations for the Gulf of Guinea efforts, especially antipiracy operations in Southeast Asia Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) and the Horn of Africa the Djibouti Code of Conduct (DCoC). The negative effect piracy is having in the Gulf of Guinea countries and the call for a comprehensive anti-piracy strategy to counter piracy in the region motivated the researcher to embark on this study.

## **1.2 - Aim**

The purpose of this dissertation is to identify the challenges to the Gulf of Guinea countries in combating piracy and specific lessons associated with the successful factors and challenges of regional agreements and countermeasures against piracy in Southeast Asia and Horn of Africa with a view to proffering strategies.

## **1.3 - Statement of the Problem**

The Gulf of Guinea is off the coast of West Africa and is a significant source of oil (Baldauf,2012).The wider Gulf of Guinea comprises altogether 14 countries: Angola, the Democratic Republic of Congo, Congo-Brazzaville, Gabon, Equatorial Guinea, São Tomé and Príncipe, Cameroon, Nigeria, Benin, Togo, Ghana, Cote d'Ivoire, Liberia and

Sierra Leone (Basedau & Mähler, 2011, p.74). The region provides a huge market size of about 300 million consumers of global trade and its maritime space facilitates 90 percent of West African international trade of 45.5 billion US dollars and 31.62 US dollars of exports and imports respectively (Quashie, 2010, p.66).

As a result of increasing piratical attacks, the Gulf of Guinea maritime space is becoming unsecured. For instance, the President of Benin sought the intervention of the United Nations (UN) to address the issue. Benin was particularly affected by the piracy scourge in 2011 with 20 attacks, which led to a 70 per cent drop in revenue from her seaports and also affected movement of commodities to some landlocked countries in the region. Recently, however, the Nigerian/ Benin Maritime *Operation Prosperity* commenced to curb the activities of the pirates in Benin waters, with other current efforts to enhance maritime security in the Gulf of Guinea. These measures have not been able to adequately tackle piracy and armed robbery at sea as the pirates still continue their activities and have even extended their operations to Togo waters.

Further, there is a tendency for the pirates to further extend their operations to other countries in the region with prospects of new oil finds and weak naval capabilities. The Gulf of Guinea is losing about 2 billion dollars annually to piracy as earlier stated. The emerging piracy threat, if left unchecked, can lead to instability in the sub region and adversely impact on the region's economic, social and political development. Also, the Gulf of Guinea vast sea area presents great challenges to the navies of the sub-region's member states. The weak enforcement capability of most of the navies in the Gulf of Guinea exposes the vulnerable sea areas to exploitation. These suggest there is still more to be done to suppress piracy in order to enhance maritime security. It is against this backdrop that the study sought answers to the following questions:

- a. In what ways can the impact of piracy on maritime security in the region be evaluated?
- b. What are the current efforts to curb piracy in the region?



- c. Why has piracy in the region persisted despite some efforts at combating it?
- d. Are there cooperative maritime arrangements existing in other regions relevant in providing useful insight for developing an integrated strategy to enhance maritime security in the Gulf of Guinea?

#### **1.4 - Objectives of the Study**

The main objective of the study will be to examine the different dimensions of piracy in the Gulf of Guinea in order to propose strategies to tackle the menace. Specific objectives are to:

- a. Understand the geo-strategic importance of the Gulf of Guinea.
- b. Analyse the trend of piracy in the region.
- c. Identify factors responsible for rise in piracy in the region.
- d. Identify the impact of piracy in the region.
- e. Identify some current efforts to curb piracy.
- f. Identify challenges hampering efforts to combat piracy in the region.
- g. Identify existing cooperative arrangements that address piracy.
- h. Proffer strategies to combat piracy in order to enhance maritime security.

This dissertation aims to serve as a reference for policymakers and stakeholders of member states who are responsible for defence and security within the Gulf of Guinea sub-region. Additionally, the study is expected to contribute to knowledge, fill gaps in the literature on maritime defence and serve as resource material for future studies on the Gulf of Guinea maritime domain.

#### **1.5 - Scope**

The scope of this study is defined by its time and space. In terms of time, the study covers the period between 2001 and 2012 first quarter. This period was chosen because of the rise of piracy and armed robbery in the Gulf of Guinea especially Nigerian and

Benin waters. The incidence of piracy assumed a pronounced dimension, prompting efforts at the national and regional levels as well as attracting the attention of the UN, evident in the adoption of UN Resolutions 2018 (October 2011) and 2039 (February 2012); the Economic Community of West African States (ECOWAS) efforts at activating *Operation Prosperity* as a pilot test to foreground a regional maritime framework. The space is defined by mostly the maritime space of Gulf of Guinea especially the waters of Nigeria and Benin .

## **1.6 - Research Methods**

The research was descriptive using logical reasoning and integrated data comprising qualitative and quantitative data. Official documents and publications were consulted. Also unstructured interviews with principal staff officers of the Defence Headquarters and ECOWAS resource persons involved in maritime security in the Maritime Domain of Nigeria and West Africa were conducted.

### **1.6.1 - Sources of Data**

The sources of data for the research included both primary and secondary sources of data.

### **1.6.2 - Primary Sources of Data**

The primary data were collected through unstructured interviews, discussions and consultations with some principal officers of the Nigerian Defence Headquarters, Benin republic Navy and ECOWAS Secretariat in Abuja. The list of those interviewed is in Appendix A.

### **1.6.3 - Secondary Sources of Data**

The secondary sources were materials gathered from books, journals, lectures notes, magazines, periodicals and official publications. Others include published and unpublished materials as well as information from the internet. In addition, official documents were obtained from ECOWAS and the International Maritime Bureau (IMB).

#### **1.6.4 - Method of Data Analysis**

Qualitative method of data analysis was adopted using logical reasoning to arrive at cogent deductions. Quantitative methods involved analysis of statistical data and inference was made from the unstructured interviews.

#### **1.6.5 - Method of Data Presentation**

The analysed data was presented in a descriptive form. Tables, maps, charts and diagrams were also used for illustration.

#### **1.7 - Organization**

The research is organized into five chapters. Chapter One is the introduction where the objectives, research methods, research questions and the scope are stated. Chapter Two reviews piracy literature in trends, development of piracy, contemporary piracy hotspots, and analysis of piracy incidents .It also looks at relevant factors responsible for piracy, impact and modus operandi of pirates in the Gulf of Guinea. Chapter Three looks at the current efforts to combat piracy and challenges hampering efforts to combat piracy. Chapter Four reviews existing regional arrangements to combat piracy and proffers strategies to tackle piracy. Chapter Five will contain the discussions and conclusions of the research.

#### **1.8 - Limitation of the Study**

The research was limited by inability to access some individuals programmed for unstructured interviews. However, secondary data were used to fill the space to ensure that the research objectives were achieved.

## **Chapter 2**

### **2 - Piracy in the Gulf of Guinea**

#### **2.1 - Origin and Development of Piracy**

To combat the menace of piracy, it is necessary to look at the origin and basic development of this maritime crime. In some parts of the world piracy is seen as being acceptable as a way of livelihood to supplement agriculture in some cases. The alternative to piracy may well be hunger. Most reported pirate attacks involve the theft of crew belongings or ships' equipment which may include petty cash, radios, ropes or even tins of paint. The perpetrators slip onboard ships in the cover of darkness and use little violence if their escape is impeded (Abhyankar, 2005).

In addition, many attacks are not reported, because masters of vessels do not want any unnecessary delay of vessels which may cost the ship more (IMB, 2001). Further, the end of the cold war brought the reduction of navies of North Atlantic Treaty Organization (NATO) and the Warsaw Pact countries. The absence of these navies reduced the deterrent effect on pirates especially in the South East region. Another factor that has fueled the development of piracy is the fact that most third world countries are battling under debt, which constrained their resources to acquire platforms to maintain presence at sea as deterrence to pirates (Abhyankar, 2005).

#### **2.2 - Definition of Piracy and Relationship with Maritime Security**

Any study of piracy usually raises the issue of how the term is defined particularly when it has to do with issues between state sovereignty and universal jurisdiction over crimes (Mejia, Cariou & Wolff, 2008, p.104). Recognized international law, the United Nations Convention on the Law of the Sea (UNCLOS, 1982) defines piracy in Article 101 as consisting of any of the following acts:

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
  - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
  - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b). UN Convention on the Law of the Sea (1982).

By the above definition, UNCLOS 1982 limits piracy to the two ship-model with private gains motive occurring at high seas (Fajriyansah, 2007, p.112). In addition, the definition did not take into cognizance the comprehensive legal regime of piracy within domestic jurisdiction (Mbiah, 2010, p.306). The IMO, as a specialized UN agency, adopted the UNCLOS definition, but due to the recurrent issue of armed robbery in its agenda for many years came up with the term "armed robbery against ships" as well (Mejia, 2002, p.33). Therefore, IMO in Article 2.2 of the Maritime Safety Committee (MSC) Circular 984, defines armed robbery against ships as "any unlawful act of violence or detention or any act of depredation, or threat thereof, other than an act of "piracy", directed against a ship or against persons or property on board such a ship, within a State's jurisdiction over such offences" (IMO, 2000).

On the other hand, Maritime Security is defined as measures employed by maritime administrations, vessels owners and operators, port facilities, offshore installations and other maritime organizations to protect against unlawful acts (Mukherjee & Mejia, 2005). Further maritime security ensures unimpeded sea trade, safe navigation,

protection of coastal communities and their livelihoods and preservation of the rich ecosystems in the ocean vital to wellbeing of the planet (Onuoha, 2010).

From the foregoing, maritime security has two aspects, protection of the environment including the ecosystem, fish, sea mammals and safety of the users such as vessels and operators. Hence any piratical act, like attacking a vessel laden with oil and leading to pollution that degrades the integrity of the marine ecosystems, is considered a threat to maritime security. Conversely, an act that negates the safety of operators or vessels that use the sea legally, also affects maritime security (Onuoha, 2010). Thus from the foregoing a clear link can be established between sea piracy and maritime security in the sense that piracy is a threat and maritime security is the desired end state.

### **2.3 - Contemporary Global Piracy Hotspots**

According to IMB the three hotspots of piracy and armed robbery against ships include Southeast Asia, Horn of Africa and the Gulf of Guinea (Mbiah, 2007, p.127). The succeeding paragraphs will briefly discuss piracy in South East Asian and Somali (Horn of Africa) waters before looking at the Gulf of Guinea in detail. See figure 1.

#### **2.3.1 - Piracy in Southeast Asia**

As a result of increased piracy attacks in Southeast Asia, the IMB in 1992 established the Piracy Reporting Centre in Kuala Lumpur in Malaysia (Murphy, 2007, p.21). According to IMB statistics, cases of piracy increased drastically all over the world since the late 1990s. The South East Asian maritime environment had the highest number of piracy attacks, attributed to the 1997 Asian financial crises (Banlaoi, 2005, p.62), with almost half taking place in the Malacca and Singapore straits, the surrounding waters of Malaysia, Indonesia and the Philippines (Kaneda, 2005, p.45).

Abhyankar refers to piracy in Southeast Asia as `` Asian'' piracy. This kind of piracy takes place in the territories of the various countries where ships are boarded, and cash and valuables are stolen from the ship and crew using minimum force (Abhyankar, 2002). Another variant of piracy committed in Southeast Asia is the theft or hijacking of an entire ship.



**Figure 1:** Live Piracy Map showing hot spots(2008)

Source: <http://bldgblog.blogspot.se/2008/11/piracy-live-at-sea.html>

This is where ships were hijacked given false identity and turning them into “phantom ships” with fake registration papers (Bateman, 2010, p.16).

### **2.3.2 - Piracy in Somalia**

Failure of governance that resulted in the collapse of the Somali state since the ousting of President Siad Barre in 1991 is at the root cause of piracy in Somalia. As a result, Somalia’s coastline has been infested with militia groups who engage in piracy (Onuoha, 2009, p.37).The modus operandi of Somali pirates involve the preservation of hijacked ship, crew and cargo to enhance bargain for ransom payment. The operators of the piracy model involve fishermen, militia and investors (Mejia, 2010a). According to IMB

reports, the Somali pirates use “Mother Vessels” as a means of transportation to attack their preys (IMB, 2006). The use of pirate mother ships (fishing vessels converted to pirate vessels) allow the pirates to extend their attacks up to 700nm offshore for hijacking of ships even, oil tankers. For example three Thai fishing vessels were hijacked 1200nm of the coast of Somalia; the furthest reported (Geiss & Petrig, 2010, p.10). The extension of these attacks has caused a profound effect on sea trade and seafarers alike. In 2011, Somali pirates attacked 237 vessels receiving an estimated US dollars 160 million in ransom. The number of hostages and vessels held reached a peak in February 2011, with reported 33 vessels and 733 hostages as being held by Somali pirates. As at 19 March 2012, 13 vessels and 197 hostages were held by pirates (Rhinehard, 2012, p.9).

## 2.4 - Understanding the Gulf of Guinea

Understanding the geostrategic setting of the Gulf of Guinea would be necessary before looking at the dynamics of piracy in the region. The Gulf of Guinea starts from Senegal to Angola with a distance of over 6,000 kilometer coastal arc which makes it a strategic geo-maritime area (Onuoha, 2012, p.4). (See figure 2).



**Figure 2.** Map of Gulf of Guinea

Source: 321 Energy (<http://www.321energy.com/editorials/engdahl/engdahl060506.html>)



The region is not only abundant in natural resources in oil and other hydrocarbons, but also fish, cocoa and timber (Crippa, 2012). According to experts, the Gulf of Guinea will surpass the Persian Gulf nations in the production of oil by 2020 (Paterson, 2007). Estimates suggest the oil producing countries in the region will gain \$200 billion from oil earnings and \$349 billion by 2019 (Onuoha, 2009, p.246). Angola and Nigeria are the biggest producers and have an output of around 2,000,000 barrels per day (bpd). Congo-Brazzaville, Gabon and Equatorial-Guinea have extracted between 240,000 and 350,000 bpd. Equatorial Guinea started its production in the mid-1990s but Gabon is a long-standing oil producer. Cameroon's oil production stands at about 77,000 bpd (2009). It is less known that both the Democratic Republic of Congo and Cote d'Ivoire are also oil producers. Their current output is relatively small with 16,400 and 57,900 bpd respectively (Basedau & Mähler 2011, p.74). Ghana, Liberia and Sierra Leone are the next countries to enter the oil production and export business, with new deposits discovered in their national waters in recent years (Crippa, 2012).

The international geostrategic importance of the oil and gas reserves in the region is bigger today because the oil found in the Gulf of Guinea is of very high quality and can be conveniently shipped to all major markets from there (Roll, 2011, p.14). For instance Nigeria supplies 10 percent of shipment of oil to the United States (Paterson, 2007).

The ecosystem of the region is a source of global interest (Mane, 2005). Apart from oil 16 Gulf of Guinea and ECOWAS countries make up the Guinea Large Marine Ecosystem (GLME) which provides nutrient rich ecosystems for fish, prawns and other marine mammals to thrive. According to the Food and Agriculture Organization (FAO) statistics, fish production in 2010 was 800,000 tonnes for commercial, industrial, and subsistence fishing (Usono, 2012, p. 56). Furthermore, the Gulf of Guinea benefits from the absence of narrow maritime lanes known as chokepoints that make shipping susceptible to blockades, pirate attacks, and shipping accidents (Mane, 2005, p.4). Hence

a key hub of commercial maritime activities where growing investments in the region mean that coastal trading and maritime traffic are bound to increase in the region. As such maritime crimes like piracy, armed robbery at sea, drug trafficking, poaching and pollution will tend to increase. The most immediate concern to maritime stakeholders and the shipping industry is the threat posed by piracy and armed robbery against ships (Onuoha, 2012, p.4). Therefore the next section analyses piracy attacks in the region with a view to understanding the causes, consequences and remedies that may be needed to put in place to secure the Gulf of Guinea.

### **2.5 - Analysis of Attacks in the Gulf of Guinea**

This section evaluates the piracy incidents from 1991 to the first quarter of 2012 (2012:Q1) based on statistics from the IMB Piracy and Armed Robbery against Ships Annual Reports 2000-2012. The analysis provides a framework for the kind of remedial actions that can be taken to combat piracy and armed robbery against ships. The analysis would indicate the types of ships attacked, reasons for rise and decline of pirates attacks, countries most affected and comparisons between countries, regions and Africa in order to find the proportions of incidents from various categories.

Table 1: Actual and Attempted Attacks against Ships in African and Gulf of Guinea waters between 1991 and 2012 (Q1)

| Africa                         | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | Total |      |
|--------------------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|------|
| Algeria                        |      |      |      | 1    |      |      |      |      |      |      | 1    |      |      |      |      |      |      |      |      |      |      |      | 2     |      |
| Angola*                        |      |      | 3    |      |      |      |      | 1    | 1    | 1    | 3    | 1    |      |      |      | 4    | 1    | 2    |      |      |      | 1    |       | 21   |
| Benin *                        |      |      |      |      |      |      |      |      |      |      |      |      | 1    |      |      |      |      |      | 1    |      |      | 20   | 1     | 23   |
| Cameroon*                      |      |      |      |      |      |      | 3    | 5    | 3    | 2    | 7    | 5    | 2    | 4    | 2    | 1    |      | 2    | 3    | 5    |      |      |       | 44   |
| Congo DR*                      |      |      |      |      |      |      |      |      |      | 1    | 1    |      |      |      |      | 3    | 4    | 1    | 2    | 3    | 4    | 1    |       | 20   |
| Egypt                          |      |      |      | 1    |      |      |      | 2    | 1    | 1    | 2    |      |      |      |      |      | 2    |      |      | 2    | 3    |      |       | 14   |
| Equatorial Guinea*             |      |      |      |      |      |      |      |      |      | 1    |      |      |      |      |      |      |      | 1    |      |      |      |      |       | 2    |
| Eritrea                        |      |      |      |      |      |      |      |      |      |      |      |      |      | 1    |      |      | 1    |      |      |      |      |      |       | 2    |
| Gabon*                         |      |      |      |      | 1    |      |      | 2    | 3    | 2    | 3    | 7    |      |      |      |      |      |      |      |      |      |      |       | 18   |
| Ghana *                        |      |      |      |      | 1    | 2    | 2    | 4    | 2    | 2    | 5    | 5    | 3    | 5    | 3    | 3    | 1    | 7    | 3    |      |      | 2    | 2     | 52   |
| Guinea*                        |      |      |      | 1    | 1    | 2    | 3    | 2    | 6    | 6    | 3    | 2    | 4    | 5    | 1    | 4    | 2    |      | 5    | 6    | 5    |      |       | 58   |
| Guinea Bissau *                |      |      |      |      |      |      |      |      | 1    |      | 1    | 2    |      |      |      |      |      |      |      |      |      |      |       | 5    |
| Gulf of Aden                   |      |      |      |      |      |      |      |      |      | 13   | 11   | 11   | 18   | 8    | 10   | 10   | 13   | 92   | 117  | 53   | 37   | 8    |       | 401  |
| Ivory Coast*                   |      |      |      | 1    |      | 4    | 4    | 1    | 5    | 5    | 9    | 5    | 2    | 4    | 3    | 1    |      | 3    | 2    | 4    | 1    | 3    |       | 57   |
| Kenya                          |      |      |      |      |      |      |      | 7    |      | 5    |      | 2    | 1    | 1    |      |      | 4    | 2    | 1    |      | 1    |      |       | 24   |
| Liberia*                       |      |      |      |      |      |      |      |      |      |      |      |      | 1    | 2    |      |      | 1    | 1    |      |      |      | 1    |       | 6    |
| Madagascar                     |      |      |      |      |      |      | 1    |      |      |      | 1    | 3    |      | 1    | 1    |      | 1    |      |      |      |      |      |       | 8    |
| Mauritania                     |      |      |      |      |      |      |      |      |      | 1    |      |      |      | 2    | 1    | 1    |      |      |      |      |      |      |       | 5    |
| Morocco                        |      |      |      |      |      |      |      |      | 1    | 1    | 1    |      |      |      | 1    |      | 1    | 1    |      |      |      |      |       | 6    |
| Mozambique                     |      |      |      |      |      |      |      |      |      | 2    |      | 1    | 1    |      |      |      | 3    | 2    |      |      |      |      | 1     | 10   |
| Nigeria*                       |      |      | 2    |      | 1    | 4    | 9    | 3    | 12   | 9    | 19   | 14   | 39   | 28   | 16   | 12   | 42   | 40   | 29   | 19   | 10   | 10   |       | 318  |
| Red Sea                        |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 15   | 25   | 39   | 7    |       | 86   |
| Senegal *                      |      |      |      |      |      | 2    | 6    | 2    | 1    |      | 1    | 3    | 8    | 5    |      |      |      |      |      |      |      |      |       | 28   |
| Sierra Leone *                 |      |      |      |      |      | 3    | 3    |      |      |      | 3    | 1    |      | 3    |      | 2    | 2    |      |      |      |      | 1    |       | 18   |
| Somalia                        |      |      |      | 1    | 14   | 4    | 5    | 9    | 14   | 9    | 8    | 6    | 3    | 2    | 35   | 10   | 31   | 19   | 80   | 139  | 160  | 28   |       | 577  |
| South Africa                   |      |      |      |      |      |      |      |      |      | 1    | 1    |      | 1    |      |      |      |      |      |      |      |      |      |       | 3    |
| Tanzania                       |      |      | 2    | 1    | 2    | 3    | 4    | 3    | 3    | 2    | 7    | 3    | 5    | 2    | 7    | 9    | 11   | 14   | 5    | 1    |      |      | 1     | 85   |
| The Congo*                     |      |      |      |      |      |      |      |      | 2    |      |      |      |      |      |      |      |      | 1    |      | 1    | 3    |      |       | 9    |
| Togo*                          |      |      |      |      |      |      |      |      |      | 1    |      | 1    | 1    |      |      | 1    |      | 1    | 2    |      |      | 6    |       | 13   |
| Total(Gulf of Guinea Nations*) |      |      | 5    | 2    | 4    | 17   | 31   | 20   | 36   | 32   | 53   | 45   | 64   | 56   | 25   | 31   | 53   | 59   | 48   | 39   | 53   | 17   |       | 690  |
| Total (Africa)                 |      |      | 7    | 6    | 20   | 24   | 41   | 41   | 55   | 67   | 85   | 71   | 93   | 73   | 80   | 61   | 120  | 189  | 266  | 259  | 293  | 64   |       | 1915 |

Source: Adapted from International Chamber of Commerce (ICC)-International Maritime Bureau (IMB) Piracy and Armed Robbery against Ships Annual Reports 2000 – 2012

\*Gulf of Guinea Nations

\*Q1- First Quarter

### **2.5.1- Trend Analysis**

According to statistics from the International Chamber of Commerce- International Maritime Bureau (ICC-IMB) Piracy and Armed Robbery against ships Annual reports, there were a total of 1,915 pirate attacks in Africa between 1991-2012 first quarter, see Table 1 showing ``Actual and Attempted Attacks against Ships in African and Gulf of Guinea waters between 1991 - 2012 (first quarter)'' . As indicated in the table, there was a gradual increase of attacks from 1996, with a double rise in 2007 and steady increase till 2011. The figures rose from 120 in 2007 to 293 in 2011. This rise was attributed to piracy off the Somalia coast, Gulf of Aden and Nigerian waters.

The Gulf of Guinea which is the focus of this dissertation accounted for 690 of the 1,915 attacks in African waters between 1991-2012 first quarter. This figure indicated a rise in piracy and shows an uneven trend of attacks in the Gulf of Guinea. There were no reported attacks of piracy in 1991 and 1992 in the Gulf of Guinea. However, in 1993, 5 attacks were reported, that is 2 in Nigeria and 3 in Angola. Only 2 attacks were reported in 1994 which rose to 4 in 1995. From this author`s personal experience in counter-piracy operations in Nigeria during the 1990s, it was widely accepted that the low prevalence of piracy attacks could be attributed to the active presence and high operational state of most naval forces in the region especially the Nigerian Navy. The Nigerian Navy fleet at the time was highly operational and used for ECOWAS Monitoring Group (ECOMOG) Peace Support Operations in Liberia 1990-1999 and Sierra Leone 1991-2002.

Reported attacks tripled to 17 in 1996, with a sharp rise to 31 in 1997 and dropped to 20 in 1998. The figures started an upward trend to 36 in 1999 and down to 32 in 2000. Between 1996 and 2000, Nigeria had 37 attacks, followed by the Ivory Coast and Guinea with 19 each, Cameroon 13, Ghana 12, and Senegal 11. In 2001, Nigeria, the Ivory Coast and Cameroon with 19, 9, 7 attacks respectively accounted for 36 out of the 53 attacks that year. The attacks dropped to 45 in the Gulf of Guinea in 2002. However,

in 2003, 64 attacks were recorded, which was the highest since 1993. Nigeria waters had 39 attacks and according to IMB were regarded as the most dangerous area in Africa for piracy and armed robbery against ships. However, 2003 saw a drop in attacks in Cameroon, Gabon and the Ivory Coast.

Looking at the table, there was a steep rise in attacks in Nigeria waters from 1993 to 2003. This could be attributed to deterioration of the Nigerian Navy Fleet endurance patrol capacity as most of the ships could not be repaired after their long deployment for the ECOMOG peace support mission. This situation affected the operational capability of Nigerian Navy ships and hence left most part of the Nigerian territorial waters unpatrolled favoring rise of piracy (Usono, 2012, p.55).

With 28 attacks in Nigeria out of 56 reported in 2004, Nigeria was still regarded as the most dangerous area for piracy in Africa and third in the world aside Indonesia and the Malacca Straits. This was due to the increasing intensity of militant attacks in the Niger Delta region (Nincic, 2009). The Gulf of Guinea recorded 25 attacks in 2005 and 31 attacks in 2006. Incidence of attacks in Nigerian waters witnessed a decline from 16 in 2005 to 12 in 2006. According to IMB, this drastic reduction was attributed to increased law enforcement patrols and international pressure on some governments to act and increased awareness and anti-piracy watches by ship Masters in risk prone areas. The US government at the time gave Nigeria 4 warships between 2003 and 2004 to enhance her patrol duties against pirates (Usono, 2012, p.55).

However, According to IMB, Nigeria had the most kidnapped victims in 2006, 49 against foreign oil workers. Local politics in Nigeria had an impact in shipping that year. This shows that whenever there is reduction in patrol, there is increase in piracy and vice versa. There was significant increase to 53 attacks in 2007 and 59 in 2008 in the Gulf of Guinea. Nigeria was responsible for a total of 82 attacks for the two years. According to IMB, this rise was attributed to increase in militant activities in the Niger Delta region of Nigeria, where the Movement of Emancipation of the Niger Delta (MEND) was carrying

out attacks to protest the marginalization of the Niger Delta. The Niger Delta pirates attacked vessels successfully using ``mother vessels'' further out at sea as well as being better armed, organized and coupled with absence of proper law enforcement. The rise indicated a breakdown in the law enforcement capability of the country to address the problem. In 2008 most attacks occurred in the territorial waters. By 2007, most of the vessels obtained from the US were due for refit and thus affected their patrol capabilities (Usoro, 2012, p.59).

There was a decline in 2009 and 2010 to 48 and 39 attacks respectively. According to IMB reports, this was partly due to acquisition of new patrol boats and increased patrols by the Nigerian Navy and the granting of amnesty to the Niger Delta militants in August 2009. The militants submitted most of their arms used in criminal activities. As a result of aggressive patrols, piracy spilled into neighboring states especially Benin. The increase of attacks to 53 in 2011 was attributed to the Niger Delta militants that rejected the Nigerian government amnesty offer. Ten reports were received for Nigeria and an increase in attacks in Benin to 20. It is interesting to note that from 1991 to 2010, Benin had only 2 attacks. According to IMB reports, the upsurge in piracy attacks in Benin was suspected to be carried out by pirates from Nigerian waters. Mohammed lends credence to this statement and confirmed the assistance of Nigeria to tackle the pirates (I.Mohammed, personal communication, September 10, 2012).

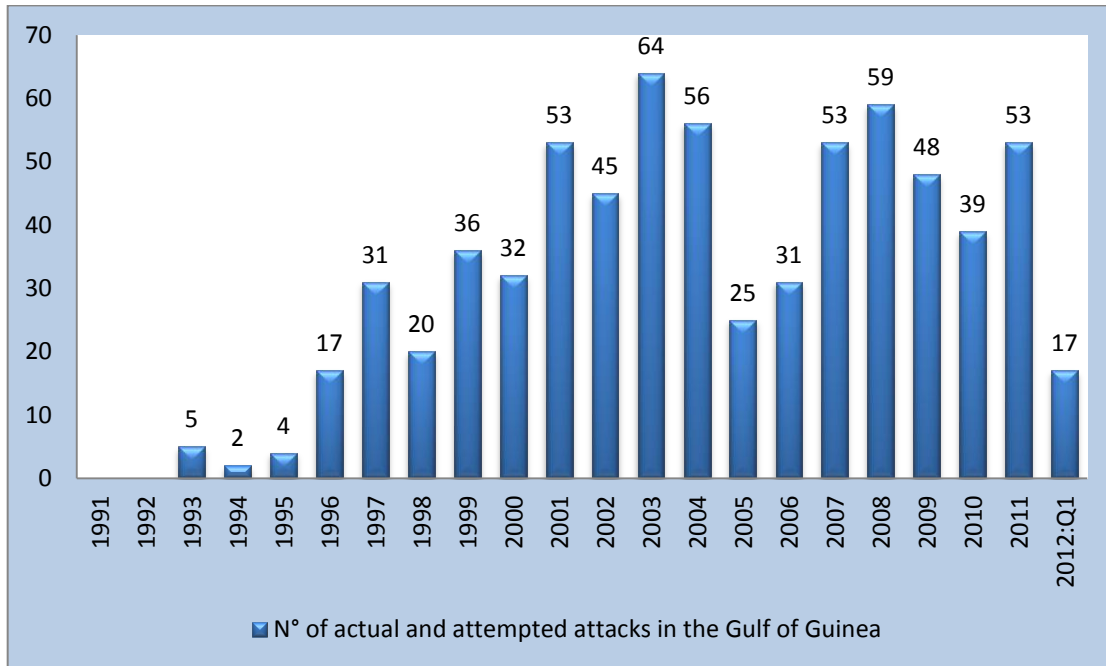
The pirates always operated in gang style fashion. According to the IMB Director, "The attacks off West Africa follow a different modus operandi from pirate activity in other parts of the world" (International Chamber of Commerce, 2012). A case in point was the attack on Energy Centurion Tanker on 28 August 2012, which coincided with the UN backed ECOWAS Maritime Security Conference, taking place in Togo at the time. Pirates in Togo hijacked the tanker Energy Centurion with the 24 Russian crew on board and siphoned 3000 tons of the gas oil cargo. They did not ask for ransom, but took the crew's valuables. The vessel was seized 27km off the coast of Lome, Togo's capital

.The hijackers steamed off with the tanker after a gunfight with the Togolese navy patrol (Lowe, 2012).

Pirates' attacks severely affected Benin economy and prompted the establishment of a joint patrol codenamed *Operation Prosperity* by Nigeria and Benin navies. According to IMB reports, first quarter of 2012, saw 10 reports of attacks in Nigeria, the same as reported for the whole of 2011, and one reported for Benin, which has been attributed to Nigerian pirates. The reduction in the number of attacks was due to the joint patrol effort of the Benin – Nigerian Navies. The trend of piracy attacks shows a correlation between patrol efforts and presence of the Nigerian Navy fleet at sea.

### **2.5.2 - Total incidents in the Gulf of Guinea**

This subsection puts the absolute number of incidents described above in charts and graphs for better appreciation .Figure 3 shows trend of attacks actual and attempted combined in the Gulf of Guinea from 1991 till first quarter of 2012. As described above, there is an uneven trend with piracy and armed robbery at sea in the region. The chart shows a steep rise of attacks from 1991 to 2003 (when it recorded the climax of incidents accounting for about 9.3% of the total attacks within the period under review). In 2004, there was a slight decrease in attacks which further decreased the following year, but peaked again in 2006 with steady increase making another climax in 2008. A gradual drop in attacks was recorded from 2009 to 2010, but, increased again in 2011. Nevertheless, the first quarter of 2012 recorded about 2.5% of the attacks within the period and has already surpassed 1991 – 1995 incidents, currently standing at about 32.1% of the total incidents recorded in 2011. This indicates that if proper mechanisms are not put in place, 2012 may be worse hit by pirates' attacks than 2011.

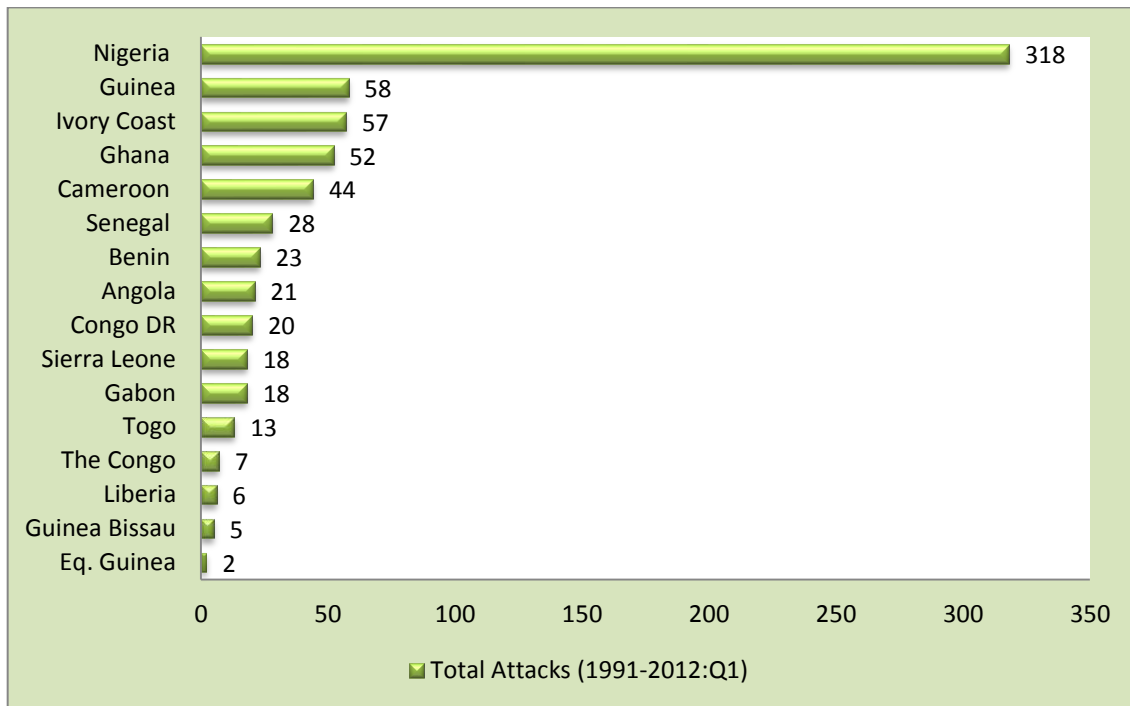


**Figure 3:** Total Incidents in the Gulf of Guinea from 1991-2012(Q1) (Source: ICC-IMB, Annual Piracy Reports, 2000-2012.)

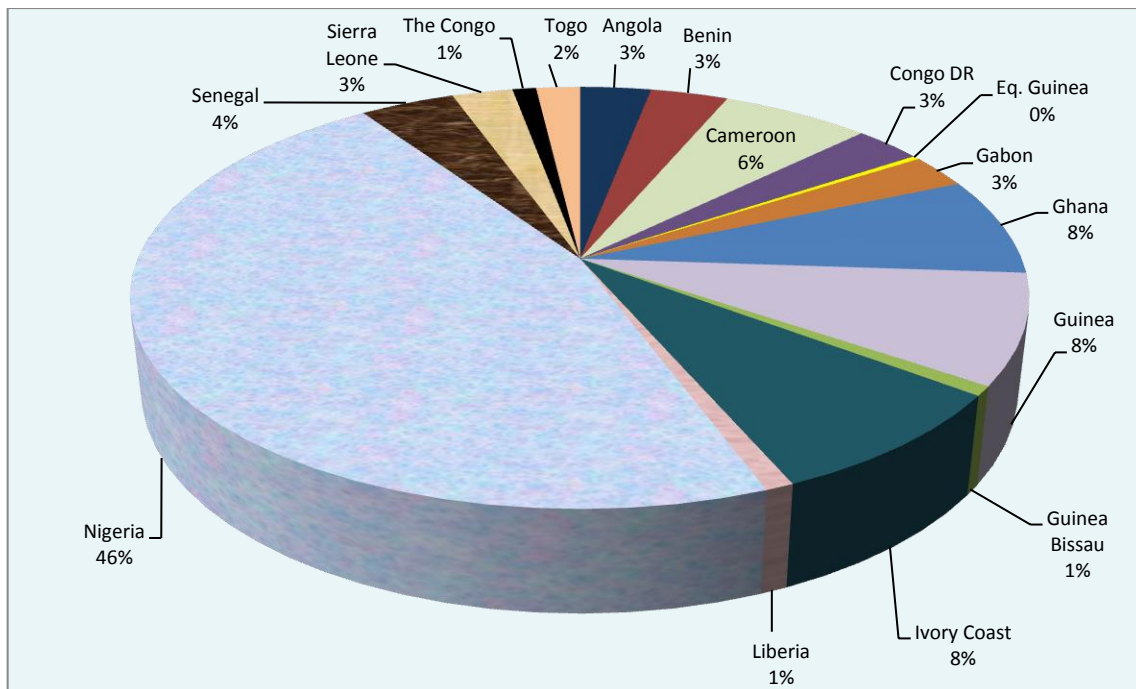
### 2.5.3 - Total incidents in the Gulf of Guinea by Country

Figures 4 and 5 shows the amount of attacks in percentage with respect to the countries within the region. From 1991-2012(Q1), Nigeria recorded the highest number of piracy incidents, accounting for about 46.1% of the entire attacks over the period; this was followed by Guinea (8.4%), the Ivory Coast (8.3%), Ghana (7.5%), and Cameroon (6.4%). However, Equatorial Guinea recorded the least attacks at about 0.3% of the total attacks over the period.





**Figure 4:** Total Incidents in the Gulf of Guinea by Country (Source: ICC-IMB, Annual Piracy Reports, 2000-2012.)



**Figure 5:** Total Incidents in the Gulf of Guinea by Country (Source: ICC-IMB, Annual Piracy Reports, 2000-2012.)

#### 2.5.4 - Total incidents in the Gulf of Guinea by Country in 2011

Figure 6 and 7 show the trend of attacks in 2011. This year is particularly interesting because Benin republic experienced a new phenomenon of piracy, which seriously affected her economy (see cost of piracy). She accounted for 37.7% of the attacks in 2011; as explained earlier, these attacks prompted the President of Benin to seek the urgent response of the UN that culminated to UNSC Resolutions 2018 and 2039 and the establishment Joint Maritime patrol *Operation Prosperity*. Nigeria recorded (18.9%), Togo (11.3%) and Guinea (9.4%). However, countries like Cameroon, Equatorial Guinea, Gabon, Guinea Bissau, Liberia and Senegal did not record any incident in 2011.

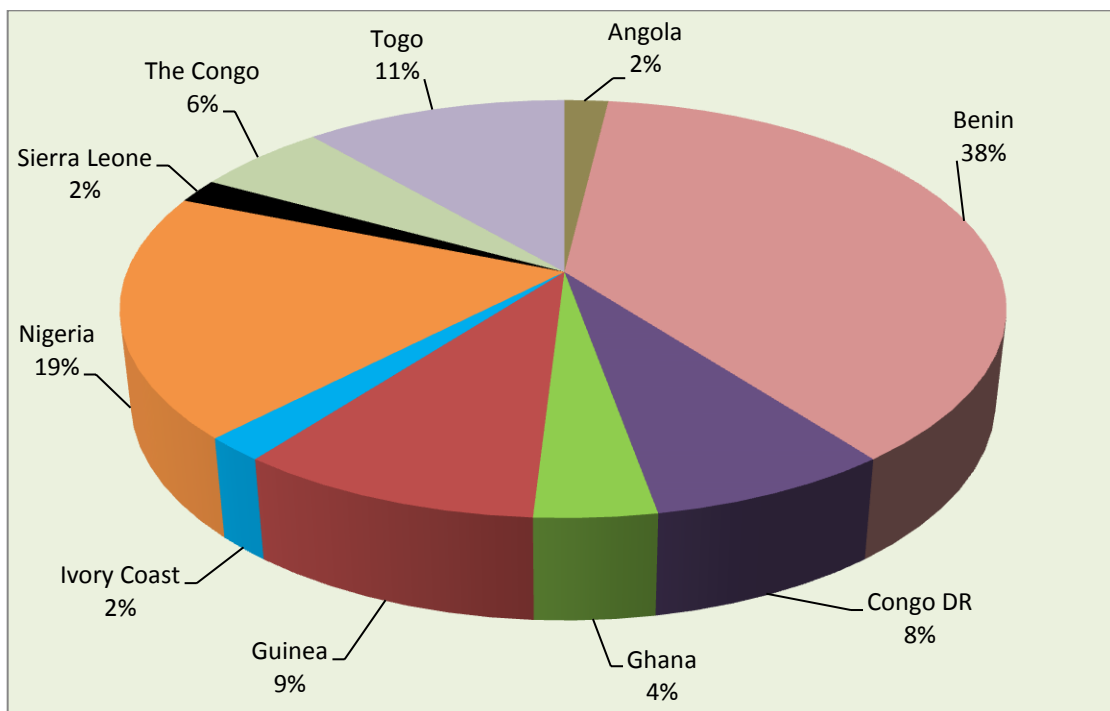


Figure 6: Total Incidents in the Gulf of Guinea by Country for 2011 (Source: ICC-IMB, Annual Piracy Report, 2012.)

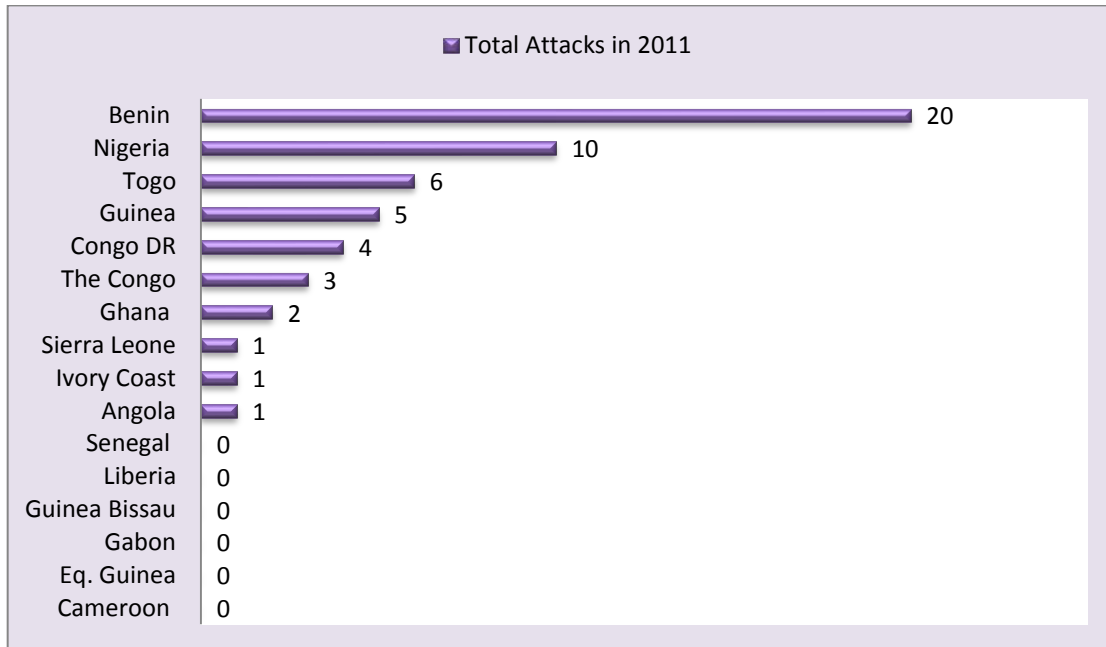
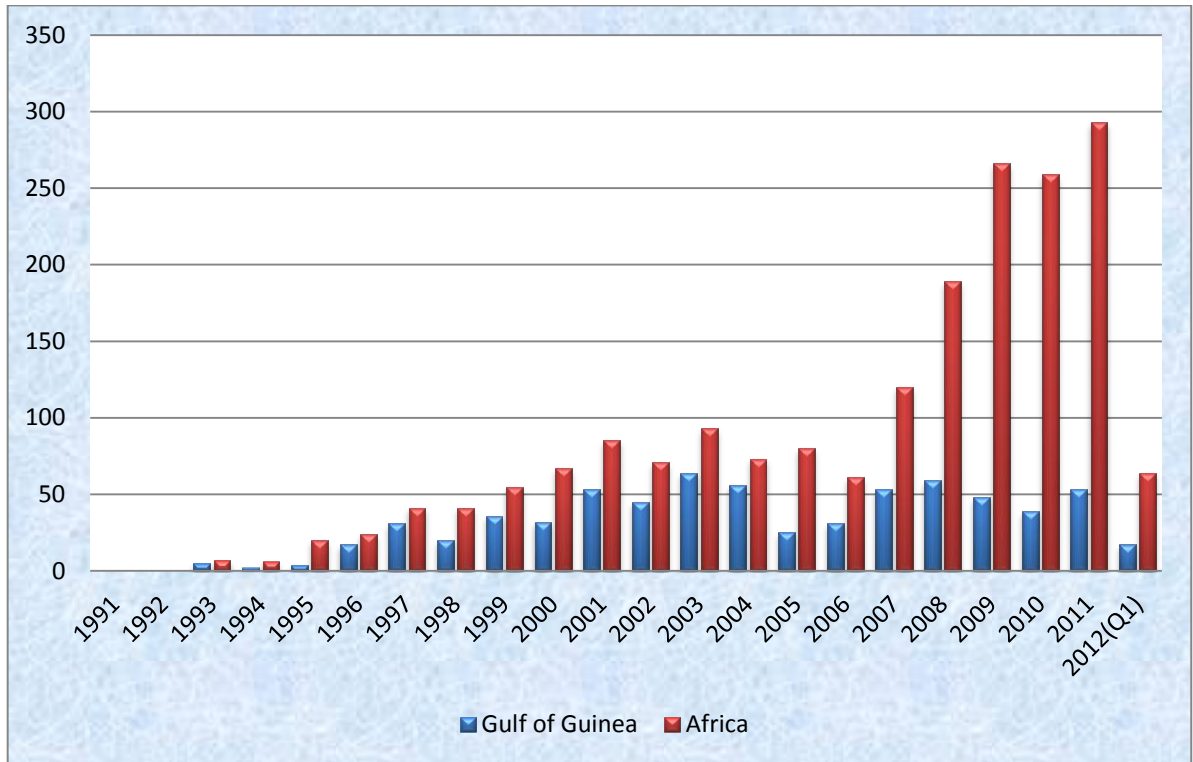


Figure 7: Total Incidents in the Gulf of Guinea by Country for 2011 (Source: ICC-IMB, Annual Piracy Report 2012.)

### 2.5.5 - Reported incidents in Africa and the Gulf of Guinea

Figure 8 show an extensive evaluation of the piracy incidents in Africa and the Gulf of Guinea. The Gulf of Guinea accounted for about 71.4% of the piracy attacks in Africa in 1993, which dropped drastically to 20% in 1995, with a sharp surge to 70.8% in 1996 which increased to 75.6% the next year. Although 2003 witnessed the highest piracy incidents in the Gulf of Guinea, 2004 recorded the greatest contribution (76.7%) to attacks from the region when compared to Africa. Nevertheless, the proportion of piracy incidents from the Gulf of Guinea has been reducing gradually since 2005, with the Gulf of Guinea accounting for about 26.6% of the incidents in the first quarter of 2012.



**Figure 8:** Reported Incidents in Africa and the Gulf of Guinea (Source: ICC-IMB, Annual Piracy Reports, 2000-2012.)

### 2.5.6 - Reported incidents in the Gulf of Guinea and Nigeria

Figure 9 reveals the proportion of piracy incidents in the Gulf of Guinea that came from Nigeria. By 1993, Nigeria accounted for about 40% of the incidents in the Gulf of Guinea, which dropped to zero (0%) by 1994, rose again to 25% in 1995; and fluctuating between 15% (1998) and 64% (2005). By 2007, Nigeria recorded the highest incidents of attacks and accounted for about 79.2% of the attacks in the Gulf of Guinea. Nevertheless, this reduced gradually to 18.9% in 2011. However, considering 2012 separately, Nigeria accounted for about 58.8% of the attacks in the Gulf of Guinea for the first quarter of 2012 already.

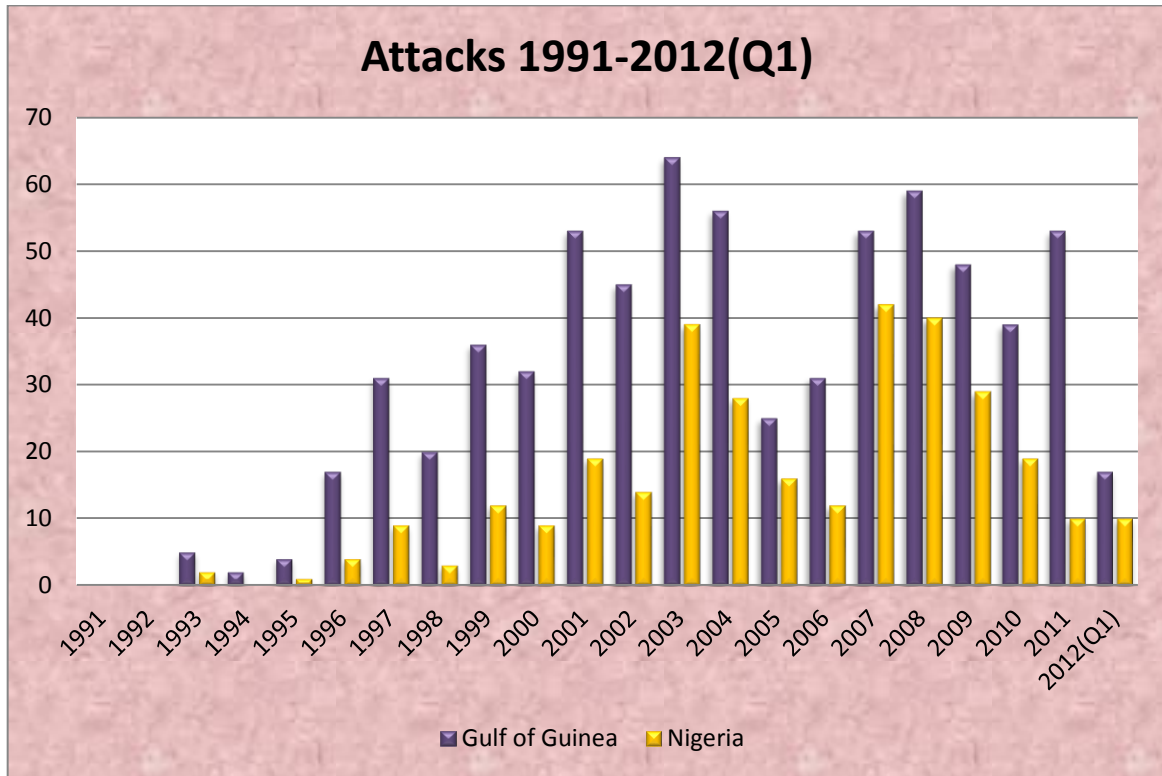


Figure 9 Reported Incidents in the Gulf of Guinea and Nigeria (Source: ICC-IMB, Annual Piracy Reports, 2000-2012.)

### 2.5.7 - Reported incidents between Africa the Gulf of Guinea and Nigeria

Figure 10 show the comparison of attacks between Africa, the Gulf of Guinea and Nigeria. In general, piracy incidents in Africa, the Gulf of Guinea and Nigeria shared a similar trend from 1991 to 2006, with a gradual increase from 1995 to 2003, and a decrease in 2004 down to 2006. Nevertheless, while cases in Africa rose in 2007 to a record high in 2011, incidents in the Gulf of Guinea and Nigeria increased slightly in 2007 and also decreased steadily till 2010. Meanwhile, in 2011 piracy cases rose in the Gulf of Guinea as Nigeria recorded a continued decrease from 2010.

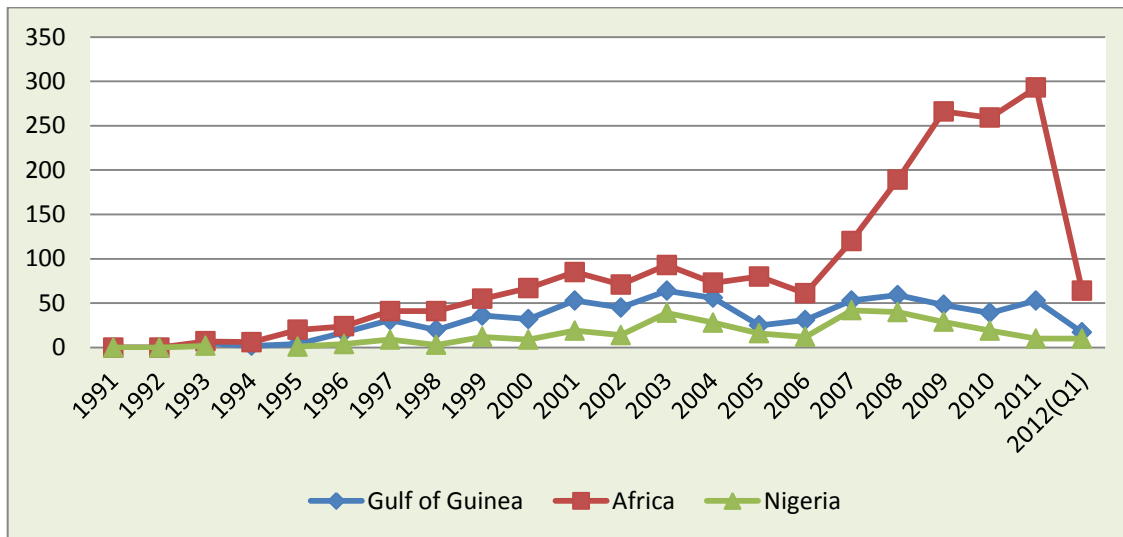


Figure 10. Reported Incidents between Africa, the Gulf of Guinea and Nigeria (Source: ICC-IMB, Annual Piracy Reports, 2000-2012.)

### 2.5.8 - Reported incidents between Africa, the Gulf of Guinea, Nigeria and Somalia

Figure 11 show a rise in piracy incidents in Africa, while attacks in the Gulf of Guinea and Nigeria experienced a downward trend, incidents in Somalia rose to a record high in 2011 accounting for about 54.6% of the total attacks in Africa at the time.

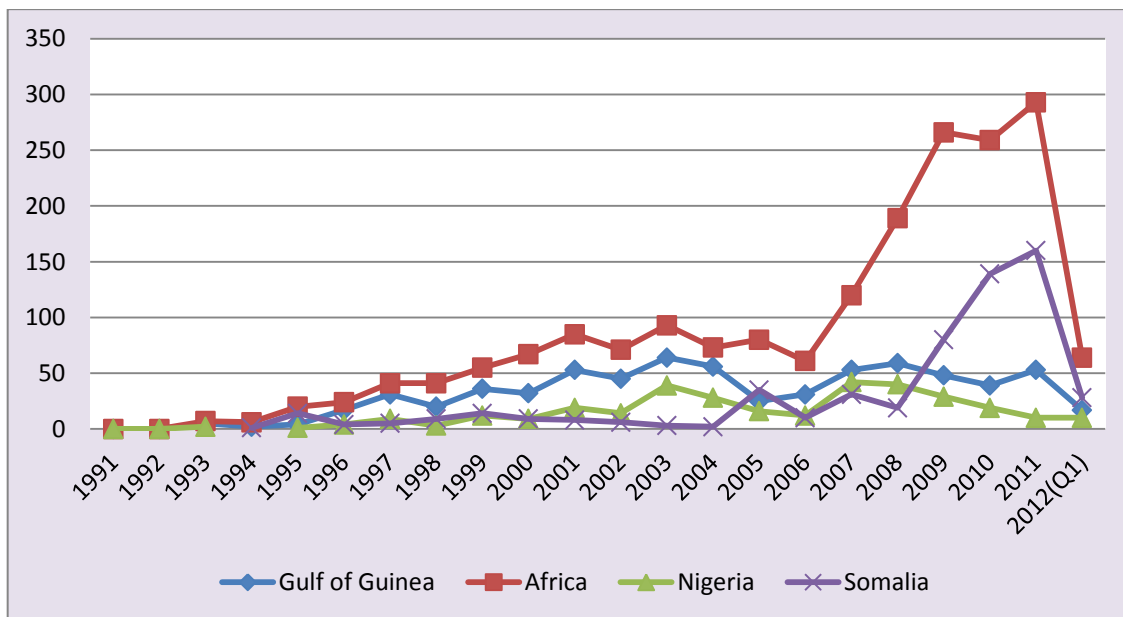


Figure 11: Reported Incidents in Africa, the Gulf of Guinea, Nigeria and Somalia (Source: ICC-IMB, Annual Piracy Reports, 2000-2012.)

### **2.5.9 - Summary of Analysis of Attacks**

The following conclusions can be made from the analysis of incidents:

Nigeria had the highest number of attacks (318) in the region during the period under review. The findings indicated certain factors were attributed for the high number of attacks. These include violent attacks carried out by armed Niger Delta militants from Nigeria as a result of crisis in the Niger Delta region and poor operational state of most Nigerian Navy ships. There was a strong correlation between naval patrols (maritime security) and piracy. On the other hand, drop in piracy was also associated with social programmes such as the amnesty programme instituted by Nigerian government. Other measures that reduced piracy included international pressure, anti- piracy watches by ship crews as well as acquisition of new naval platforms used for sustained patrols. Therefore, apart from military measures, piracy could also be suppressed by socio-political means and adoption of best management practices by ships.

The findings also revealed that piracy is a transnational crime. The reduction in piracy in Nigeria led to increase in another country, Benin and further extended to Togo. This goes to show a regional approach in the form of a combined patrol and regional agreement would be necessary to combat piracy and sea robbery. In addition pirates seeking safe haven in other countries, could be stopped by arresting criminals if adequate legislations are in place. A regional agreement could provide the platform for hot pursuit and extradition. The analysis opens up challenges faced by countries in the region. For example lack of naval capacity and poor technological base for repair of ships. The subsequent sections will discuss in details some factors and impact of piracy as well as the challenges faced by the region in combating piracy.

### **2. 6 - Factors responsible for rise in Piracy**

Before commanders go to battle, a thorough assessment of the enemy's strength and weaknesses must be made in order to ensure victory. In this circumstance, it is important that the causes and reasons for piracy are understood so that appropriate suggestions are

made to tackle the maritime crime. Hence, there are several interrelated factors responsible for the persistence of piracy. This section will look at some of these factors peculiar to the Gulf of Guinea.

### **2.6.1 - Conflict and Disorder**

Piracy and criminal activities flourish in coastal areas where there is civil strife and disorder, or their aftermath (Murphy, 2009, p.168). West Africa has witnessed many conflicts. The region remains fragile with Cote d'Ivoire recovering from civil war, and crisis in Guinea and Guinea Bissau (Dokubo, 2010, p.144). The menace of piracy in Nigeria is traced to the Niger Delta region. The Movement for the Emancipation of the Niger Delta became a coalition of local groups of militants protesting marginalization in Nigeria. The militants attacked vessels and oil platforms in and around the Niger Delta. Over time, it became almost impossible to establish whether a piracy incident was politically or criminally motivated as the perpetrators often operated interchangeably (Crippa, 2011). Drug trafficking is another maritime crime fitting together with piracy in the Gulf of Guinea. The Gulf of Guinea is becoming a major hub where a sizeable amount of cocaine was seized around Cape Verde, the Canary Islands and Madeira in vessels manned by crews from the sub-region (Gilpin, 2007). This state of conflict and disorder tends to fuel piracy.

### **2.6.2 - Underfunded Law Enforcement/Inadequate Security**

Many states are financially constrained to sustain navies, coast guards that can patrol the length and breadth of their maritime environment thereby encouraging pirates to operate with impunity (Murphy, 2009, p.168). These weak internal security forces, which are under-trained, poorly equipped, incapable of effectively policing their internal waters, are also badly in need of education on human rights (Goldwyn & Morrison, 2005). Pirates take advantage of these shortcomings to commit crimes illegal activities (Ibrahim, 2009, p.127).



### **2.6.3 - Poor Governance and Permissive Political Environment**

Poor governance is a factor that has fuelled rising incidences of insecurity in the region. The social and economic upheaval that followed bad governance undermined national and sub-regional security (Alli, 2010, p.70). To that end, and to promote good governance and security in Africa, Dr Mo Ibrahim, a wealthy Sudanese mobile communication businessman established a five million United States dollar prize for the African President adjudged to be the best in terms of good governance (Alli, 2010, p.70). Furthermore, piracy thrives where there are weak laws and lax law enforcement as a result of a weak state. Permissive environments exist within states and their territorial waters because the political environment is corrupt or allow illegal activity to take place for its benefit, or because law enforcement is underfunded and as a result a criminal organization can develop. The likelihood is that corrupt law enforcement officials are a feature of all areas affected by piracy (Murphy, 2010, p.169).

### **2.6.4 - Proliferation of Small Arms and Light Weapons**

Illicit small arms and light weapons used by criminal gangs have intensified the lethality of armed violence in West Africa (Golwa, 2010, p .119). The proliferation of small arms in West Africa is as a consequence of current and past conflict zones, corrupt law enforcement and military personnel selling their weapons as well as domestic artisan production from Senegal, Guinea, Ghana and Nigeria which passes down established routes (Dokubo, 2010, p.145). For example there were an estimated 75,000 illegal craft guns circulating in Ghana, constituting the vast majority of the 125,000 unregistered weapons in the country (Kieli, 2008, p.7). Similarly, the Nigerian Maritime Administration and Safety Agency (NIMASA) raised alarm over the influx of illegal arms into Nigerian waters by some shipping firms involved in unauthorized mid-stream discharge. The Director General of NIMASA explained that most of these arms and ammunition are the same arms used by Niger Delta pirates and oil thieves (Oritse, 2012).

### 2.6.5 - Unemployment and Poverty

Failure of poor government policies to provide basic necessities has made unemployed youths ready hands for violent or criminal organizations. For instance, in Sierra Leone where despite disarmament, the unemployed youths still jumped at another opportunity to pick up arms in the Liberian Civil war (Dokubo, 2010, p.143). To support the earlier mentioned statement, Mbiah (2007) describes paucity of legitimate employment opportunities and general lack of regional economic development as a pull factor that have encouraged coastal inhabitants to partake in crimes like maritime piracy (Mbiah, 2007, p.130). However, though statistics are unreliable, there is general agreement that around 51 percent of the Niger Delta's people still live on \$2 or less a day, only 49 percent have access to safe drinking water and there is one secondary school for every 14,679 children (Newsom, 2011, p.5). These conditions could push individuals into unproductive ventures. Table 2 illustrates the relative medium to low living standards in the region which could indicate fertile ground for criminal acts like piracy.

Table 2: Human Development Index in the Gulf of Guinea

| Country           | Human Development Index (HDI) |              |              |
|-------------------|-------------------------------|--------------|--------------|
|                   | HDI- 2009                     | HDI-2010     | HDI-2011     |
|                   | Ranks (general level)         |              |              |
| Angola            | 143 (medium)                  | 146(low)     | 148( low)    |
| Congo-Kinshasa    | 176 (low)                     | 168(low)     | 187(low)     |
| Congo-Brazzaville | 136 (medium)                  | 126( medium) | 137(medium)  |
| Gabon             | 103 (medium)                  | 93(medium)   | 106(medium)  |
| Equatorial Guinea | 118 (medium)                  | 117(medium)  | 136 (medium) |
| Sao Tome          | 131 (medium)                  | 127(medium)  | 144( low)    |
| Cameroon          | 153 (medium)                  | 131(low)     | 150(low)     |
| Nigeria           | 158 (medium)                  | 142(low)     | 156(low)     |
| Benin             | 161 (low)                     | 134(low)     | 167(low)     |
| Togo              | 159 (low)                     | 139(low)     | 162 (low)    |
| Ghana             | 152 (medium)                  | 130(low)     | 135 (medium) |
| Cote d'Ivoire     | 163 (medium)                  | 149(low)     | 170 (low)    |
| Liberia           | 169 (low)                     | 162(low)     | 182(low)     |
| Sierra Leone      | 180 (low)                     | 158(low)     | 180(low)     |

(Sources: Basedau, M., & Mähler, A. (2011); Human Development Index Reports (2010-2011))

### **2.6.7 - Promise of Reward**

The great financial reward of pirate activity has arisen as a motivator for this crime (Otto, 2011). The promise of comfort and expensive cars often lure unemployed youths to engage in piracy which has become a thriving business. (Nincic, 2009, p.7). According to the confession of the alleged leader of the hijack of *MT Energy Centurion* recently arrested, financiers of cargo oil theft business in Nigeria promised his gang 16 million naira( about102,000 US dollars) to hijack an oil tanker( Bilesanmi & Amata,2012). Murphy (2010) notes that piracy is a low risk high paying job when compared to other lines of work, pirates qualify for (Murphy, 2010).

### **2.6.8 - Favourable Geography**

Favorable geography facilitates and even provides safe havens for pirates (Murphy, 2007, p.14). The geography of the Nigerian Delta region with many creeks and swamps, make the region extremely difficult to police and thus enables pirates to escape after committing illegalities (Ukeje, 2009, p.8).

### **2.6.9 - Crude Oil Theft and Illicit Bunkering**

Fuelling piracy are organized crime syndicates operating major crude theft operations from the Niger Delta in Nigeria. They are backed by well-armed and increasingly well-financed militias (David & Morrison, 2005). In addition, the complex geography of the region, with a labyrinthine network comprising thousands of creeks and swamps and existence of an established international market for stolen oil which involves partners in the Gulf of Guinea (Cote D'Ivoire, Gambia, Liberia, Sao Tome and Principe) encourages illicit bunkering providing cash or exchange for weapons (Obasi, 2011,p.59).

### **2.7 - Modus Operandi of Pirates**

If any cooperative arrangement is going to be made to tackle piracy in the Gulf of Guinea, it would be essential to know the modus operandi of the pirates.

In the Gulf of Guinea, piracy has moved over the years from low-level armed robberies to hijackings, cargo thefts, and large-scale robberies. Pirates often take hijacked tankers to another empty tanker to collect its siphoned fuel to be sold on the black market. The original vessel is then brought back and released (McNamee, 2012). A case in point according to IMB 2011 report, took place on 13 September 2011, where a product tanker *MT Mattheos I*, was hijacked and attacked by armed pirates around 62 nautical miles from Benin coast. The pirates took hostage of all the 23 crew members and hijacked the tanker. They forced the master to sail to an unknown location, where the tanker was ransacked and some items stolen. The pirates released the vessel after a few days.

With respect to the above-mentioned, pirate attacks are often violent and are carried out by assailants armed with automatic weapons and using different types of small boats. Most of the attacks are targeted at expatriates, many of whom are kidnapped for ransom (Fouché, 2010a, p.154; IMB, 2006, p.17). In the words of Lieutenant General Victor Malu, a former Nigeria Chief of Army Staff:

The boys in the creeks of Niger Delta operate with military precision and with all the modern weapons of warfare. The skills with which they use these weapons of warfare make people to believe that insiders and some influential people at the top are behind them. More daring is the fact that these boys operate with satellite phones to ease communication. They have modern guns and other high-tech weapons and that is why they easily defy security. They are very strategic in their activities. (Idehen, 2008, p.477).

The numerous attacks and hijackings of ships taking place in the Gulf of Guinea such as the attack on *MT Mattheos I* are labeled as major criminal attacks by IMB reports. According to Beckman (2002), this kind of criminal attack involves detailed planning and organization. The attack can be described as a major transnational organized crime at sea and are very serious because they involve great losses to ship owners, risk to lives of crew and navigational safety (Beckman, 2002, p. 321).The IMB reports also state

many attacks occur at ports, anchorages and coastal waters under the jurisdiction of Gulf of Guinea coastal states. For example IMB 2007 report, specify 13 attacks against anchored ships in Benin waters. By the definition of piracy in UNCLOS 1982, many of these attacks cannot be classified as piracy, which as discussed earlier occurs at high seas or the Exclusive Economic Zone. Therefore UNCLOS 1982 will be inadequate to try suspected pirates in territorial waters.

In 1985, an Italian Cruise liner *Achille Lauro* was hijacked by a Palestinian armed terrorist group. The terrorists took control of the vessel and demanded for the release of their confederates in Israel prisons. In course of the hijacking, an unarmed and disabled passenger was killed and thrown overboard. This incident led IMO to develop the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) 1988 (Mejia, 2007, p.173). According to Hesse (2007), the SUA Convention provides the legal basis for action to be taken against persons committing unlawful acts against ships, including seizure of ships by force, acts of violence against persons on board ships, and the placing of devices likely to cause damage or destroy the ship (Hesse, 2007,p.193). As earlier described, serious hijackings, seizures, exercise of control by force and hostage taking against ships in the Gulf of Guinea could come under the purview of offences of the 1988 SUA Convention. The SUA Convention is an enabling law to repress serious pirate attacks in the Gulf of Guinea. The next section will discuss the cost and impact of the operations of these pirates in the Gulf of Guinea.

## **2. 8 - Economic Cost and Impact of Piracy**

In terms of cost of piracy, One Earth Future Working Paper (2010) analyses the direct economic costs of piracy, which include the following: the cost of ransoms, piracy insurance premiums, deterrent equipment, re-routing vessels away from piracy risk zones, naval deployments in piracy hot zones and piracy prosecutions (Bowden,2010). This section will look at the relevant costs of piracy to the Gulf of Guinea.

### **2.8.1 - Cost of Insurance**

In reaction to the growing threat and cost of ransoms, the maritime insurance industry has responded by increasing its shipping rates and premiums, especially in designated high-risk piracy zones ((Bowden,2010).). Following increased attacks in the Gulf of Guinea, the Joint War Committee, representing Lloyd's of London underwriters and other insurers, listed Nigeria, and Benin as higher risk for shipping on August 1, 2011. The Nigerian risk zone now extends to 200 nautical miles. This implies additional cost for ships entering Nigeria and Benin waters (Bockmann, 2011). Further, The International Bargaining Forum, a body of seafarers, has warned its members to avoid Nigerian waters as they declared the country 'high risk area' too with effect from April 2012 following increased attacks on vessels and crew members. This also has a damaging cost implication on shipment into Nigeria and Benin waters (Oritse, 2012).

### **2.8.2 - Cost to Food Price Inflation**

Approximately 40% of piracy attacks have been on bulk carriers and general cargo vessels. Pirate attacks on these vessels have direct effect on the price of food staples which bulk carriers have as deliveries of food cargo is delayed, or in the case of perishable goods, lost (Bowden, 2010, p.22). To support this statement, Figure 12 shows the number of attacks by ship types. The most attacked ships in order of frequency are bulk carriers, general cargo, tanker crude oil, chemical product and fishing trawlers. Bulk carriers may be targeted probably because they have low freeboards (short distance and the deck) (Murphy, 2010, p.46). Interestingly, there are apparently no reported attacks on warships, probably because they are armed vessels.

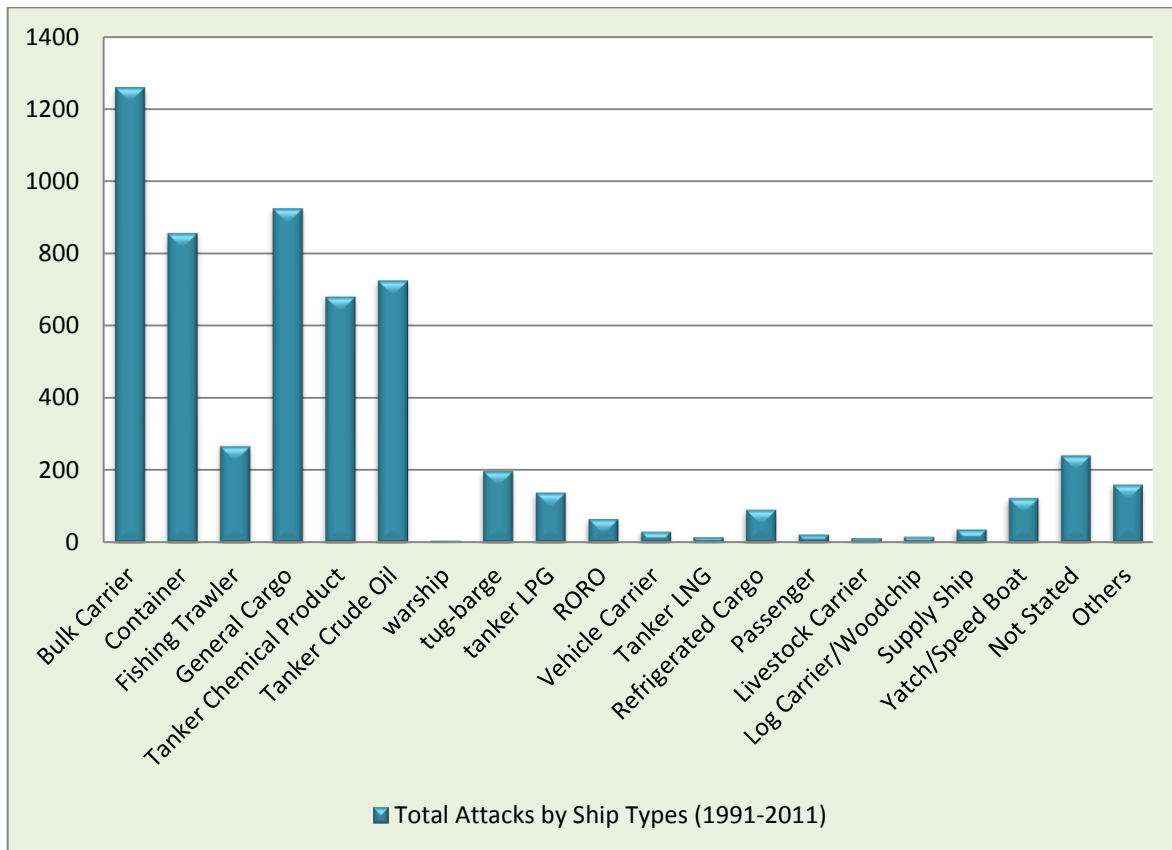


Figure 12: Attacks by Ship Types from 1991 to 2011 (Source: ICC-IMB, Annual Piracy Reports, 2000-2012.)

### 2.8.3 - Cost of Reduced Foreign Revenue

Piracy can have significant cost on foreign revenue (Bowden, 2010) .All these pirates’ attacks and other maritime crimes have resulted in Countries of the Gulf of Guinea losing \$2 billion annually. For instance, Benin saw a 70% decrease in 2011 in the number of ships entering its main port of Cotonou, which carries 90% of Benin’s trade, representing 80% of the government’s budget (McNamee, 2012). Further piracy affected Benin’s trade with landlocked States, including Burkina Faso, Mali and Niger that depend on Cotonou port, which is one of the major transit ports servicing these landlocked States (UNSC, 2012a).

Similarly, Nigeria's oil industry and ships directly targeted by Niger Delta militants witnessed a drop in oil production by around 20% in 2006. Nigeria was losing 10% of its daily oil output (approximately 100,000 barrels) valued at \$1.5 million every day at the time (Bowden, 2010). Due to volatility of regions affected by piracy, foreign investors may look for alternative regions to invest their money. For instance if Ghana does not adequately protect its waters, her tourism industry might be affected (Bowden, 2010).

#### **2.8.4 - Cost of Naval Deterrence**

The Nigeria and Benin republic joint maritime patrol is costing Benin an estimated \$466,000 US Dollars per month, which is equivalent to 5 per cent of the total cost of the operation, of which Nigeria is bearing 95 per cent of the logistical support cost (UNSC, 2012a, p.6).

#### **2.8.5 - Impact on Seafarers**

The cost of piracy is not purely economic (Murphy, 2010, p.54). According to IMB reports, between 2000 and 2011, 1,214 seafarers suffered some form of violence in the Gulf of Guinea. For instance, Benin had 140 seafarers taken hostage in 2011, which was the second highest number in the world after Somalia. The impact of piracy on humans cannot be quantified, because some seafarers may have varying levels of long term distress even after violence on them (Hurlburt & Mody, 2012, p.11). Seafarers even on large ships are apprehensive and even afraid when they pass through pirate prone areas. Those that have suffered attacks are unwilling to return to sea (Murphy, 2010, p.54). Fortunately, most victims are able to recover after treatment from health care professionals (Hurlburt & Mody, 2012, p.11). Apart from the seafarers themselves, their families and friends are even traumatized by long periods of agony, thinking of their loved ones in captivity or even being killed. All the above experiences make the human cost of piracy incalculable.



### **2.8.6 - Potential Environmental Impact**

Piracy can cause environmental and navigational hazards as a result of violent attacks on ships carrying liquid petroleum cargoes. During a piracy attack, a ship may be completely taken over and the crew locked up in a central place, leaving the ship without a helmsman to steer, and as a result end up colliding with another ship (Talley & Rule, 2008, p.93). For instance a tugboat, *Lamnalco Waxbill*, in the Niger Delta in Nigeria, was attacked and the crew abducted by gunmen. The vessel was later found drifting with a dead body onboard (Onuoha & Hassan, 2009, p. 19).

Furthermore, a spike in violence in the Niger Delta in Nigeria or attacks on super tankers might shoot up oil prices by \$10 or more per barrel. The possibilities of terrorist attacks are there because Nigeria's growing Liquefied Natural Gas sector large multi-billion dollar facilities could be conspicuous new potential targets (Goldwyn & Morrison, 2005).

### **2.8.7 - Political Impact**

Piracy can have a damaging effect on the political image of a country. A country could be termed as weak and incapable of protecting lives and properties through its law enforcement agencies causing embarrassment to the nation on the international scene. In addition, the crime demoralizes the citizens and gives false sense of power to the pirates over security agencies (Ekpeyong, 1983). The Benin government was unable to function in the short term as a result of piracy. This situation also hampered its efforts to consolidate democratic governance, and attract foreign investments in Benin's oil fields (UNSC, 2012a, p.6).

### **2.8.8 - Impact on Fishing**

The fishing industry was greatly affected by piracy in Nigeria. It reached the point that many captains of fishing vessels refused to put sea (Nincic, 2009).As a consequence, in 2008, over 170 Nigerian fishing vessels were idle due to the piracy risk, which

threatened about 50,000 jobs. Nigeria lost about \$600 million in export earnings due to piracy threats to its fisheries (Bowden, 2010).

Further, prices of seafood increased astronomically as a result of the scarcity of fish, thereby an important protein source was out of the reach of most of the average citizens (Nincic, 2009). Nigerian pirates also caused similar piracy problems among fishermen elsewhere in the Gulf of Guinea (Nincic, 2009). In 2011, Benin was experiencing a monthly loss of \$1 million in its fishing sector (UNSC, 2012a).

## **2.9 - Conclusion**

From the analysis of this section, piracy is encouraged by interrelated factors and causes. The promise of reward was identified as an easy way for pirates especially Niger Delta militants to make money. This situation is probably accentuated by high unemployment and poverty pervading many Gulf of Guinea countries. In addition, crisis prone areas coupled with disorder encouraged the persistence of piracy. A classic example is the Niger Delta crisis in Nigeria. The Niger Delta geographical feature makes it even easier for pirates to escape after attacking ships. The lack of adequate platforms of the law enforcement agents makes it difficult to pursue them.

The high number of illicit small arms sourced from illegal oil proceeds for example emboldened pirates to attack ships especially oil tankers, bulk carriers and fishing vessels. These attacks have had huge impacts on prices of food commodities, shipping costs, reduced revenue for the region and trauma on seafarers. The modus operandi of the pirates which involve violence especially assault, hostage taking suggest the appropriateness of the SUA Convention to repress piracy in the region. The relevance of this section brings to fore the wider implications of not combating piracy. Hence the next chapter looks at efforts in combating piracy and the challenges hampering these efforts.

## Chapter 3

### 3 - Assessment of Current Efforts to Combat Piracy in the Gulf of Guinea

Following increased piracy attacks, there have been numerous engagements at national, bilateral, multilateral, regional and international levels to combat piracy and secure the maritime environment of the Gulf of Guinea. This section will discuss some of the measures in the succeeding paragraphs.

#### 3.1 - National Measures

At the national level, for instance, the Nigerian government established in January 2012, a Joint Maritime Task Force led by army officer, known as *Operation Pulo Shield*, which was transformed from *Operation Restore Hope* initially established to tackle militancy in the Niger Delta. The *Operation Pulo Shield* is mandated to combat piracy, armed robbery at sea and crude oil theft among other crimes (Onuoha, 2012, p10). According to Udoh, “the Nigerian Army recently acquired some flat bottom boats to enhance the operational effectiveness of the amphibious units in the *Operation Pulo Shield*. However the Joint Task Force is challenged by the large expanse of area to patrol coupled with the organization and sophistication of the pirates” (E.Udoh, personal communication, September 3, 2012).

On the other hand, the Nigerian Navy hierarchy has set out a transformation programme to acquire a new mix of warships to enhance maritime security. For instance, between January and April 2012, the newly acquired Nigerian Navy Ship *Thunder* which was deployed for intensive patrol duties arrested over seven ships with illegal consignments (Bashir, 2012).

Further, of blessed memory, Alhaji Umaru Musa Yar’Adua, deceased President of Nigeria in 2007, introduced the amnesty programme for Niger Delta Militants in 2009. This amnesty programme drastically reduced piratical attacks in 2009 as indicated in the IMB reports, as many of the militants responsible for piracy surrendered their arms and

embraced the programme. According to Onuoha (2012) over 15 000 militants lay down their arms and ammunition including about 2,760 various guns, 287, 445 ammunitions , 18 gunboats, 763 dynamites, 1,090 dynamite caps, 3,155 magazines and other military items ( Onuoha ,2012,p.7) .

It is instructive to note that the current President, GoodLuck Jonathan, is implementing the amnesty programme to the letter. Hence, the recent drop of piracy in Nigerian waters. The success of the programme changed the fortunes of oil production in Nigeria from a low 700,000 barrels per day to the current level of 2.6million barrels per day. The militants, who have made the waterways unsafe have all been evacuated from the creeks and have been rehabilitated at various institutions in Nigeria and abroad. A total of 5,204 ex-militants are currently undergoing various forms of skills acquisition training, while 6,280 delegates had already been processed for deployment to local and foreign training institutions. The rehabilitation of the militants has resulted in the creating relative peace and security in the region (‘Fast-tracking’, 2012).

Similarly, according to Balogun, “the Nigerian Air force has signed a memorandum of understanding with NIMASA for the aerial patrol of Nigeria waters to report real time suspicious activities at sea. This is similar to the Eyes in the Sky initiative that was launched to support the antipiracy efforts of Malaysia-Singapore-Indonesia coordinated Patrols in South East Asia (Storey, 2008, p.116). However political issues might arise if the wrong persons are attacked by warplanes suspected to be carrying out illegal activities. This is because it would be difficult to differentiate between a militant or pirate” (N. Balogun, personal communication, September 4, 2012).

Elsewhere in Ghana, the Navy took delivery of four new patrol ships as part of efforts to boost the naval fleet. The late President J.E.A. Mills emphasized at the commissioning of the Ghana navy ships that “With the increasing incidents of piracy and other related maritime crimes, we have no option than to equip our Navy to be able to guarantee a

secure environment where all legitimate entities can operate freely without hindrance.” (Daniel, 2012).

### **3.2 - Bilateral Measures**

At the regional level, there are various bilateral and multilateral arrangements to tackle piracy. The Nigerian Navy commenced a joint patrol with the Republic of Benin, code named ‘Operation Prosperity’ led by Nigerian Navy personnel in October 2011. Three war ships, all from Nigeria, including five support vessels, two defender boats and helicopters are involved in the exercise (Usman, 2011). This was an initiative of the Presidents of Nigeria and Benin. According to Dieng, “the maritime operation is a political arrangement not a legal one” (A. Dieng, personal communication, September 4, 2012). Therefore there is the need enhance the legal aspects especially in the prosecution of piracy suspects.

An IMO/Maritime Organization of West and Central Africa (MOWCA)Forum in October 2006, agreed to the establishment of an integrated coast guard function network for West and Central African countries which among other things agreed to cooperate in several areas such as combating piracy, armed robbery against ships and other maritime crimes (Addico,2008) . According to Diop, “apart from Nigeria, Cape Verde and Cote d’Ivoire, the implementation of the sub regional coast guard network in other states is fraught with challenges. These include poor legislative framework, poor institutional arrangements, lack of funding and inadequate skilled human resources” (A. Diop, personal communication, October 14, 2012).

In addition, in response to UNSC Resolution 2018 on the need for an anti-piracy strategy and regional cooperation, ECOWAS and the Economic Community of Central African States (ECCAS) during their meeting in Benin from 26-29 March 2012 signed a memorandum of understanding in Benin to combat piracy, robbery at sea and other illicit activities in the region ( Chuter ,2012).

According to Dieng, “following the recorded success of Nigerian Navy/ Benin *Operation Prosperity*, ECOWAS held a workshop from 28-29 August 2012 to draft a multilateral agreement for the establishment of a proposed Zone that would comprise Benin, Niger, Nigeria and Togo of the maritime region of West Africa to suppress illicit Maritime activities. It is instructive to note that Niger, a landlocked country is part of Zone E because of her heavy dependence on the Benin ports for importation of goods and commodities. The Zone E arrangement is a replication of the commendable efforts of the maritime patrols zoning system (A, C and D) of ECCAS” (A. Dieng, personal communication, September 4, 2012).

Albeit, ECCAS member States relatively comprehensive collective anti-piracy architecture over the past three years, their efforts were still limited in scope and effectiveness as individual Central African States were finding it increasingly difficult to continue to finance and support naval operations on their own (UNSC , 2012a). However, the collaboration between ECCAS and ECOWAS to combat piracy is a prospect for enhanced cooperation.

### **3.3 - Multilateral Measures**

In 2005, US introduced its National Strategy for Maritime Security which included plans to improve maritime capacities of African coastal states. In 2007, the US established Africa Command (AFRICOM) and in conjunction with United States Navy has been conducting several activities through its Global Fleet Concept in African Partnership Station (APS) to build capacities of African navies to enforce maritime laws (Ploch, 2011,p.16).The APS conducts joint exercises, port visits and practical professional training with the coastal nations( Ezeobi, 2012).In terms of funding, the U.S has provided 35 million dollars, since 2007 to regional states to build maritime security capacity such as coastal radars, equipment, boats, and associated training. The latter resulted in developing the first multi-national maritime exercise in the Gulf of Guinea, the *Obangame Express 2012*, over a two-day period (Galamas & Bilala, 2012).

### **3.4 - The United Nations Response**

Given the Gulf of Guinea's relative economic importance (Nelson & Ware, 2012), and seriousness of the threat the UN sent an assessment mission to West Africa to evaluate the situation (Rhinehard, 2012). In addition, United Nations Security Council (UNSC) adopted UNSC resolutions 2018 (2011) and 2039 (2012), expressing concern about the threat posed by piracy and armed robbery to international navigation and called for interagency and littoral states (UNSC,2011;UNSC,2012c). To that end, the UN specifically advocated for a regional conference in concert with the African Union to elaborate on a regional strategy to fight piracy (Philips, 2012).

### **3.5 - Challenges hampering efforts in combating Piracy in the Gulf of Guinea**

Before discussing the strategies to combat piracy in the Gulf of Guinea sub region, it is necessary to look at some of the challenges that could be obstacles to cooperation in the region. This necessity is based on historical antecedents. According to Fajriyansah (2007) conducting a war against piracy is a heavy and complicated task. Many problems and challenges must be faced by the states and international organizations because every year the piracy number of attacks remains high (Fajriyansah, 2007, p.121). Giving credence to this statement, Bateman (2005) ,stated that the proposal for a Regional Maritime Surveillance and Safety Regime for Southeast Asian waters suggested by the Institute of Strategic and International Studies in Malaysia was marred by several difficulties such as lack of clear interest between possible member states, regional sensitivities to particular issues including fishing and disputed maritime claims (Bateman, 2005,p.261).It is on this premise that this section looks at challenges hampering the efforts to tackle piracy in the Gulf of Guinea.

These challenges inter alia are lack of political will, poor maritime domain awareness and maritime border disputes. Others include poor technological base, inadequate interagency cooperation, inadequate capacity of navies and coast guards, increasing influence of extra regional powers and weak legal framework.

### **3.5.1 - Lack of Political Will**

In many developing countries, the political will to adequately fund naval assets acquisition and maritime operations is lacking (Usono, 2012). Often most of the region's policy makers and politicians lack the understanding of the importance of maritime security. As a result, maritime strategy, a very strong concept to ensure the adequate safety and protection of the maritime environment is relegated to the background (Quashie, 2010). According to Dieng, "most states in West Africa do not have a national maritime strategy". The maritime strategy project is often seen as an unproductive exercise (Quashie, 2010). There is no gainsaying that an "unwavering political will is critical to any successful strategy is lacking due to vestiges of a land centric approach" (Gilpin, 2007). Apart from the ECOMOG operations in Liberia and Sierra Leone in the 1990s, no large peacekeeping operation within Africa had involved naval forces (Ibrahim, 2009). However, there is still much to be done to educate policy makers on the derivable benefits from a well-protected maritime environment (Quashie, 2010). If not adequately addressed, the lack of political will can militate against the establishment of a strategy to combat piracy in the Gulf of Guinea.

### **3.5.2 - Maritime Border Disputes**

The primary obstacle that hinders interstate cooperation anywhere is concern over sovereignty (Murphy, 2010, p.82). Where claims of two or more coastal states intersect for reasons of territorial, contiguous, Exclusive Economic Zone or continental shelf delimitation, complex issues or disputes are often raised (Cozens, 2005, p.116). This restraint is reinforced by a certain lack of political commitment to many cooperative activities and can be manifested also in the failure to implement or comply with international instruments (Bateman, 2001). Examples of maritime disputes in the Gulf of Guinea include those between: Equatorial Guinea and Cameroon over an island at the mouth of the Ntem River; and Gabon and Equatorial Guinea over the Mbane Island and Corisco Bay boundaries (Gilpin, 2007). On the other hand, recently, there have been



calls for the Nigerian government to appeal the International Court of Justice judgment of 2002 in the land and maritime boundary dispute between Cameroon and Nigeria ceding the Bakassi Peninsula to Cameroon. To ensure a peaceful coexistence with Cameroon, the Nigerian government decided not to pursue the review of the case (Ibegwam, 2012). This act by the Nigerian government indicates prospects for enhanced cooperation in the region. In contrast, if maritime disputes are not properly resolved certain states might take actions based on self-interest and jeopardize any effort to enhance maritime security.

### **3.5.3 - Inadequate Inter –Agency Cooperation**

Conflicting and duplicity of national policies and legislation in many African states has been a challenge to regional cooperation in maritime issues. Often times there are two regional organizations with similar mandates which operate in the same area without any tangible effort to harmonize their operations (Wambua, 2009). In addition, the collective efforts being carried out by various countries and regional organizations could be counterproductive despite the successes gained and militate against the enhancement of maritime security in the region (Galamas & Bilala, 2012). For instance with 23 diverse countries across the region, achieving consensus strategies on fighting maritime piracy has been difficult. A classic case is the several maritime initiatives undertaken by several regional organizations. For example, the Central African States recently set up a Regional Centre for Maritime Security in Central Africa to enhance information sharing: in West Africa, member States of the ECCAS and ECOWAS established their own maritime security efforts. Another cooperative effort involves the Gulf of Guinea Commission (GGC) and the MOWCA, who set up their respective plans and memoranda of understanding. With so many concurrent efforts, it could result into duplication of efforts and a regional rivalry may emanate if not properly coordinated (Galamas & Bilala, 2012).

#### **3.5.4 - Poor Maritime Domain Awareness**

In the words of Admiral Gary Roughead “Maritime Domain Awareness is where it all begins. We cannot conduct the operations that we must if we don’t have a good sense of what’s out there, moving on, above or under the sea.” (Boraz, 2009, p.136)

Maritime Domain Awareness (MDA) involves generating actionable intelligence to effectively conduct various maritime tasks, counter terrorism and maritime law enforcement operations (Akpan, 2010, p.45). From the foregoing, actionable intelligence is the single most important prerequisite for interdicting illicit traffic at sea (Quashie, 2010). As stated earlier, the traditional land centric approach to security has contributed to a systemic neglect of maritime forces. In addition, many citizens of Africa do not comprehend and have not seen the sea (Fouché, 2010b). Basic equipment for surveillance, patrol boats and trained personnel are inadequate. This situation is a militating factor in combating piracy in the sub region (Alege, 2010). In order to address security issues, situational awareness of the maritime domain is critical as it would provide the necessary information to African leaders to make informed decisions that would enhance maritime security (Ibrahim, 2009).

According to Okae, “the maritime component of the ECOWAS Standby Military Force is the least developed to further lend credence to poor maritime domain awareness in the region” (C. Okae, September 4, 2012). This lack of maritime domain awareness remains an issue a matter acknowledged by two speakers from West Africa at the 2009 Sea Power for Africa Symposium in Cape Town (Vrey, 2009, p.26). Poor maritime domain awareness can seriously hamper efforts to combat maritime crimes in the Gulf of Guinea.

#### **3.5.5 - Inadequate Capacity of Navies and Coast Guards**

Many regional countries lack the capacity to take part on the same plane in any cooperative endeavor (Bateman, 2001). The status of most African navies is an obstacle to effective regional cooperation in the governance of African ocean areas (Wambua,

2009). Many African countries, moreover, have prioritized investment in land-based forces over maritime units (Vogel, 2011). According to Admiral Ola Saad Ibrahim, an assessment of Africa's naval/coast guard capabilities reveal most of them cannot adequately enforce laws in their respective maritime zones (Ibrahim, 2009) See Table 3.

Table 3: Naval Capabilities of Some Gulf of Guinea Countries.

| Serial | Countries                       | Personnel<br>Navy/Coast<br>Guard | GDP in<br>billions-US<br>dollars/ in<br>2009 | Defence<br>Budget 2009<br>US dollars | Platforms   |
|--------|---------------------------------|----------------------------------|--|--------------------------------------|---|
| 1.     | Angola                          | 1,000                            | 77.7   | 2.77billion(bn)                      | Patrol and Coastal<br>Combatants(PCC)-9<br>Submarine-1  |
| 2.     | Benin                           | 200                              | 7.2bn  | 79million(m)                         | PCC- 2  |
| 3.     | Cameroon                        | 1,300                            | 24.1bn                                       |                                      | PCC-11<br>Amphibious-2  |
| 4.     | Cape Verde                      | 100                              |  |                                      | PCC -3  |
| 5.     | Congo                           | 800                              | 11.6bn                                       |                                      | PCC-3 with several river<br>boats   |
| 6.     | Côte d'Ivoire                   | 900                              | 24.4bn                                       | 360m                                 | PCC- 3<br>Amphibious-2  |
| 7      | Senegal                         | 950                              | 13.5bn                                       |                                      |   |
| 8.     | Democratic<br>Republic<br>Congo | 6,703                            |  |                                      | PCC-3   |
| 9.     | Gabon                           | 500                              | 12.2bn                                       |                                      | PCC-9   |
| 10.    | The Gambia                      | 70                               |  | 189m                                 | PCC-3   |
| 11.    | Ghana                           | 2,000                            | 15billion                                    | 264m                                 | PCC-7   |
| 12     | Togo                            | 200                              | 3bn  | 67m                                  |   |
| 13     | Guinea<br>Bissau                | 350                              |  | 20m                                  | PCC-2   |
| 14.    | Guinea                          | 400                              |  | 55m                                  | PCC-2   |
| 15     | Nigeria                         | 8,000                            | 135bn  | 1.49bn                               | Principal Surface Frigates-2,<br>PCC-27, Minewarfare-2,<br>Amphibious-1, Logistics and<br>Support vessels-5 |

Source: The Military balance, 2010.

Navies are not thought to be as necessary as the other branches of the armed forces and are often considered last in budgetary allocations. The high cost of naval equipment worsens the situation (Wambua, 2009). For instance the estimated cost of acquiring new ships for the Nigeria Navy in United States dollars are as follows; “General Purpose Frigate-\$350million, Long Endurance Offshore Patrol Vessel-\$120million, Landing Platform-\$350million, Medium Endurance Offshore Patrol Vessel-\$60million, Submarine-\$300million and Landing Ship Tank-\$90million among others “(Omonobi,2012). Based on the Gross Domestic Product of the Gulf of Guinea Countries and the defence spending in Table 3, it might be a big burden to acquire these relatively expensive platforms to patrol the 6000 kilometer stretch of the Gulf of Guinea. Another challenge is the strength of naval personnel in some the countries. Apart from Nigeria, Democratic Republic of Congo and Ghana with 8000, 6703, 2000 personnel respectively, the other countries are somewhat inadequate in personnel. According to the confession of the alleged leader of the hijack of *MT Energy Centurion*, there are about 1,250 trained pirates in Nigeria (Bilesanmi& Amata, 2012). In military analysis this number of pirates could match the firepower of some of the weak navies put together. According to Ogbor, “adequate manpower and warships that would be able to sustain patrols in a country’s maritime zone is an effective strategy to combat piracy” (E.Ogbor, personal communication, September 3, 2012). Based on the foregoing, inadequate capacity of navies and coast guards in the Gulf of Guinea is a challenge to combat piracy.

### **3.5.6 - Weak Legal Framework**

The provisions of international law governing piracy are relatively clear, and there are no significant problems of jurisdiction (Guilfoyle, 2011). The legal obstacles in combating piracy for states occur in implementation of international conventions due to weak navies or inadequate domestic criminal laws (Kraska, 2011b). In Resolution 1918 (2010), for instance, the UN Security Council noted that the domestic criminal laws of a

number of states lack provisions criminalizing piracy, or are deficient in criminal procedural rules needed to effectively prosecute pirates (Kraska,2011b).

Cooperation is also hindered because many regional states do not have extradition agreements in place (Bateman, 2001).There are other complexities involved in cooperation between national systems which could militate against combating piracy (Guilfoyle ,2011). A classic example of a complexity is:

If a Somali pirate is apprehended by a United Kingdom warship, prosecuted in the Seychelles and then transferred to a third state to serve his sentence, a chain of legal relationships is involved. One of the basic difficulties involved in this type of chain, involves how to gather evidence if a capturing warship does not know in advance which state will agree to prosecute suspect pirates. Moreover, some states may also find it legally difficult to transfer suspects to partner states for prosecution without human rights guarantees. (Guilfoyle, 2011, p.96).

As a consequence, more than half of suspected pirates in Somali waters deprived of their freedom up to December 4, 2009, were released without being prosecuted( Fouché, 2010b).States also face a lack of political will and resources required to conduct expensive criminal trials and to imprison convicted pirates for long periods of time (Kraska,2011b).This dilemma might arise in the Gulf of Guinea if and when full anti-piracy operations involving many of the states within the sub-region take off. Currently in the Gulf of Guinea states, the Suppression of Unlawful Acts Convention has not yet been implemented and as far as piracy is concerned and there is no regional arrangement for hot pursuit across national maritime boundaries( Vrey, 2009,p.25).

According to Mike Ibokwe, a lawyer and IMO Consultant in Nigeria, the current legislation with respect to trying pirates in Nigeria is inadequate. However, Nigeria is a signatory to the UNCLOS 1982 and SUA Convention and 2005 protocols, but these laws are yet to be domesticated. The current municipal law for trying piracy is the criminal code of 1906, which is not comprehensive (Ozoeze, 2011). This kind of piracy

law was drafted for piracy of a different kind from a different age, and these laws are not easily applied to the modern brand of piracy practiced (Cole, 2011). According to Ibokwe, the current situation now is that if the Nigerian Navy arrests pirates or armed robbers at sea, they would not be able to be prosecuted in Nigerian courts on the basis of the treaty that Nigeria has signed concerning SUA or the protocols to these treaties. So, it is only by domesticating these Conventions, of which the process is ongoing, that Nigeria can be on the same page with the international standards and treaty obligation (Ozoeze, 2011).

A similar situation exists in Benin. Benin is a signatory to a both UNCLOS and SUA Conventions. However, the UN Assessment mission to Benin revealed that the country's legal framework needs to be reformed to effectively address the threat of piracy. First, the definition of the crime of piracy is outdated and is not consistent with the definition of piracy under the UNCLOS (UNSC, 2012a). For example, in two recent piracy cases reported by the Benin authorities, suspected pirates were charged with generic offences, such as armed robbery, premeditated murder and conspiracy (UNSC, 2012a). Unless other modes of liability, such as conspiracy, are not criminalized, the potential for combating piracy and other forms of organized crime will remain extremely limited. In addition, the universal jurisdiction provided for under the Convention with respect to the arrest and the prosecution of pirates is not incorporated in Benin's Maritime Code. As a result, Benin's jurisdiction on piracy acts committed on the high seas is limited to acts committed by its citizens or on board of Beninese ships. Moreover, while the national Maritime Code contains rules for the investigation of offences committed at sea by various national authorities and the handling of suspects arrested at sea, it needs to be updated and streamlined (UNSC, 2012a).

The ultimate obstacle to more piracy prosecutions is political will as finding states willing to detain convicted pirates, is difficult, as this entails a much larger cost than prosecution outside the territorial sea (Guilfoyle, 2011). According to Ukonga of the

Gulf of Guinea Commission the inadequate legal framework for dealing with piracy in the region, is causing the release of piracy suspects. There is an urgent need to have a common definition of piracy, with the same type of punishment and a neutral jurisdiction to try piracy suspects (UNSC,2012b).The issue of weak legal framework if not adequately addressed can militate against the implementation of a strategy to combat piracy.

### **3.5.7 - Poor Technological Base**

Most African governments lack technological expertise and institutions for repair and maintenance of platforms and equipment. In addition, international partners donate or sell security equipment to Africa with only basic training in operation and repair. Critically absent is support for locally-driven technological adaptation (Vogel, 2011). This low technological base is an issue hindering development efforts in Third World countries. For instance Nigeria acquired warships with advanced technologies that require high cost of maintenance, where the local technology could not support. Further, the dockyard repair facilities and surveillance systems are capital intensive and cannot be supported by the funding of the Nigerian Navy. As previously explained this low technological base greatly affected the operational and patrolling capability of most Nigerian Navy ships and thus led to increased piracy attacks especially in 2003. From the foregoing low technological base could pose a challenge to enhance maritime security (Usono, 2012, p.63). Despite, the poor technological challenge, Nigerian Navy was able to build a Seaward Defence Boat with high local resources (Stephen, 2012). This feat attained can be sustained if more funds are appropriated to the Nigerian Navy for research and development.

### **3.5.8 - Increasing influence of extra-regional powers in Africa**

The United States increased its influence and presence in the Gulf of Guinea by the establishment of AFRICOM (Ibrahim, 2009). On the other hand, the presence of Chinese warships in Somalia waters is a subtle way to expand its military influence in

Africa (Murphy, 2012). Until the crisis in the Niger Delta, US purchased almost 1.1million barrels per day of Nigeria's oil (Mane, 2005). In January 2006, Nigeria extended licenses to China for a commitment to invest \$4.4 billion in refining and power generation, giving Chinese companies a 45 percent stake in new oil fields (Rougheen, 2007). Again, Angola exports about 2 million barrels of oil per day with 25 percent going to the US and 25 percent to China. Also China provided \$2 billion in loans and aid to Angola (Osaretin, 2011).From the foregoing China wants to use its new found power to influence or alter the international system to suit its own worldview (Murphy, 2012). For instance China's investment in Sudan limited the ability of the UN Security Council to utilize Chapter VII sanctions to address the conflict in Darfur (Goldwyn & Morrison, 2005). Therefore one of the major roles of AFRICOM in the Gulf of Guinea is to checkmate the rising influence of China in Africa (Onuoha, 2008). There have been mixed reactions as to the implications of AFRICOM on African soil. While some countries like Ghana, Liberia, Sierra Leone had accepted, and even offered their domain for AFRICOM, Nigeria has been opposed to the basing of the Command on African soil (Onuoha, 2008).

Coupled with the rising influence is the competition for influence between regional powers. China as a global power has access to any leader in the region. African leaders can now turn to the East for financial and political support. Competition for influence with the region's leaders can be a serious obstacle to any cooperative agreement (Goldwyn & Morrison, 2005). This rising influence presents a challenge to African nations to forge a common front (Ibrahim, 2009). Based on the foregoing, and especially current events in the Syria crisis, it is clear that when two opposing global powers with interests in a certain place are impinged, it could militate against any cooperative regime.



### **3.6 Conclusion**

This chapter identified numerous efforts by national and extra regional governments, as well as international organizations to address the problem of piracy. It was observed that that some processes had been ongoing for many years, while some were just recent in 2012. Despite all these measures, piracy has not abated. Apart from factors that encourage piracy as discussed earlier, there were identified challenges which could be obstacles to cooperation to combat piracy. It was identified that a major challenge was lack of political will as a result of poor maritime culture and marine domain awareness. Others were legal barriers and inadequate capacity of navies. With regards to the size of the Gulf of Guinea it would be difficult for the current platforms available to fight piracy. Therefore it is important to devise a comprehensive strategy to mitigate the challenges in countering piracy. The next chapter seeks to address that.

## **Chapter 4**

### **4. - Integrated Maritime Security Strategy to mitigate the Challenges hampering Efforts to combat piracy in the Gulf of Guinea**

The challenges hampering efforts in combating piracy and armed robbery at sea in the Gulf of Guinea can be only be addressed by a combination of measures such as enhancement of political will, improved maritime domain awareness and provision of adequate fleet maintenance facilities. Others are heightened public awareness and regional cooperation. Arguably, however the most urgent of these is regional cooperation. Because piracy is a Trans -boundary issue, the cooperation of all affected states is crucial to controlling the menace. According to Vice Admiral Hideaki Kaneda “Maritime Safety and Security cannot be achieved through the efforts of a single country. Only the mutual understanding and cooperation of regional countries can fulfill it” (Kaneda, 2005, p.51).

#### **4.1 - Regional Cooperation**

We have seen regional cooperation in varying levels in the two areas most affected by piracy-Southeast Asia and the Horn of Africa. In spite of the unique situations in these regions, lessons learnt from them could be applicable in the Gulf of Guinea. Koji Sekimizu, IMO Secretary General, when Director of the Maritime Safety Division, stated an African ReCAAP could play an active role in reducing piracy, which has assumed dangerous proportions in Nigeria and Somalia...(Menefee,2010,p.198).

The UN and IMO are the foremost organizations in the world in constant pursuit of relative peace and safety in the world’s maritime environment. To this end, these organizations have regularly issued resolutions identifying cooperation especially regional cooperation as a sine qua non for suppression of piracy. In furtherance of this, the UN General Assembly in Resolution 63/111 of 12, February 2009 dealing with Oceans and Law of the Sea, Para 61, recognized the crucial role of international cooperation at the global, regional, sub regional and bilateral levels in combating, in

accordance with international law, threats to maritime security, including piracy, armed robbery at sea, through bilateral and multilateral instruments and mechanisms (Geiss & Petrig, 2011, p.44).

In a similar vein, the IMO has through the Code of Practice for Investigation of the Crimes of Piracy and Armed Robbery Ships “invited all Governments to develop, as appropriate, agreements and procedures to facilitate cooperation in applying efficient and effective measures to prevent acts of piracy and armed robbery against ships” (IMO, 2010). In tandem with UN Security resolution 2018 and IMO/MOWCA efforts in establishing a regional integrated coast guard for the Gulf of Guinea, it would be apposite to look at existing main arrangements to counter piracy which are ReCAAP and DCoC.

The ReCAAP was one of the countermeasures set up to combat piracy in the Strait of Malacca. The other measures include a sea patrol initiative and a joint air patrol called Eyes in the Sky (EiS) (Ng, 2011, p.1). In 2004, Indonesia, Malaysia and Singapore initiated coordinated maritime patrols, called MALSINDO to address crime in the Malacca Straits (Farley & Gortzak, 2009). The Maritime Security Patrol was coordinated rather than joint each country responsible for patrolling its own waters (Storey, 2008, p.119). In 2005, the EiS initiative was launched and was intended to achieve maritime domain awareness while the naval patrols were to physically secure and defend that domain (Ong & Ho, 2005). These countermeasures successfully reduced the number of pirate attacks, with only 2 incidents reported in 2009 (Ng, 2011, p.1).

Based on the success, the IMO meeting on the Straits of Malacca and Singapore held in Malaysia in September 2006 and the 60<sup>th</sup> session of the UN General Assembly welcomed the advances the regional cooperation brought about by ReCAAP (Kraska, 2011a, p.145). As a consequence, the IMO sponsored a similar model of a regional agreement in the Horn of Africa to implement anti-piracy measures. This initiative gave birth to the Djibouti Code of Conduct (Kraska, 2011, p.147).

## **4.2 - Background to ReCAAP**

The ReCAAP Convention had its acknowledged origins in the Tokyo Appeal of March 2000 and the Asia Anti-Piracy Challenges 2000 and the Tokyo Model Action Plan of April (Menefee, 2010, p.188). The Tokyo Appeal makes reference to a set of recommendations developed by the IMO, that inter alia, call for “further development of regional cooperation” and “a regional agreement to facilitate coordinated response at the tactical as well as the operational level” to be concluded between the countries concerned” (Mejia, 2010b). ReCAAP is the first regional government-to-government agreement and it was finalized on 11 November 2004 and entered into force on 4 September 2006. To date, 18 States have become Contracting Parties to ReCAAP. The Contracting Parties are Bangladesh, Brunei, Cambodia, China, Denmark, India, Japan, the Republic of Korea, the Lao People’s Democratic Republic, Myanmar, Netherlands, Norway, Philippines, Singapore, Sri Lanka, Thailand, United Kingdom and Viet Nam (ReCAAP Information Sharing Centre, 2011). The Agreement called for the setting up of an Information Sharing Centre (ISC), which was launched 29 November 2006 in Singapore (Ho, 2008). ReCAAP establishes a framework for cooperation among the member states on three main aspects; information sharing, capacity building and operational cooperation (Storey, 2008, p114). It is pertinent to note that Malaysia and Indonesia, two important countries in the region are not contracting parties to ReCAAP (Mejia, 2010b).

### **4.2.1- Major Features of ReCAAP**

Article 1 of the Agreement takes verbatim the definition of piracy in UNCLOS Article 101 and armed robbery against ships as contained in Annex to Resolution A.922(22) of the IMO. This could be due to several issues including locational, two ship requirement surrounding the definitions of “piracy and armed robbery against ships”.

Article 3 deals with General Obligations wherein contracting parties are required to take all effective measures in accordance with national and international laws to prevent and

suppress piracy and armed robbery against ships, arrest pirates and armed robbery suspects, seize ships taken by or under the control of pirates and rescue victims of piracy and armed robbery against ships.

Article 4 is one of the pillars of the agreement. It deals with the establishment of the Information Sharing Center, located in Singapore. With a staff of thirteen to fifteen representing the member states, it has the status of an international organization as found in Article 5 and designed to enhance communication and information on incidents of piracy and armed robbery in the region (Menefee, 2010). The center is composed of a Governing Council and a Secretariat.

Article 6 provides for the funding of the ISC from host states, voluntary contributions from contracting parties and international organizations. It is important to note that inadequate funding can be a major setback for any organizational outfit, hence the need for the proper funding of the Center.

Article 9 requires each contracting party to designate a focal point responsible for communication with the Center. The focal point is the nexus for smooth and effective communication with other national authorities. All contracting parties are required to notify focal points of incidents of piracy or armed robbery against ships.

Article 12 obliges contracting parties, subject to its national laws, shall endeavor to extradite pirates or armed robbery suspects, present in its territory, to the other Contracting Party which has jurisdiction over them, at the request of that Contracting Party. This article is worded in a rather cautious language. It does not provide for a strict obligation to prosecute or extradite piracy suspects (Geiss & Petrig, 2011, p.46). This is a limitation, considering the tendency of pirates to evade arrest by seeking refuge in a state with weak legislation on piracy. Article 13 provides for Contracting states to render mutual legal assistance in criminal matters, including submission of evidence related to piracy and armed robbery against ships. This aspect is particularly important due to prosecutorial challenges that might arise as a result of want of evidence to try pirates.

Article 14 deals with Capacity Building one of the pillars of the Agreement. The Agreement obliges Contracting Parties to the fullest possible extent endeavor to cooperate or provide capacity building assistance which may include educational and training programmes to share experiences and best practices.

Article 15 deals with cooperative arrangements such as joint exercises, or other forms of cooperation. Article 17 provides for settlement of disputes which might arise as a result of interpretation or application of the Agreement through negotiations in accordance with international laws.

#### **4.2.2 - Lessons Learned from ReCAAP**

##### **Designation of Focal Points**

The designation of a focal point by each contracting party for the ISC is considered one of the strengths of ReCAAP. A Contracting Party not in the habit of inter-agency coordination would have to look at one its numerous organizations for dealing with piracy and armed robbery and also identify the inter-agency processes associated with it (Ho, 2008). This aspect is particularly important for the Gulf of Guinea where there are numerous agencies involved in maritime security issues and the duplication of effort as previously mentioned. Hence a focal point for armed robbery and piracy reports could enhance information sharing amongst agencies.

##### **Capacity Building Programme**

The capacity building programme has been identified as one of the strength of ReCAAP. Technical assistance, exercises, training workshops and sharing of best practices inculcates a great awareness among contracting parties (Ho, 2008). This is an opportunity for better resourced and funded parties to assist less funded parties to achieve the common goal of suppressing piracy and armed robbery and vice versa in terms of sharing experiences and best practices.

## **Cooperative Arrangements**

ReCAAP is an inclusive organization. Piracy and armed robbery affects both governments and the shipping industry alike. The Agreement shares information and cooperates with all stakeholders such as IMO, Baltic and International Maritime Council (BIMCO), Asian Shipowners' Forum (ASF) and International Independent Tanker Owners' Organization (INTERTANKO) that have knowledge and the capacity to deal with piracy issues. ReCAAP also allows accession by any state outside the Asian region, which allows the organization to grow (Ho, 2008). A Regional Agreement can serve as vehicle to receive assistance. While external assistance can be vital, a regional organization can ensure the efficient use of resources among member states, negating the impression that measures and programmes are imposed by extra-regional forces (Mejia, 2010b). Piracy is a global phenomenon (Murphy, 2010) hence, it would be desirable for affected and interested parties to join and give support for the fight against piracy. This area is particularly necessary in the area of acquisition of ships for weak navies and technical support for the Gulf of Guinea countries.

## **Challenges of ReCAAP**

There is no gainsaying that when many nations are involved in a project there is bound to be some challenges. The fact that Malaysia and Indonesia are not parties to ReCAAP is a big challenge for the Agreement. Most of the piratical attacks occurred in these countries and they were critical in the reduction of piracy in the region (Mejia, 2010b). ReCAAP has been working hard to cover this gap by working with the relevant maritime agencies in Malaysia and Indonesia (Ho, 2008).

Another challenge facing ReCAAP is the delay in receiving reports from focal points, which could undermine operations of the Center. To remedy this situation, the shipping industry and ships are encouraged to report directly to the ISC, to improve timeliness of reports and facilitate response to incidents (Ho, 2008). If and when an ISC is established

in the Gulf of Guinea, reports from all shipping related agencies could be collated and processed to ensure quick response to piracy attacks.

Similar to delay in filing reports, is the challenge of underreporting which ISCs will encounter. Most ships are reluctant to report attacks due to fear of prolonged investigations and unnecessary delays. The collation and analysis of data is important in the fight against maritime crimes (Mejia, 2010b). This is where ship-owners and maritime stakeholders have to work seriously to cover the information sharing gap. One of the areas that could be improved upon, if ReCAAP is adapted to another region is the issue of capacity building in areas of extradition and mutual legal assistance (Mejia, 2010b).

A big challenge to any organization is the issue of funding. Despite the successes recorded by ReCAAP the challenge of finances rears its ugly head. Only less than half of the members contribute to the organization coffers (Mejia, 2010b). Menefee (2010) noted “that this cannot be considered a healthy situation in an organization which is supposed to be run on consensus and should be rectified as soon as possible. Otherwise, it is hard to believe that countries footing the bill will not eventually develop an unhealthy, if understandable, a sense of entitlement concerning ReCAAP ISC and its operations “(Menefee, 2010, p.191).

Based on the foregoing, even though ReCAAP has its shortcomings evident of any human endeavor, its strengths of information sharing, capacity building and cooperative arrangements are tested and tried ventures that could be replicated in pirate hotspots like the Gulf of Guinea.

#### **4.3 - Background to DCoC**

The DCoC was signed on 29 January 2009 by representatives of Djibouti, Ethiopia, Kenya, Madagascar, Maldives, Seychelles, Somalia, the United Republic of Tanzania and Yemen. With the signing by South Africa on 15 May, the number of signatures was brought to 19 States out of the 21 eligible to sign. The 19 signatory States are: the



Comoros, Djibouti, Egypt, Eritrea, Ethiopia, Jordan, Kenya, Madagascar, Maldives, Mauritius, Oman, Saudi Arabia, Seychelles, Somalia, South Africa, the Sudan, the United Arab Emirates, the United Republic of Tanzania and Yemen (IMO, 2012). In addition to the DCoC, various international taskforces to combat piracy were established as a response to threat to international shipping in the Horn of Africa. One of the taskforces was the Combined Maritime Forces led by the United States (Geiss & Petrig, 2011, p25). In addition, the European Union (EU) in 2008, created the EU Naval Force Somalia (NAVFOR ATALANTA), to protect ships from the World Food Programme (WFP) (Maouche, 2010, p.6). Another taskforce was initiated by the North Atlantic Treaty Organization (NATO), Operation Allied Provider in October 2008 to escort World Food Programme ships delivering supplies to Somalia (Tutu, 2011, p.12). In 2008, the United Nations Security Council adopted Resolutions 1816 and 1851 authorizing countries to enter Somali territorial waters and use all necessary means to repress acts of piracy and armed robbery at sea and on land as well in a manner consistent with the provision of international law with consent with Somalia's interim government (Ho, 2009).

#### **4.3.1- Principal Features of DCoC**

To effectively fight the scourge of piracy in the Horn of Africa, Article 1 of the Code adopts both the UNCLOS and IMO definitions of piracy and armed robbery against ships.

Measures to Repress Piracy are contained in Annex 4. Paragraph 7 provides for a participant which carries out a seizure, may, "subject to its national laws and in consultation with other interested entities, waive its primary right to exercise jurisdiction and authorize any other Participant to enforce its laws against the ship and /or persons onboard". In addition, it obliges any seizure made in the territorial sea of a Participant should be subject to the jurisdiction of that Participant. Paragraph 5, states no "Participant should pursue a ship in or over the territory or territorial sea of any coastal

state without the permission of that State”. This goes to show respect for the territorial integrity of a participating state.

Article 7 of the Code deals with Embarked officers. This is a distinct part of the Code that ReCAAP does not have. The Code provides for armed officers to embark in the patrol ships or aircraft of another Participant. It further states that, the “embarked officers may assist the host Participant and conduct operations from the host Participant ship or aircraft if expressly requested to do so by the host Participant, and only in the manner requested”. According to Wambua (2010), this provision is aimed at facilitating the subsequent exercise of adjudicative jurisdiction by the national courts of the state of the embarked officials (Wambua, 2010, p.10). Based upon this provision the ongoing anti-piracy operation of Nigerian and Benin is a good opportunity to assess the practicalities of the embarkation of officers from Benin republic onboard Nigerian vessels with a view to improving upon the concept.

The Code also has similar provisions with ReCAAP Article 3 of the Code with regards to protection measures for ships taken after Article 16 of ReCAAP. In the same vein, Articles 8,9,10 of the Code concerning coordination and information sharing, incident reporting and general assistance among participants resemble Articles 9 and 10 of ReCAAP. To ensure coordinated, smooth and effective communications between focal points, the Code makes provisions for 3 ISCs in Kenya, Tanzania and Yemen. Article 9 intends to provide for Participants the “development of uniform reporting criteria in order to ensure an accurate assessment of the threat of piracy and armed robbery in the Western Indian Ocean and Gulf of Aden”.

One of the pillars of the Code is Article 11 regarding Review of National Legislation. It is thus extracted from the DCoC:

In order to allow for the prosecution, conviction and punishment of those involved in piracy or armed robbery against ships, and to facilitate extradition or

handing over when prosecution is not possible, each Participant intends to review its national legislation with a view towards ensuring that there are national laws in place to criminalize piracy and armed robbery against ships, and adequate guidelines for the exercise of jurisdiction, conduct of investigations, and prosecutions of alleged offenders.

The purpose of this Article is to ensure that persons arrested for piracy and armed robbery against ships do not evade prosecution.

Article 12 of the Code obligates Parties to settle disputes by consultation and peaceful means. The Code is dissimilar to ReCAAP in the sense that it is not binding. Article (15a) states:

Nothing in this Code is intended to create a binding agreement, except as noted in Article 13, which states that within two years of the effective date of the Code, and having designated the national focal points to in Article 8, the participants intend to consult with the aim of arriving at a binding agreement.

This aspect of a non-binding agreement where the framers adopted the term Code of Conduct rather than treaty, convention, or agreement reflects a major weakness of the Code (Wambua, 2010, p.9). Unlike the ReCAAP, DCoC is not open for accession by any state (Geiss & Petrig, 2011, p.50).

Resolution 3 provides for Enhancing Training in the region for officials designated by Governments. To that effect, a training centre was established in Djibouti to ensure the wide, effective and uniform implementation of the provisions of the Code.

#### **4.3.2 - Lessons learned from DCoC**

##### **Achievements of the DCoC**

Geiss and Petrig (2011) suggested that the Code has “been praised as a milestone development a central instrument in the development of regional capacity” (Geiss & Petrig, 2011). In the area of national legislation to meet international standards, 12 of the

member states have introduced changes to their laws (Bueger & Saran, 2012). This is a clear sign of progress in the fight against piracy.

Furthermore, Inter agency cooperation improved amongst the navies, coastguards and marine police as a result of training and capacity building on legal issues by United Nations Office on Drug and Crime (UNODC). The resultant effect was arrest of more criminals into the national legal systems (Bueger & Saran, 2012).

A fund named Djibouti Code of Conduct Trust Fund was established in 2009 for the administration of the agreement. Many countries and international organizations including UN and IMO member states, private individuals have contributed over 14 million US dollars to the process (Bueger & Saran, 2012).

The DCoC ISCs and ReCAAP established Standard Operating Procedures for exchange of information on piracy related matters. This is considered a major achievement for collaboration between Asia and Africa to enhance the Western Indian Ocean anti – piracy framework (Bueger & Saran, 2012). Based on the above achievements it can be seen that there is appreciable progress in training, information sharing and capacity building.

### **Challenges of DCoC**

There is difficulty in fostering security cooperation by the participating states in terms of joint multilateral operations or collective responses. This is evident in the lack of consensus by the states to have one ISC, like ReCAAP (Bueger & Saran, 2012). According to Mejia, the establishment of 3 ISCs makes for a potentially cumbersome arrangement (Mejia, 2010b).

Excluding two major coastal states that are regional powerhouses, Pakistan and India is a major challenge for the Code. The anti-piracy fight is concentrated on Africa and not on the Western Indian Ocean region. These countries can provide capacity and leadership. Both states are at the forefront of counter-piracy efforts, given the extension

of the operational terrain of piracy groups (Bueger & Saran, 2012). Moreover, the political dimension of the region is a challenge that cannot be overlooked. ReCAAP is made up of and has the support of vibrant economies and strong governments in Asia. The littoral states of the Strait of Malacca are much wealthier, their GDP level are 10 times more than the littoral states in the Somalia region (Mejia, 2010b,; Ng,2011,p.11).The case of Somalia is the opposite. Somalia has been plagued by piracy and it is topping the failed states list. To make matters difficult, many states in the region are rather unstable and a few are at a high risk of being classified as failed states (Mejia, 2010b).

#### **4.4 - Lessons for the Gulf of Guinea Countries in developing a Maritime Security Framework to Combat Piracy**

Based on the lessons learnt from the experiences of combating piracy in Southeast Asia and Somalia region the formulation of a maritime security strategy framework is considered the first step to combat piracy and tackle the identified challenges confronting the Gulf of Guinea countries. Ng (2011) developed an anti-piracy framework (see Appendix B) where the affected areas are categorized into land, territorial seas and international waters. The important aspects of this framework is where littoral states provide enabling legislation for prosecution of pirates on land and territorial waters as well as international support is seen to be critical to states with weak coastguards and navies. In addition user states and stakeholders collaborate to provide a secured maritime environment for commercial shipping. Some lessons from ReCAAP and DCoC to combat piracy and mitigate identified challenges in the Gulf of Guinea are presented below.

##### **4.4.1- Review of National Legislation**

All countries should ascribe to international conventions against piracy and facilitate domestication of UNCLOS 1982 and SUA 1988 provisions to overcome legal obstacles that hinder individual nations in combating piracy. The review of national legislation

could mitigate the challenges of inadequate legislation in the Gulf of Guinea countries. The United Nations offices in West Africa (UNOWA) and UNODC should assist states in the region to harmonize their laws dealing with piracy and armed robbery against ships. The IMO circular letter No.3180 of 17 May 2011 containing information and guidance on elements of international law relating to piracy might be useful (IMO, 2011). In addition, the Model National Law on Acts of Piracy and Maritime violence prepared by Comité Maritime International is a useful starting point tool in this regard (Beckman,2002,p.333).

#### **4.4.2 - Establishment of an Information Sharing Centre to enhance Inter -Agency Coordination**

The enhancement of interagency cooperation in the Gulf of Guinea could mitigate the challenge of poor interagency cooperation among states. Designating focal points and establishment of an information sharing center is considered desirable to this end. Focal points could enhance interagency cooperation by (1) managing all piracy and armed robbery incidents within its territorial waters, (2) acting as point of contact for the ISC, (3) facilitating its country law enforcement investigation and coordinating surveillance and enforcement for piracy and armed robbery with neighbouring focal points (Ho, 2008). The focal points could be the country's coast guard, marine police, navy, port authority, maritime administration or customs (Ho, 2005). The ISC could be located at the Regional Maritime Search and Rescue Coordination Centre in Lagos, Nigeria. The choice of Nigeria is because as at now Nigeria is in the forefront of the antipiracy fight, and it is where most of the pirates operate from. The ISC could be made up of government and ship industry stakeholders from participating states especially naval, coast guards and legal personnel to facilitate exchange of information.

#### **4.4.3 - Collaborative Funding**

An Agreement could serve as a vehicle for technical support and funding of maritime security activities in a region. Therefore the establishment of a maritime security fund likened to the current ECOWAS Peace Fund could mitigate the challenge of inadequate funding. The aim is to source for funds to enable states to combat piracy effectively. Initially, Gulf of Guinea countries could be persuaded to contribute 1 percent of their annual earnings from crude oil sales for the acquisition and joint production programme of appropriate mix of platforms and maritime domain surveillance assets. Financial assistance could also be made by international organizations, user states, maritime stakeholders and ship-owners to help reduce burden on weak states.

#### **4.4.4 - Adoption of Best Management Practices**

Analysis from the Horn of Africa reveals 65 per cent of attacks were foiled by efforts of merchant ships themselves (Ng, 2011, p.8). According to IMB reports described earlier, anti-piracy watches by ship masters in the Gulf of Guinea was a contributory factor in the reduction of piracy. Taking into account unavailability of naval presence in some sea areas, it is important ocean going vessels, ship owners adopt self-protective measures. It is on this premise that IMO recommended Best Management Practices should be adopted.

#### **4.5 - Other Strategies to Combat Piracy**

As mentioned earlier integrated maritime security strategies comprise not only an effective regional cooperation mechanism but other important elements as well. Some of these are public enlightenment on maritime issues, enhancement of political will and provision of adequate fleet maintenance facilities.

##### **4.5.1 - Public Enlightenment on Maritime Issues/Affairs**

Public enlightenment on maritime issues could mitigate the challenge of poor maritime domain awareness. Public enlightenment could be a step in curbing the problem of sea

blindness in the region. Both leaders and the public in general should be educated through conferences, seminars and workshops on the economic importance of the maritime environment and the need to be stakeholders in the prosperity of any maritime project. In addition, the enlightenment on various maritime security challenges gives a better understanding of the magnitude of threats in the maritime environment.

#### **4.5.2 - Enhancement of Political Will**

The enhancement of political will is critical to the success of any maritime security strategy. Leaders must be properly educated to know the economic importance of the maritime environment for economic prosperity. The objective is to win political support for improved funding of maritime security activities. According to Gilpin (2007), given the transnational character of maritime security threats, political will must be expressed regionally. Countries should be willing to cede sovereignty concerns to advance regional solutions (Gilpin, 2007). The Nigeria /Benin *Operation Prosperity* is a step in the direction to show a demonstrable political will. In a similar vein, the African Union is at the verge of creating a maritime security department. The ECCAS and ECOWAS prospects of cooperation are another sign of enhanced political will in the Gulf of Guinea.

#### **4.5.3 - Provision of Adequate Fleet Maintenance Facilities**

The provision of adequate fleet maintenance facilities could mitigate the challenge of poor technological base. The objective is to put in place repair and maintenance facilities to achieve capacity for sustained maritime security patrols. One of the biggest challenges faced by Nigeria that led to increase in piracy was the poor operational state of ships which lacked necessary refit. The existing dockyards and shipyards in the region would require urgent rehabilitation to make them meet international standards. This could be achieved through the encouragement of local and foreign companies to invest in the regions' dockyards and shipyards.



#### **4.6 – ECOWAS as a Mechanism to Implement Regional Agreements**

Regional Economic establishments such as ECOWAS are most apt to assist states with common attributes such as similar legal systems and current socio economic conditions to implement a regional agreement to combat piracy. Through these existing regional mechanisms increased, national, bilateral and trilateral initiatives can be initiated (Fouché, 2010b, p.152).

ECOWAS is a regional organization of 15 West African countries. The countries are Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, the Gambia, Ghana, Guinea, Guinea – Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo. Its main goal is the promotion of the economic integration among its members. ECOWAS is one of the five regional pillars of the African Economic Community (ECOWAS, 2012). ECOWAS through its Technical commission for Transport, fulfill its obligations to instruments of the African Union, such as the African Union Maritime Transport Charter which calls for the harmonization of laws relating to maritime security and assisting states (Fouché, 2010b, p.157). ECOWAS therefore has the framework to operationalize these suggested maritime security strategies in the short, medium and long terms.

#### **4.7 - Conclusion**

The Chapter identified regional cooperation as the main thrust of a strategy to combat a transnational crime like piracy. The UN and IMO have emphasized regional cooperation in their resolutions in view of challenges or obstacles that may arise in the course of implementing anti-piracy strategies. A review of two existing arrangements to combat piracy-ReCAAP and DCoC reveal information sharing, capacity building, cooperative arrangements and International assistance as key to any successful anti-piracy effort. Particularly important are domestication of the SUA 1988 Convention and protocols, collaborative funding, best management practices and inter agency cooperation. The ECOWAS currently has the institutional framework to implement these strategies to combat piracy off the waters of West Africa.

## Chapter 5

### 5 - Conclusion

Piracy, which started since man commenced commerce at sea, has become a threat to world trade and global maritime security. Mostly recently, the contemporary hot spots of piracy are in Africa namely the Horn of Africa and the Gulf of Guinea/West African waters. The Gulf of Guinea known for its strategic importance in terms of oil exploitation and rich fauna and closeness to the western world for supply of oil is being threatened by gangs of pirates. Benin republic which only had two reported piracy attacks between 1991 and 2010, was severely affected by 20 pirate attacks in 2011. This situation almost brought the economy of Benin to its knees. As a consequence, several measures have been introduced to curb piracy most notably, *Operation Prosperity*, the Nigerian/Benin maritime patrol. This patrol reduced the rate of pirate attacks in 2012. Despite these efforts piracy still persists in the Gulf of Guinea, with pirates extending further to Togo.

The impact of piracy in the Gulf of Guinea can be said to reverberate around the world due to the fact that attacks on oil tankers and bulk carriers, would definitely raise insurance premiums, additional costs for ship owners for transiting the Gulf of Guinea and ultimately high cost of goods. Attacks on oil tankers, can cause environmental disasters or even hike in world oil prices, which would be shown on pump price of fuel in countries thousands of miles from the Gulf of Guinea. Most importantly, the human cost of piracy is not calculable because of the trauma to seafarers and their families. Therefore, the term *hostis humani generis* or enemy of mankind makes it a duty for the global community to tackle this common menace.

Several factors have been identified as contributory to piracy in the Gulf of Guinea including proliferation of small arms, conflict and disorder, geography and promise of reward. Apart from geography which cannot be altered, the other factors stem from

socio-economic and political shortcomings in the region. Piracy in the region therefore has an interrelationship with these factors.

This dissertation has attempted to build a case that regional cooperation is a sine qua non to combat piracy in most piracy hot spots. However, several difficulties or challenges do exist in the region which can be obstacles to cooperation. They include maritime border disputes, lack of political will, and lack of naval capacity. Others include influence of extra-regional powers and lack of interagency cooperation. Therefore a common interest must be identified before cooperation can be meaningful.

Indeed, there are numerous solutions and measures to counter piracy, the dissertation identified some counter measures used in Southeast Asia and the Horn of Africa to repress piracy. The ReCAAP has been praised by many as a model of regional agreement to combat piracy. Its strengths and limitations were analysed to provide lessons to develop a regional anti-piracy framework in the Gulf of Guinea. Other counter measures examined were the MALSINDO patrols, EiS initiative and the Djibouti Code of Conduct as well as the international responses to piracy in Somalia. Thus the framework for regional cooperation in the Gulf of Guinea will include collaboration, coordination, information sharing and capacity building. The coordinated and cooperative approach used in tackling piracy has been acclaimed, because it would be difficult to eliminate modern day piracy unless the root causes are addressed and all the littoral states and stake holders are on board-hence a holistic approach.

In combating piracy, key strategies are vital to mitigate identified challenges; they include enhancement of interagency cooperation, review of national legislation, collaborative funding and adoption of IMO best management practices. Others include public enlightenment on maritime issues, enhancement of political will and provision of adequate fleet repair facilities for effective policing operations.

In conclusion, since piracy is a transnational crime and no individual state has the resources to combat piracy, emphasis should be put on a sustainable regional

cooperation. This is where the ECOWAS, as a lead organization, MOWCA, IMO and the United Nations can work together to suppress piracy and enhance maritime security in the Gulf of Guinea. If the Gulf of Guinea states together with the rest of international community fail to contain piracy in the Region, the Gulf of Guinea may very well become the latest to fall in a domino effect of sea areas where maritime commerce is held hostage by pirates.

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## **Appendix A**

### **Unstructured Interviews**

Balogun, N.A. Deputy Director, Operations, Nigerian Air force Headquarters, Interviewed on “Efforts of the Nigerian Air force in Maritime Patrols to Combat Piracy at Sea,” at Nigerian Air force Headquarters, Abuja, Nigeria, September 4, 2012.

Dieng, A. Head of the ECOWAS Regional Security Division, Interviewed “on Current Efforts of ECOWAS in Combating Piracy in the Gulf of Guinea,” at ECOWAS Secretariat at Abuja, Nigeria, September 4, 2012.

Diop, A. Capitaine Fregate, Technical Adviser on Maritime Safety, Senegalese Navy, email communication, on “Progress report on MOWCA sub regional coast guard network”, October 14, 2012.

Mohammed I, Commander, Beninois Navy, email communication, on” Causes and Impact of Piracy on Benin.” September 10, 2012.

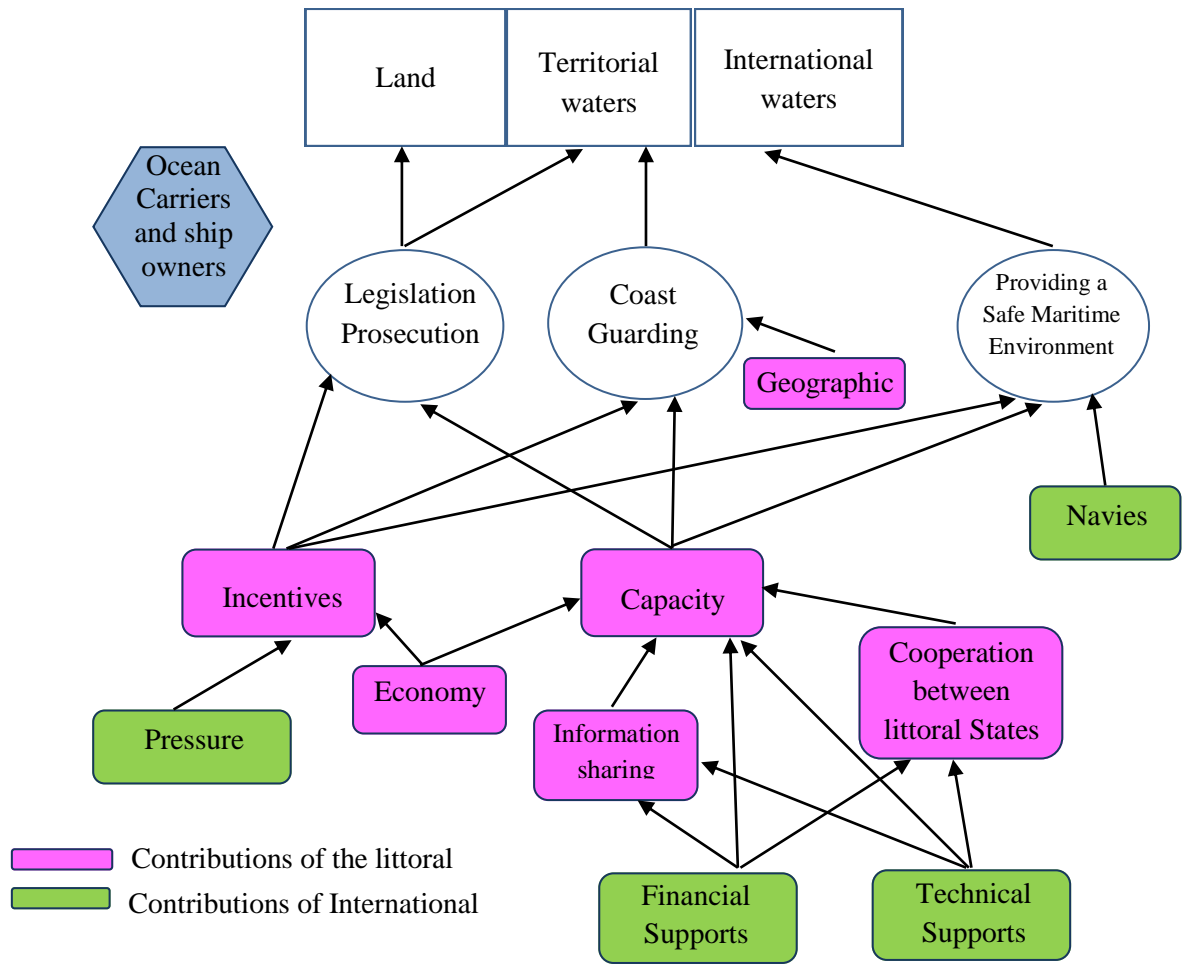
Ogbor, E.O. Chief of Training and Operations, Nigerian Navy, interviewed “on Strategy to Combat Piracy in West African waters,” at Naval Headquarters, Abuja, Nigeria, September 3, 2012.

Okae, C. Director, Peacekeeping and Regional Security, ECOWAS, interviewed” on Challenges of ECOWAS in Combating Piracy and Sea Robbery in the Gulf of Guinea.” at ECOWAS Secretariat, Abuja, Nigeria, September 4, 2012.

Udoh, E. Deputy Director, Operations, Army Headquarters, on “Efforts of the Nigerian Army in Internal Security Operations in the Niger Delta of Nigeria,” at Army Headquarters, Abuja, Nigeria, September 3, 2012.

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## Appendix B



An anti-piracy framework  
Source : (Ng, 2011)