PIRACY IN THE GULF OF GUINEA:

ROOT CAUSES, EFFECTS AND PRIORITY INTERVENTION MEASURES

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A

RESEARCH WORK

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IN

COLLABORATION WITH

THE GOVERNMENT OF JAPAN

THROUGH

THE UNITED NATIONS DEVELOPMENT PROGRAM

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CONT`ENTS

CHAPTER ONE

INTRODUCTION

CHAPTER TWO

FRAMEWORK FOR THE STUDY

CHAPTER THREE

RESEARCH METHODOLOGY

CHAPTER FOUR
THE ROOT CAUSES OF PIRACY IN THE GULF OF GUINEA

CHAPTER FIVE

THE EFFECTS OF PIRACY IN THE GULF OF GUINEA

CHAPTER SIX

CHALLENGES OF CURBING PIRACY IN THE GULF OF GUINEA

CHAPTER SEVEN

INTERVENTION MEASURES FOR COMBATING THE CHALLENGES OF PIRACY IN THE GULF OF GUINEA

CHAPTER EIGHT

CONCLUSION AND PRIORITY INTERVENTION MEASURES

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LIST OF TABLES AND FIGURES

TABLES

LIST OF ABBREVIATIONS

AK47	Automatic Kalashnikov 1947
CEMLAWS	Centre for Maritime Law and Security
COVID-19	Corona Virus Disease 2019
CSR	Corporate Social Responsibility
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West Africa States
EU NAVFOR	European Union Naval Force
EU	European Union
EEZ	Exclusive Economic Zone
FLEC	Front for the Liberation of the Enclave of Cabinda
GDP	Gross Domestic Product
GoA	Gulf of Aden
GoG	Gulf of Guinea
GGC	Gulf of Guinea Commission
GoM	Gulf of Mexico
HoA	Horn of Africa
ICC	International Criminal Court
IUU	Illicit, Unregulated and Unreported fishing
IMB	International Maritime Bureau
IMB-PRC	International Maritime Bureau Piracy Reporting Centre,
IMO	International Maritime Organisation
IMO-PRC	International Maritime Organisation-Piracy Reporting Centre
ISIS	Islamic State of Iraq and Syria
MDA	Maritime Domain Awareness

MGC	Maritime Guard Command
MOCs	Maritime Operation Centres
MPA	Maritime Patrol Aircrafts
MTISC-GoG	Maritime Trade Information Sharing Centre Gulf of Guinea
MDAs	Ministries Departments and Agencies
MMCCs	Multinational Maritime Coordination Centres
NN	Nigeria Navy
NDAs	Nigerian Defence Attachés
NIMASA	Nigerian Maritime and Safety Administration Agency
NGOs	Non-Governmental Organizations
NOx	Nitrogen Oxides
OPVs	Offshore Patrol Vessels
PSTD	Post-traumatic Stress Disorders
ReCAAP	Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia
RoE	Rules of Engagement
STS	Ship-to-Ship Transfer
SOS	Save our Ship
Sox	Sarbanes-Oxley Act
SSAS	Ship Security Alert System
STP	Standard Temperature and Pressure
SPOMO	Suppression of Piracy and Other Maritime Offences
SDGs	Sustainable Development Goals
TF 151	Task Force 151
TFG	Transitional Federal Government
UNCLOS	United Nations Convention on the Law of the Sea

UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNODC	United Nations Office on Drugs and Crimes
UNSC	United Nations Security Council
USA	United States of America
USSOCA	United States Special Operations Command for Africa

FOREWARD

The significance of oceans and seas for global economic prosperity has increased geometrically since the last century, as they connect different parts of the world in a complex network of relationships. Most of the global economic transactions particularly international trade has contributed immeasurably to the emergence, growth and development of nation-states for centuries. These intercontinental passages and dealings could be traced to the era of mercantilist trade across global seas and oceans shortly after the Columbus period. International trading activities particularly shipping are plagued by series of protracted piracy, kidnappings and general insecurity since then. These noxious activities did not only continue but increasingly sustained their momentum with the outbreak of World Wars I and II, the anti-colonial wars, and the Cold War among other conflicts that bedevilled the globe. The 21st Century appeared with these dysfunctionalities with the peak of electronic innovation. Piracy has become sophisticated with the influx of Small Arms and Light Weapons (SALW) in the hands of the pirates and criminals on the waterways and high seas.

Indeed, the African Continent, surrounded strategically by internationally navigable waters had contributed to the past, contemporary global political economy and geostrategic relations of her different countries. These invaluable assets have been laden by the pirate activities at several Africa regions: The Gulf of Aden, the Coast of the Horn of Africa and the Gulf of Guinea. This explains why this book ***PIRACY IN THE GULF OF GUINEA: ROOT CAUSES, EFFECTS AND PRIORITY INTERVENTION MEASURES*** is a pointer to issues of insecurity in the region of global waters bordering largely the West African territories. The book offers a comprehensible representation of the common features of the African maritime landscape and insecurity bedevilling her political existence and economic reality in recent times. It furnishes an in-depth analysis of the critical realistic issues and nexuses surrounding the emergence of piracy in the Gulf of Guinea and how resources available largely petroleum and gas, the lucrativeness of the business, lacklustre attitudes of regional political governance have fuelled and sustained the ugly, despicable and inglorious crime.

This highly researched book that brought arrays of scholars on the discipline, examines the domestic, regional and global implications and the consequences of piracy and pirate activities in the GoG on the regional economy and of course, on international safety of trades, mercantile and businesses. Though it surveys past efforts at curbing piracy and why they were not fully implemented in the Region, the book cogently outlined possible scientific solutions and systematic action steps to curtail and contain the piracy in the Gulf of Guinea to facilitate enhanced economic activities and overall development of the economies within the Region in its contribution to global access to peace and serenity of trades, goods and logistic services. I commend the dexterity and concerted effort of the Martin Luther Agwai International Leadership and Peacekeeping Centre, Jaji Kaduna Nigeria for superintending all the gamut and the production of this globally important work. I hereby recommend the book to all but particularly those with meticulous interests in maritime issues; maritime investors, policymakers, scholars, security experts and governance.

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PREFACE

The Gulf of Guinea (GoG) is one of the most important global shipping routes connecting regions between the Indian and Atlantic Oceans. Since the bulk of international trade and commerce is facilitated through sea lanes, the geo-strategic importance of the GoG makes it a major artery for import and export to and from West, Central and Southern Africa vis-à-vis the rest of the world.

Since the year 2000, however, the GoG has gained notoriety for various forms of transnational organized crimes, from piracy and armed robbery at sea to the hijacking of vessels and kidnapping of seafarers for ransom, trafficking in humans, drugs, weapons and fake pharmaceuticals, to name a few. The Region also stands as the global piracy and kidnap hotspot since 2019 with the latest figure indicating that the Region accounts for over 95% of global piracy and kidnap incidences.

This declining security situation does not only pose a major threat to the global shipping industry and maritime transport but invariably also undermines the prospects for regional as well as the global economy. The GoG countries have for long not only recognized the strategic importance of the GoG region but also the need for multilateral cooperation of the countries of the Region for effective policing of the sea route. As a result, there have been concerted efforts during the decade to mobilize national, regional continental and global actions to combat the layers of threats posed by piracy and other crimes in the GoG, however, only marginal improvements have been recorded through those multifaceted approaches that include naval patrols and surveillance as piracy remains a major menace in the Region.

This report is the outcome of field research that sought to establish the nature, root causes, dimension and effects of piracy in the GoG; evaluating past

and ongoing efforts or measures to address the problem while highlighting progress made as well as limitations. This report is arranged in seven sections.

It is hoped that this report will contribute to policy articulation, design and implementation in all its ramifications. On this front, the expectation is that this report/book will provide useful insights into the nature and causes of piracy in the GoG and what should change in the strategies currently deployed.

Hopefully, the different stakeholders in the maritime as well as the oil and gas industry, including ship owners, government officials and top officials of relevant Ministries Departments and Agencies in the GoG Region would have some critical takeaways. Reading this report could help them rethink current approaches to tackling piracy and related crimes in the GoG thereby paving way for the sustainable development of their countries and the Region in general.

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EXECUTIVE SUMMARY

The Gulf of Guinea (GoG) is endowed with vast proven oil and gas assets as well as untapped mineral resources found in its deep waters. The Region is one of the most important global shipping routes connecting regions between the Indian and Atlantic Oceans. Since the bulk of international trade and commerce is facilitated through sea-lanes, the geo-strategic importance of the GoG makes it a major artery for import and export to and from West, Central and Southern Africa vis-à-vis the rest of the world.

Since the year 2000, however, the GoG has gained notoriety for various forms of transnational organised crimes: from piracy and armed robbery at sea to the hijacking of vessels and kidnapping of seafarers for ransom; and trafficking in humans, drugs, weapons and fake pharmaceutics, to name a few. The region remains global piracy and kidnap hotspot since 2019, with the latest figures by the International Maritime Bureau (IMB) showing that 130 crew members were kidnapped from their vessels in 22 separate incidents, representing over 95% of such incidences globally. The deteriorating security situations not only pose a major threat to the global shipping industry and maritime transport but invariably also undermine the prospects for economic development in countries within the region as well as the global economy.

There has been a concerted effort during the decade to mobilise national, regional, continental and global actions to combat the layers of threats posed by piracy and other crimes in the GoG. Only marginal improvements have been recorded through those multifaceted approaches that include naval patrols and surveillance as piracy remains a major menace in the Region. This report seeks to establish the nature, root causes, dimension and effects of piracy in the GoG.

In addition, it evaluates past and ongoing efforts or measures to address the problem while highlighting progress made as well as their limitations.

The study on which this report is based benefited from the triangulation and analysis of extensive primary and secondary sources of data derived from the administration of questionnaires, in-depth interviews and visit to several countries and parts of the Region. It also relied on a combination of purposive and random sampling techniques to carefully select a representative number and diversity of respondents.

The root causes of piracy in the GoG are located in several factors directly linked to decades of poverty and youth unemployment, deep feelings of political marginalization and economic deprivations, militancy and insurgency, and quest for pecuniary financial gains. Others are legal and jurisdictional weakness; perennial underfunding of law enforcement institutions, particularly the Navy and Marine Police; uncontrolled access to and proliferation of small arms and light weapons; and also in varying degrees, decades of bad governance, disorder and conflict in virtually all the countries in the region. All of these have, in turn, resulted in occasional disruption of international trade and commerce, high cost of shipping and maritime insurance premium, massive decline or loss of national revenues, the intensification of organised crimes, and the region's poor international image.

From the evidence gathered through fieldwork and from literature, some of the challenges imposed on current efforts to combat piracy include inadequate legal and institutional capacity, poor maritime domain awareness, deficiencies in terms of soft and hard infrastructure for patrol and surveillance. Significantly, political and socioeconomic complexities in virtually all the countries in the Region are directly implicated in the perennial problems and challenges that contribute to the spread of piracy.

In the light of the above, the study made many far-reaching recommendations to governments in the Region as well as to the international community. Individually, countries in the region must commit to addressing the layers of governance, security and developmental challenges undermining progress in tackling piracy and other crimes at sea. Together, and with the active support of the international community, countries in the Region should commit themselves to overhaul and strengthen existing legal/judicial regimes as well as institutional collaborations, including naval and intelligence gathering capabilities, as critical steps towards tackling piracy. Lastly, multinational companies involved in shipping as well as oil and gas industries should invest more proactively in the development of host coastal communities where exploration, mineral extraction and other activities have been disrupting local livelihoods and subsistence opportunities. Apart from creating incentives to engage in piracy and other criminal activities, coastal communities are all central to any holistic, long-term and sustainable efforts to address piracy in the Gulf of Guinea.

CHAPTER 1

INTRODUCTION

BACKGROUND TO THE STUDY

1.   The importance of oceans and seas for global economic prosperity has grown geometrically in this century, as they connect different parts of the world in a complex web of relationships. The United Nations Conference on Trade and Development (UNCTAD) estimated that roughly 90% of global trade by volume as well as 70% trade by value are transported by sea. Since the Second World War (WW2), seaborne trade has doubled every decade with approximately 93,000 vessels and about 1.25 million seafarers responsible for a staggering 6 billion tonnes of cargo in global maritime trade.[1] In recent years, however, the international community has witnessed piracy, one of the world's oldest crimes against this trade, which has resurfaced and flourished in this century in different parts of the world.

2.   This development unfortunately has heightened the exposure and vulnerability of international shipping as a potential target for piracy and other organised crimes at sea.[2] The phenomenal rise in piracy incidents and other crimes at sea has come with considerable costs. Over five years between 2006 and 2010, for instance, the scale and speed with which the threat of piracy

impacted international trade is showcased by how the actual and attempted number of piracy attacks moved up by 86.2%, from 239 to 445 incidences.[3]

3. Today, piracy has become a major threat to virtually all forms of maritime activities around the world. Occurrences in 2 regions, the Strait of Malacca and the Gulf of Mexico, illustrate the nature as well as a diversity of such threats. With about 41% of the worldwide pirate attacks occurring along the Strait of Malacca, countries within the zone such as Indonesia, Malaysia, Singapore and the Philippines have become one of the most troubling global epicentres of piracy activity.[4] For a zone that accounts for about one-third of the global maritime trade, each of the more than 120,000 ships that ply that route every year is a potential target of pirate attacks.

4. The Gulf of Mexico (GoM), one of the largest in the world spreading over more than 4,828 KM (3,000 miles), is another global piracy hotspot. Home to rich and diverse natural resources that are considered to be of strategic importance to the United States of America (USA) and its contiguous neighbours, the GoM accounts for 30% of the gross domestic product (GDP) of the USA in 2009; more than 90% of its offshore oil and natural gas; and 33% of sea food production.[5] Again, a steady rise in the number of piracy attacks has unfortunately become a major threat to lucrative economic activities in the zone. According to the International Maritime Bureau Piracy Reporting Centre (IMB-PRC), from only 4 incidents of pirate attacks in the South GoM during the whole

of 2016, the number increased to an average of 16 attacks between January and September 2019.

5.   The pirates that operate in the GoM typically use small high-speed boats, are heavily armed and violent. Rather than target larger commercial vessels, they mostly direct their activities at the low free board and opportunistic vessels; with primary targets being mostly fishing vessels, offshore supply and support vessels. In contrast to some other regions where kidnapping for ransom is prevalent, piracy activities in the GoM could be categorised as an armed robbery by low-level criminals that are more interested in dispossessing crew members of their cash and valuable belongings or to vandalise vessel parts which are later put on sale in local markets and on the Internet.

6.   The increase in the piracy of the different kinds that happen around the world threatens maritime transportation which is central to international trade and commerce. The global maritime industry alone accounts for over 90% of global merchandise distribution and exchanges, conducted predominantly through major international sea routes.[6] Apart from endangering lives and properties, incessant pirate attacks have resulted in increased maritime insurance costs, higher prices for goods and merchandise, including oil and gas resources; and the growth of regional black markets in clandestine goods and services.[7] Ultimately, costs associated with piracy and other crimes are passed on and borne by the final consumers.

Figure 1.1: **Number of Pirate Attacks Against Ships Worldwide (2010 to 2020)**
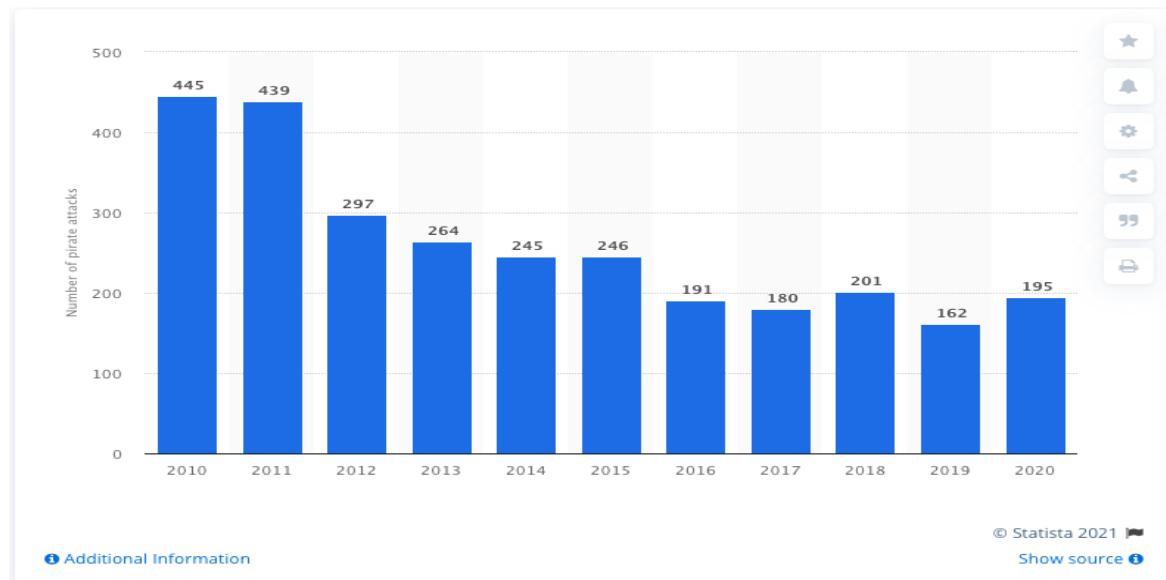
Source: Statista 2021[8]

PIRACY IN AFRICA

7.   It may not dawn on many that the African continent is an island surrounded by waters: to the North, the Mediterranean Sea; the Indian Ocean to the East and Southeast; the Atlantic Ocean to the West and south; and the Red Sea and Suez Canal along the Sinai Peninsula to the Northeast. Each of these water bodies has, in significant ways, shaped the past and contemporary histories as well as the political economy of the different countries that share a border with them, as much as that of those further into the hinterlands. If the penetration, establishment and consolidation of European presence in Africa many centuries ago were achieved or consummated through the exercise of "gun-boat diplomacy" on African waters, the same waters have become critical

to understanding and explaining the continent's position or status in the contemporary global political economy and geostrategic relations. Significantly, insecurity in its different forms and manifestations have become a common feature of the African maritime landscape; with all the major seaway surrounding the continent now becoming major sources of threat to international commerce and the livelihoods of coastal communities due to incidences of piracy in the Gulf of Aden (GoA), along the Coast of the Horn of Africa and in the GoG.

8.   The activities of Somali pirates around the GoA and the Horn of Africa (HoA) became very rampant and gained sensational international media attention between 2006 and 2011. From only six attacks in 2006, Somali pirates gained notoriety for using poorly-built boats to launch more than 200 attacks on commercial vessels and super-tankers in 2010, with nearly 50 of the vessels eventually captured by pirates. At its peak between 2008 and 2011, the coast of Somali harboured between 2,000 and 3,000 pirates who had developed the capacity to operate up to 1,300 nautical miles away from shore and earn about $238 million in 2010 alone from ransom payment.[9]

9.   The huge losses to international maritime trade incurred due to piracy eventually attracted the attention of the international community; prompting major navies of the world to come together to check the menace.[10] The

intensification of collaborative international counter-piracy efforts in East Africa has resulted in a significant reduction of Somali pirate attacks in the Region from as high as 176 attacks in 2011 to just about 7 in 2017. Somalia reported zero piracy incidents in 2019, a trend that continued through 2020. However, Somali pirates continue to possess the capacity to carry out attacks in the Somali basin and wider Indian Ocean.[11]

Figure 1.2 Map of Gulf of Aden

Source: World Atlas, 2021[12]

10.   One of the recurrent lessons is that where and when piracy flourishes, it is often due to the presence of many enabling factors or contexts such as a permissive political environment, weak state institutions, and an incentive structure that reward illegal and clandestine activities.[13] All these factors were present, for instance, after Somalia descended into bitter and clan-based civil war during the early 1990s. The outbreak of civil war left the country more or less as a gangster's paradise, with a plethora of armed groups controlling

different parts of the country having access to large quantities of small arms and light weapons. Even with the reduction in hostilities, several armed gangs dominated by unemployed youths continue to operate in the context of a deeply fractured state. They are finding new opportunities to earn a living by engaging in clandestine and criminal activities, including piracy, that is becoming a huge threat to shipping and maritime trade along the GoA maritime corridor.

THE CONTEXT

11.   The context of the study describes two aspects: First, the time frame of the study, and secondly, a description of the GoG region in terms of its geography, political, economic, social and demography. In relation to the first aspect, this study covered the immediate past decade, from 2010 to 2020. This period was not only marked by the growth and exacerbation of criminal activities in the Region, especially within and around the Nigerian waters but in equal measures by a renewed commitment on the part of member states of the GoG to invest more resources and attention towards tackling security challenges in the Region. There was also a renewal of international commitments to address the upsurge of piracy and other maritime crimes in the GoG during the time frame of the study.

12.   A description of the GoG in terms of its geography and political economy is helpful to understand the context from which piracy has taken a serious and disturbing twist in the Region. The GoG Maritime Corridor stretches over an estimated 6,000 kilometres of coastline from Cape Verde and Senegal in West

Africa to Angola and part of South Africa[14] Within this stretch, there are 16 African countries namely: Angola, Benin, Cameroon, Central African Republic, Cote d'Ivoire, Democratic Republic of Congo, Equatorial Guinea, Gabon, Ghana, Liberia, Nigeria, Republic of Congo, Sao Tome and Principe, Senegal, Sierra Leone and Togo.[15]

Figure 1.3 Map of The Gulf of Guinea
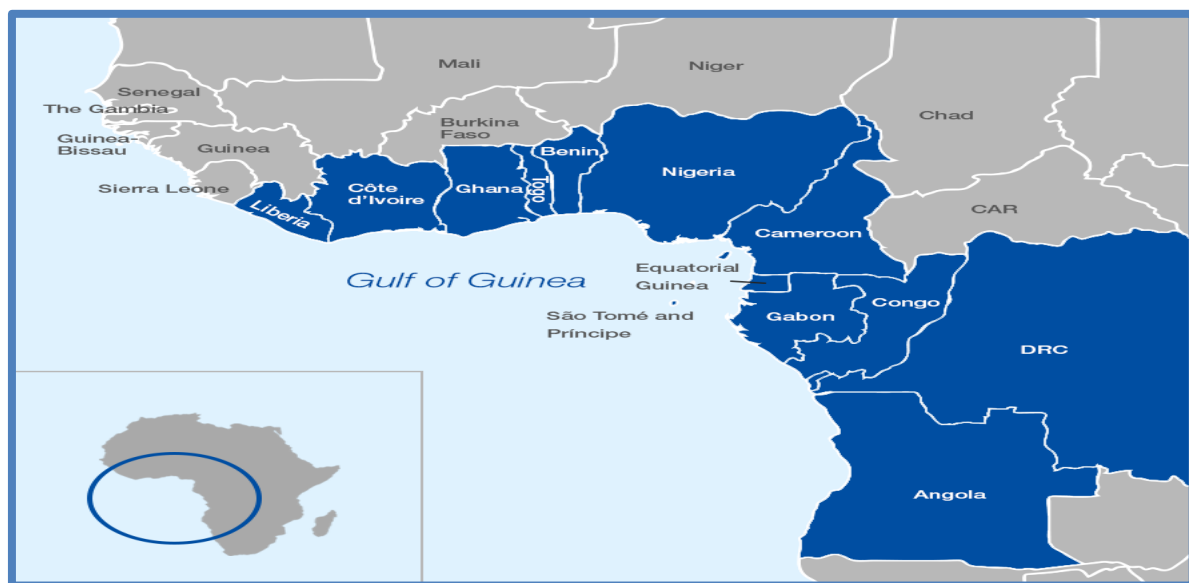
Source: ISS, 2021[16]

13.   The Region is a strategic maritime route for commercial shipping and hosts several natural harbours that are operational throughout the year because they are not affected by chokepoints and bad weather conditions found elsewhere.[17] The Region connects Europe and America as well as the Far East to West, Central and Southern Africa, providing a global supply of low-Sulphur grade crude oil and gas to the former in return for industrial and finished merchandise for countries in the Region. Together, the Region accounts for 5.4

million barrels of crude oil per day, apart from vast and mostly untapped marine resources, including fish stock, in huge demand around the world.[18]

14.   The GoG is fast emerging as the new hub for global energy supplies, with significant quantities of crude oil produced within the Region consumed in Europe, North America, and Asia.[19] Despite its vast resources and huge potentials, global trade and commerce in the Region is also hampered by the prevalence of piracy activities; at one time, during the decade between 2000-2010, incidences of piracy exceeded the high numbers recorded, for instance, in the GoA. Significantly, also, piracy activities that were once concentrated off the coast of Nigeria are now spreading into waters off the coast of neighbouring countries including Benin, Cameroon, Cote d'Ivoire, Gabon and Togo.[20]

Figure 1.4: Annual Piracy Report 2019
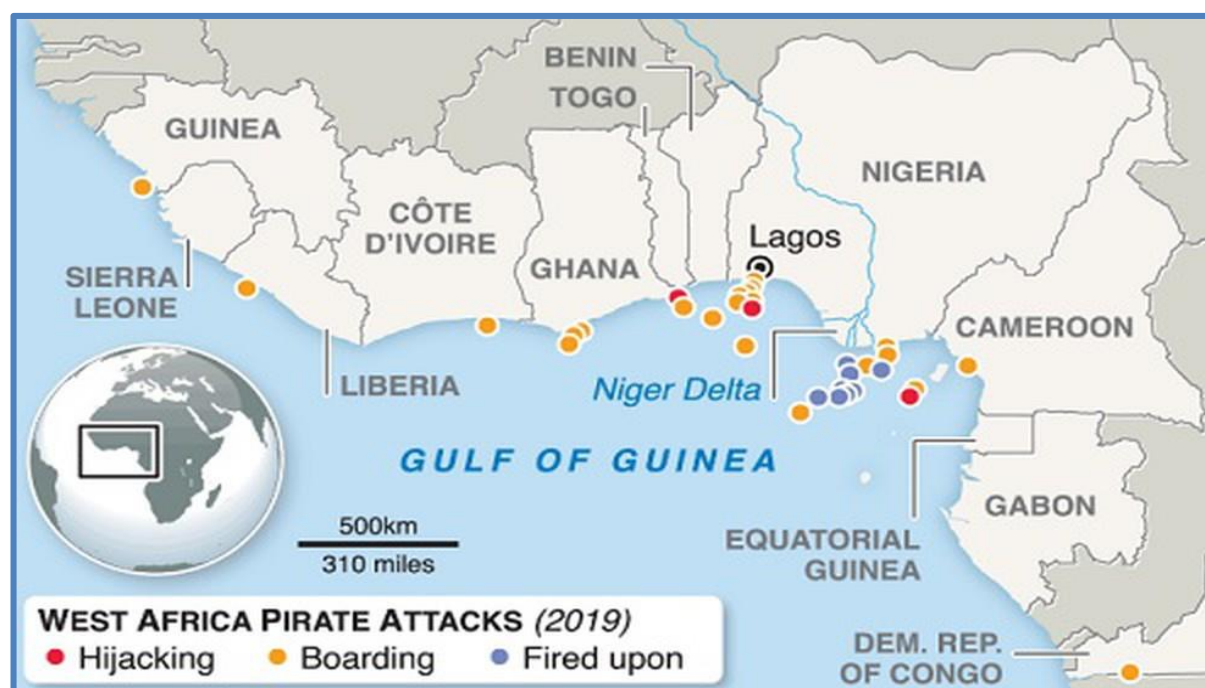
Source: Graphics News, 2021[21]

15.   There are other costs with direct and grave repercussions at the global levels apart from the human costs directly associated with piracy in the Region. For instance, piracy threatens the safety of international navigation and the delivery of bulk humanitarian aids that can at best be transported by sea. There is also evidence that piracy is having broader implications due to the disruption it causes for global maritime transport and international trade as well as for energy and food security.[22]

16.   It is not by accident that piracy in the GoG has become a matter of grave concern to the global community as attacks on seafarers and vessels have increased over the years. While the drivers or root causes of piracy are located in festering socioeconomic, governance and developmental contradictions, there is

no doubt that the modes of operation of pirates have evolved and become sophisticated over time. Given how the GoG is at the top of the global actions against piracy and other transnational maritime crimes, there is an urgent need to go beyond the current and mostly unhelpful fixation with their manifestations. It is only by interrogating and understanding structural root causes of piracy in their various dimensions, as this report undertakes, that ongoing efforts to tackle the phenomenon can achieve the successes that have so far proved elusive.

UNDERSTANDING THE NATURE OF THE PROBLEM

17.   Piracy is not a new phenomenon in international trade. Although it has been in existence since the advent of sea trade, its nature and dimension as well as modus operandi have changed with time. Maritime piracy reached its peak level in 2010 with around 445 reported incidents worldwide. The three prominent global hotspots; namely the Strait of Malacca, the GoA, and the GoG, however, became notorious targets for a maritime crime not only because of thriving trade but also the abundance of natural resources along those strategic trade routes for oil transportation and global commerce.[23]

18.   In the first three quarters of 2013, according to the IMB Third Quarterly Piracy Report of the same year, the GoG region recorded over 40 piracy attacks, 802 crew hostage situations, and seven hijacked vessels. In total, piracy in the Region accounted for nearly 30% of all attacks in African waters

between 2003 and 2011, about the same time that successful counter-piracy operation off the coast of Somalia was beginning to yield positive results. [24]

19.   This disruption of maritime activities by piracy in the GoG threatened the major source of 5.4 million barrels of oil per day, representing a significant part of the EU and over half of the US crude oil imports. Estimates of the annual cost of piracy for countries in the GoG ranges from $565 million to $2 billion, apart from how the disruption caused is undermining the capacity of many countries in the Region who rely on revenue from oil and gas resources to survive and thrive.

20.   The inability of states to provide adequate security within their maritime boundaries is allowing a wide range of illegal transnational criminal activities such as piracy and Illicit, Unregulated and Unreported fishing (IUU) to thrive. In addition, poorly patrolled coastlines are now being used for other forms of transnational organised crimes like trafficking in humans, arms and drugs as well as oil theft or illegal bunkering.

21.   Despite its various ramifications and effects, governments across the Region (in conjunction with the international community) have not been able to fully stem the tide of piracy and other transnational crimes at sea proactively and sustainably. Worried by the prevalence of piracy in the Region, for instance, the United   Nations   Security   Council   adopted   Resolution   2018 (in 2011) and 2039 (in 2012) urging three regional bodies; the Economic

Community of West Africa States (ECOWAS), Economic Community of Central African States (ECCAS) and the Gulf of Guinea Commission (GGC), to develop a comprehensive strategy to combat piracy and maritime criminality in the zone. In that period, also, the zone witnessed an uptick in international support from notable countries like the USA, the United Kingdom, France, China, Germany and Japan, in the area of training and manpower development for national navies and coastguards as well as supply of naval equipment and patrol vessels, to arrest the tide of piracy in the Region.

22.   Some marginal improvements have no doubt been recorded as countries in the Region ramp up naval patrol and surveillance activities. Significantly, such interventions have not fully addressed piracy and other forms of maritime security challenges in the GoG because they mostly focus on addressing symptoms and manifestations rather than their underlying root causes. This is partly why piracy in the GoG remains a major hindrance to economic development, global trade and international relations. While several publications on piracy in the GoG exist, the aim of this report is to locate and explain the underlying factors that account for the persistence of piracy in the Region, as a first critical step towards soliciting proactive, holistic and sustainable solutions.

23.   In specific terms, what the reader should expect from this report is a more robust elucidation of the root causes of piracy in the Region with a view to

developing appropriate recommendations and priority intervention measures. It seeks to find answers to several pertinent questions, as follows:

(a) What is the nature and dimensions of piracy in the GoG?

(b) What are the root causes of piracy in the GoG?

(c) What are the ramifications and effects of piracy in the Region?

(d) What measures have so far been put in place to curb piracy?

(e) What are some of the gaps in current approaches, and how should they be tackled? and finally,

(f) What priority measures are required in the short, medium and long terms to curb or end piracy in the Region?

THE IMPERATIVES FOR THE STUDY

24.   The broad imperative for the study is to understand the different manifestations, dimensions and dynamics of piracy in the GoG, with a view to developing and finding lasting solutions through proactive, robust and sustainable interventions. The specific objectives are to:

(a)   Examine the changing nature and dimension of piracy in the GoG;

(b)   Examine the root causes of piracy in the GoG;

(c)   Assess the effects of piracy in the GoG;

(d) Evaluate past measures to tackle piracy and their degrees of success and failure; and

(e) Identify priority measures to sustainably curb the threat of piracy in the Region.

25.   The report is first and foremost intended to contribute to policy articulation, design and implementation in all its ramifications, particularly around how to more effectively address or, at best manage piracy and related crimes at sea. On this front, the expectation is that this report will provide useful insights into the nature and causes of piracy in the GoG and what should change or become strengthened in the strategies currently deployed. Hopefully, the different stakeholders in the maritime as well as the oil and gas industry, including ship-owners, government officials and top officials of relevant Ministries Departments and Agencies (MDAs), would have some critical takeaways reading this report that can help them rethink current approaches to tackling piracy and related crimes. Finally, the report will assist the governments and navies of member States to evolve better, stronger and more collaborative relationships than what they are currently able to mobilise to curb piracy in the GoG.

26.   On the academic front, the study would have achieved its goal if it stimulates further research into issues and contradictions that are playing out in the maritime environment and the factors that allow policy gaps and incoherencies to thrive. By drawing attention to some of the peculiarities associated with the governance of the maritime domains by different countries in

the Region, the report points to how countries in the Region, acting collectively, might evolve or prioritise the design and implementation of more efficacious policy interventions. Finally, this report will be a useful addition to the literature and resources for training of different categories of personnel in the top government, military and security institutions within and outside the Region.

27.   This report is arranged in 8 sections as follows; the introduction, research methodology, framework and the root causes of piracy in the Gulf of Guinea (GoG). Others are the effects of piracy on the Region, the challenges of combating piracy in the GoG, intervention measures and the conclusion.

CHAPTER 2

FRAMEWORK FOR THE STUDY

INTRODUCTION

28.   This framework chapter defines key concepts and discusses variables used in the study and the report, namely "piracy," "root causes," "effects," and "priority intervention measures." It also discusses the relationship between the different concepts in relation to the GoG and takes a synoptic overview of the literature to identify important gaps to be filled.

PIRACY

29.   What piracy entails is contested among scholars, governments and international organisations. The contentions, for the most part, are in terms of the actors and processes involved in piracy activities; the object(s) at which the action is directed; the goals or outcomes of piracy. In a broad sense, piracy is associated with a violent, bloody and ruthless practice that occurs on waters very much the same way that armed robbery takes place on land. According to Jenkins, piracy is any robbery or other violent action, for private ends and without authorization by public authority, committed on the seas or in the air

outside the normal jurisdiction of any state. Such conceptualisation or notion of piracy in terms of armed violence and bloodletting however misses instances where the act itself may not involve or result in bodily harm or death of seafarers but only in arrest and demand for a ransom before they are released.

30. The International Maritime Bureau (IMB) tried to remedy some of the gaps in the definition of piracy above by identifying it as the "act of boarding or attempting to board any ship with the apparent intent to commit theft or any other crime or with the apparent intent or capability to use force in the furtherance of that act". What is significant about this definition is that it encapsulates and draws attention to specific actions that cut across virtually all acts of piracy namely the intent and the use of force. It also takes into account all locations, at anchor or at sea, where pirate attacks on ships happen.

31. One of the most comprehensive definitions of piracy is by the United Nations Convention on the Law of the Sea (UNCLOS). It defines piracy as consisting of illegal acts of violence, 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: (a) On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; (b) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any state; (c) Any act of voluntary participation in the operation of a ship or an aircraft with knowledge of facts making it a pirate ship or aircraft; and (d) Any act of inciting or of intentionally facilitating an act described above.

32. Although this definition adequately captures several of the actions that constitute piracy, which the definitions before it did not mention, it is nonetheless restrictive as it refers only to such acts on the high seas or international waters while excluding similar acts within inland and coastal waters. Furthermore, it leaves several acts of violence committed against ships and crew in other maritime domains outside the scope or definition of piracy. Finally, this definition puts those that engage in acts of piracy at the centre while paying little or no attention to the targets or victims of such violent encounters.

33.   Given the foregoing, this study would take piracy to mean an act consisting of illegal acts of violence or use of force, detention or any act of depredation and boarding or attempting to board any ship with the apparent intent to commit theft, done for private ends by the crew or the passengers of a private ship and directed on the high seas or anywhere at sea against another ship or persons or property on board such ship.

ROOT CAUSE AND EFFECT

34.   A root cause describes a cause or prevailing condition that, if corrected, would prevent recurrence of or similar occurrence of an event(s) in the immediate or distant future.[25] Whereas the root cause(s) of a problem may have generic implications to a broad group of possible occurrences, it is the most fundamental aspect that can be identified and corrected that is taken as the root cause. In other words, there may be a series of causes, each one leading to another that should be pursued until the fundamental and correctable cause has been identified. In identifying and understanding the root cause(s) of piracy in the GoG, therefore, the prospect of designing priority intervention measures and finding lasting solutions becomes a realistic pursuit.

35. Regarding effect, the Merriam Webster Dictionary describes it as an event, condition or state of affair that is produced by a cause, involving the act of making a certain impression. It is something, tangible or otherwise, that necessarily follows an antecedent.[26] Understood from this perspective, piracy and other forms of criminal acts at sea have significant ecological, economic and security effects on the marine ecosystem, and coastal communities whose livelihoods and subsistence depends on maritime resources. In specific terms, for instance, oil bunkering or ship-to-ship transfer (STS) of crude oil which often results from how pirates hastily load oil from small and poorly equipped vessels can lead to oil spills that damage the ecosystem and adversely impact the health, well-being and livelihood of people living along the coastlines.

THE GULF OF GUINEA

36. Chapter One of this report already gave a vivid description of the GoG maritime zone which stretches from Cape Verde in the Westernmost part of West Africa to Angola in the borderline between Central and Southern African Regions. In addition to that, the GoG zones overlap three African Regions: Western, Central and Southern Africa, and a coastline on the Atlantic Ocean that is about 6,000 nautical miles. Apart from the 15 countries located within the zone,[27] the GoG is also home to several islands including Bioku, Elobey Grande and Elobey Corisco, and Annobón in Equatorial Guinea; Bobowasi off Ghana; and the island of Principe and São Tomé in São Tomé and Principe. Finally,

apart from containing a wide range of maritime assets and resources, the GoG is a strategic hub for the global energy supply chain with large quantities of crude oil and gas derivatives consumed in Europe, North America and Asia.[28]

PIRACY AND ITS EFFECTS

37.   Piracy has become a pressing challenge to the global community, particularly given the serious human, economic, environmental and political effects. Around the world, piracy and other crimes at sea have become a source of considerable governance, security and developmental concerns. For instance, the 15 countries that are located along the GoG, working in conjunction with the international community, have been actively involved in mobilising bilateral and multilateral interventions to tackle the menace of piracy. Intervention here, according to the Oxford Dictionary, refers to becoming or getting involved in something; "or interceding with the intent of modifying the outcome."[29]

38.   In the immediate domain where piracy occurs, therefore, it imposes direct effects in terms of how it inhibits the free movement of goods and services, raises the cost of insurance and related services, and generally forces governments to spend otherwise scarce resources to maintain security along their coastline. It also has far-reaching environmental, security and developmental implications for countries in the Region and beyond.[30]

REVIEW OF LITERATURE

39.   At its peak during the decade between 2000-2010, scholarly writings on and public attention to piracy in the GoG and other hotspots around the world grew astronomically, with several propositions on how to address the menace. In this section of the report, a short survey and critique of the existing literature are considered with a view to identifying gaps in knowledge production on the subject matter. According to the Centre for Maritime Law and Security (CEMLAWS), pirates' actions and behaviour in terms of typology of attacks and modes of operations have evolved.[31]

40.   Since piracy in the GoG is currently one of the most trending transnational organised crime issues in the world today, especially following the steep reduction and almost cessation of the phenomenon off the coast of Somalia, a detailed understanding of the taxonomy, underlying causes and long-term effects of piracy is key to any successful global, regional and national counter-piracy efforts.

41.   While literature acknowledges that piracy is an age-old crime, it has in more recent times re-emerged and become pronounced in different parts of the world, most especially off the Coast of Somalia, the GoG, and within the international waters of the Straits of Malacca. Hodgkinson[32] showed that while piracy may have begun its decline in the coast of Somalia, it is now growing in

the GoG in particular. The Study Paper examines the current global trends in piracy; analyses the success of international efforts directed at combatting piracy in the GoA, and investigates the likely fallout that the adoption of the combative methods against pirates off the coast of Somalia might have in the GoG.

42. Piracy off the coast of Somalia and elsewhere in other parts of Africa illustrates as much how the phenomenon is linked to broader contexts of political disorder and insecurity as much as to what could result if festering developmental challenges are allowed to linger or degenerate. For instance, very little sense can be made of how Somali piracy became such a menace to the entire world without understanding what exactly happened in that country leading to the collapse of law and order, systemic political failure and the outbreak of civil war.

43. At some point, as Lehr and Lehmann showed, the situation in Somalia raised concerns over whether or not Somali pirates are the regular citizens looking for lucrative adventure or are part of a wider and clandestine transnational global terrorism franchise such as Al-Qaeda seeking to use the Somalia waters as a training ground for future acts of maritime terrorism.[33] The study concludes that for as long as the Somalian Transitional Federal Government (TFG) is unable to exercise effective governance and security writs across the country, the only recourse to external help would tackle piracy and maritime insecurity in the Region.

Figure 2.1: Piracy Incidents in Africa

AFRICA

- No of incidents in Gulf of Guinea
- No of incidents in rest of Africa
- No of kidnapped crew members
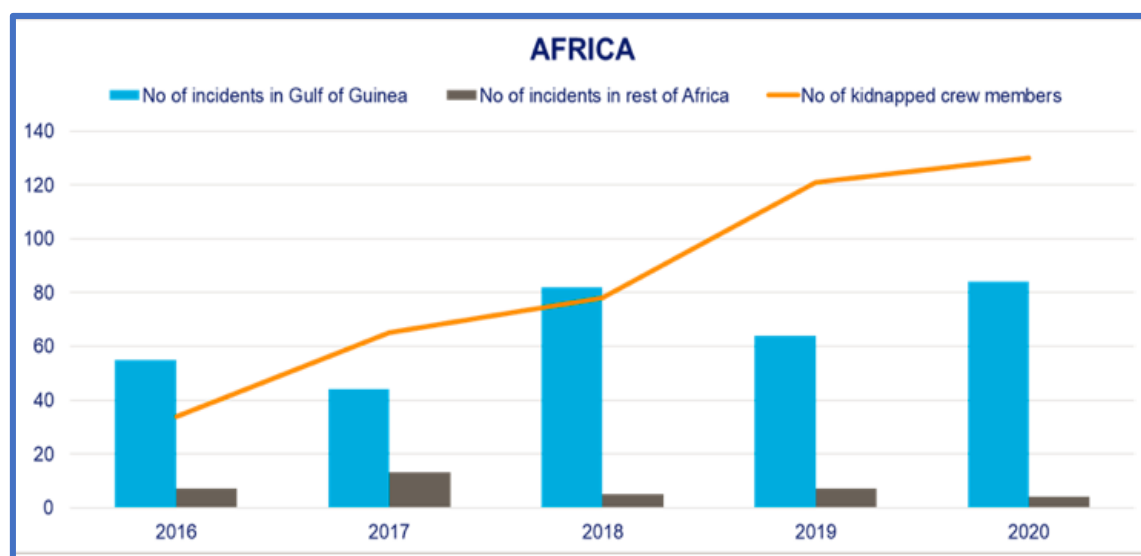
Source: ReCAAP Annual Report, 2020[34]

44.   Despite its long history, however, there is a vast and qualitative difference in the character and modus operandi of pirates and piracy in the early 2000 from what obtains two decades later. In this report, the spotlight is on some of the distinguishing features of piracy based on incidences that occurred between January and August 2020, and what those might mean for the evolving threat profile or landscape today. Premium should therefore be placed on the most salient innovations that are becoming evident in terms of the capacity of pirates to adapt and demonstrate resilience in the face of concerted and multidimensional efforts by the international community to suppress or eliminate them. By focusing on the genre of piracy during a particular period, the hope is to understand and contextualise what has changed with the benefit of hindsight vis-à-vis patterns and emerging threats since the period of focus.

45.   One of the significant points to note is that piracy attacks declined during the case study period to 81 incidents; from 86 in 2018 to 82 in 2019 when compared to the same period during the previous two years 2016 and 2017.   Despite this decline, however, other key parameters such as the number of boarding, theft and suspicious approaches have increased, while cases in which targeted vessels were fired upon remain fairly consistent. The incident profile during the period covered; perhaps more significantly, indicating that there were more cases of kidnapping for ransom (KFR) in 2020 compared to the previous two years. In this report, what these changes say about the evolving nature or complexities of piracy in the GoG is that it is different from what obtains in other parts of the world during the same periods.

46.   The study further analysed the trend and modus operandi of piracy noting specific issues often ignored in literature such as the importance of intelligence gathering, incidence distance from the shore, and the intervals of piracy activities. Many existing studies on piracy in the GoG, in particular, miss these salient aspects that tell a more holistic and compelling story about the uniqueness of pirate activities in the Region; and open new opportunities for comparative analysis and insights not previously considered in the literature. While a tentative conclusion could be drawn in the light of recent developments that the dynamics of pirate activities is fast changing; there is an equally compelling need to take those developments, for good or bad, into account when

contemplating new solutions to the emerging patterns of piracy in the GoG. By doing so, for instance, policymakers can better understand and take note of why the epicentre of piracy that was once located in Nigeria, especially around the Niger Delta, is now spreading to other neighbouring countries in West and Central Africa, in both directions towards Benin and Cameroon.

47.   It is further evident from the survey of the activities of pirates during the study period and after that several issues implicated in the current spate of attacks have remained obscure. Those may include, for instance, the relationship between pirates and other forms of criminality on land and at sea; the kinds of resources, infrastructure and value-chains that supports and sustains piracy vis-à-vis other crimes; how non-state entities involved in piracy and other criminal activities challenge, circumvent or undermine the authority of the state; how to close the current gaps in ongoing efforts to mobilise a more robust international action against piracy and their limitations; and finally, what should be the role of the private sector, especially the shipping industry, and also regional institutions, in establishing and forging a more unified counter-piracy approach?

48.   Another compelling insight from incidences of piracy attacks during the period under investigation is one that literature already captured succinctly: that piracy at sea is also a reflection of festering and serious governance challenges in many countries in the GoG[35] Although empirical evidence may still be scanty and tentative, there seems to be a correlation between political stability and

piracy given that the more unstable a country is the more the likelihood of criminality, including piracy, and vice versa. This is because pirates, like other criminals operating on land, would typically take advantage of chaos and instability that result from poor governance to establish themselves and spread regardless of whether it is on land or at sea.

49.   It is widely understood that piracy is as much an economic crime as it also has historical, political, and social dimensions. No matter whatever form they take, however, the overall aim of this report is to develop a set of proactive and holistic approaches to understanding and combatting piracy.[36] A deliberate decision is made, in this regard, to assess the cost (in terms of the multiplier effects) of piracy on commercial shipping, including the menu of responses mobilised by the industry and its related parts, to mitigate risks associated with piracy activities, including prevention as well as the safety of seafarers.

50.   Piracy in the GoG is unique in several key respects, not the least that it predominated the hijack of oil tankers, theft and sale of the crude oil to refineries within and outside the Region, and occasionally kidnapping for ransom of crew members.[37] This kind of clandestine criminal activity can only happen with a well-established and well-organized cartel or network that is readily and quickly able to find a market for stolen crude oil.

51.   This type of criminal activity can only thrive in an environment where the government is weak or cannot deal with complex transnational organised crime, either through the mainstream criminal justice system or solely by way of patrol, surveillance, arrest and prosecution. This is where concerted international effort, beyond what individual countries in the GoG alone can muster. It is also why such concerted international response should take on a more urgent imperative to take the fight against piracy to a wide array of rogue middlemen and refineries that, for instance, buy stolen crude oil.

52.   In '*Piracy in GoG causes, efforts and solutions*', Abdel Fattah[38] analysed piracy incidents between 2010 and 2016 paying attention to key causes or factors that are responsible for the phenomenon; evaluated several of the regional efforts in West and Central Africa to deal with the problem; and made several recommendations. The causes of piracy in the GoG outlined by Fattah include legal and jurisdictional weakness, conflict and disorder, underfunded law enforcement, permissive political environments, cultural acceptability and promise of reward. It specifically acknowledged that maritime piracy in Nigeria is directly linked to oil development and the resulting economic, social, and environmental conditions in the Niger Delta.[39] The remedial measures proposed to tackle piracy include enforcement coordination, a collaboration between and among regional navies, and constant updating of knowledge base on where piracy networks exist and how they thrive.[40]

53.   As a transnational crime, piracy limits the free movement of ships conveying people and goods across different destinations around the world, with serious consequences for the safety and the well-being of the global economy. In recent times, those involved in piracy engage in daring exploits with sophisticated weapons that make it easy for them to hijack and redirect vessels to hidden locations while negotiations to pay ransom commences.

54.   In *Exploring Contemporary Sea Piracy in Nigeria, the Niger Delta and the Gulf of Guinea*, Nwalozie[41] interrogates the factors responsible for the incessant piracy activities across the Gulf of Guinea, but specifically within Nigeria's territorial waters; and concludes that the amnesty and post-amnesty programmes of the Federal Government in the Niger Delta contributes immensely to piracy within the Region. Although the study did not show, in detail, how exactly this happened and in what directions, for good or bad, there are concerns that the amnesty and post-amnesty problems may have created winners and losers, in equal measures; with those in the former putting down their arms while their counterparts take up other forms of crimes, including piracy.

55.   This report elaborated on the historical underpinnings of piracy in the GoG in terms of its root causes as well as motivations behind involvement in pirate activities, and also the actors, targets and tactics employed. Despite the numerous efforts at curtailing piracy in the GoG identified in the extant

literature, there are still many gaps in current knowledge; hence the need to mobilise appropriate and adequate counter-piracy measures. This report seeks to fill this and other key gaps by identifying quick-fix as well as long-term intervention measures to effectively tackle and address the rising tide of piracy in the GoG.

LESSONS FROM COUNTER-PIRACY AROUND THE WORLD

56.   It is understood that global piracy incidences in different parts of the world have triggered many key countermeasures that the current international efforts on tackling similar problems in the GoG could learn some helpful lessons. The examples of the European Union-led intervention measures in the Horn of Africa and multinational responses to piracy along the Strait of Malacca, briefly considered here, are remarkable even though their contexts are qualitatively different from what obtains in the GoG.

57.   On 21 April 2019, five suspected pirates seized a fishing trawler off the coast of Somalia and took 23 people hostage. Shortly after and within the same vicinity, they also attacked another fishing vessel, the FV Adria. These attacks occurred in the Indian Ocean, about 280 nautical miles off Somalia.[42] Only a few hours following this incident, the European Union Naval Force (EU NAVFOR) deployed its Maritime Patrol Aircraft (MPA) to identify

and track the captured mother ship. The interdiction mission lasted only two days, resulting in the arrest of the five pirates and the rescue of about 23 crew members held hostage. This example reinforces the importance of prompt intervention and also of intelligence capability as well as the availability and readiness to deploy the necessary naval patrol assets.

Figure 2.2 Coast of Somalia

Source: Britannica 2021[43]

58. The second lesson, from the Strait of Malacca, draw attention to the imperative of concerted regional effort to tackle piracy and other crimes at sea. The Strait connects the Indian and Pacific Oceans, between Western Malaysia and the Indonesian Island of Sumatra (Figure 2.3 below). The strategic profile of the Region has grown; especially with the phenomenal growth of Asian economies which has made the Strait one of the world's busiest and most critical

shipping zone. It is estimated that each year, more than 120,000 ships pass the waterways, accounting for a third of the world's marine commerce. Significantly, also, between 70% and 80% of all the oil imported by China and Japan, the two leading economies in Asia, transits through the Straits.

59.   Some of the maritime threats prevalent in the Strait include sea robbery, smuggling and piracy, with growing concerns in recent times of the possibility of terrorist attacks. Available data have shown that the number of pirate attacks increased by 600% from 25 in 1994 to 150 in 2003. At different times, global powers outside the Region such as the United States have teamed up with regional actors to implement regional measures such as the 2009 Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP).[44] Such collaborative interventions have, in turn, led to a major decline in the incidents of pirate attacks in the Region; from 61 incidents reported across Southeast Asia in 2018 compared with 84 in 2017 and 70 in 2016.

Figure 2.3 The Strait of Malacca
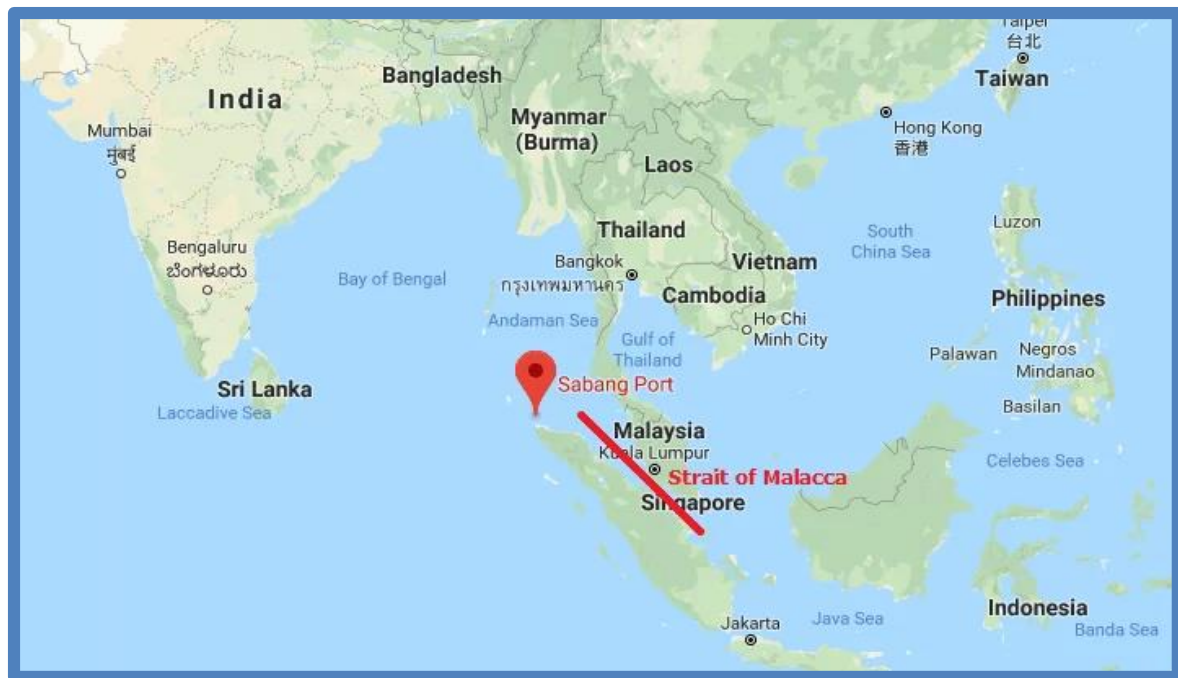
Source: Wikipedia 2011[45]

60.   Lessons learnt from the two examples above for the GoG are in several parts. In the case of the Horn of Africa, for example, the prompt response by the EU NAVFOR shows positive lessons for the GoG that foreign support, timely information and prompt intervention could potentially reduce piracy in the Region. The examples of the Strait of Malacca, on the other hand, draws critical attention to how a combination of extra-regional (US) intervention blended with ongoing but insufficient regional initiatives could become a game-changer in the quest to tackle piracy in the GoG.

61.   Furthermore, the multinational coalition that reigned in on one of the most notorious piracy havens eventually led to the establishment and

operationalisation of unique collective security and cooperative arrangement, ReCAAP, that have become a permanent platform for continuous engagement. The combined and concerted efforts by parties involved contributed to the deterring and suppression of piracy in South East Asia. The obvious conclusion, in the final analysis, is that GoG cannot go it alone given the numerous constraints and limitations they currently face, especially in terms of access to up-to-date intelligence, financial resources, state of the art equipment and logistic capabilities, to mention a few.

CHAPTER 3

RESEARCH METHODOLOGY

INTRODUCTION

62.   This chapter describes the methodology adopted in the study. It discussed issues such as the research design, sources and method of data collection, population and sample sizes used, techniques of sampling as well as method of analysis.

63.   The research design subsumes the whole process of data gathering, analysis and interpretation. The study adopted the ex-post-facto survey research method which aimed primarily to identify and examine the contextual root causes of piracy in the GoG. The descriptive cross-sectional research technique was used to generate a combination of qualitative and quantitative data for the study.

SOURCES AND METHOD OF DATA COLLECTION

64.   For this study data were generated from primary and secondary sources. Data from primary sources were generated through questionnaires, interviews and observation. Just as in questionnaire design, interview schedules were designed for each category of interviewees to ensure easy facilitation of the

interview. The interview was equally used to complement data generated from the questionnaires. In addition, it enabled the researchers to clarify some of the responses given in the questionnaires and confirm some observations during the fieldwork. The observation was also used to record non-behavioural physical processes and conditions of coastline communities where field visits were undertaken.

65.   Secondary data, on the other hand, covered information that already exists in several published and unpublished documents. Such information are drawn from periodical reports published by the Nigerian Navy, Nigerian Maritime Safety and Administration Agency (NIMASA), International Maritime Organisation (I.M.O), newspapers, magazines; journals; reports of government agencies and NGOs; textbooks; and other unpublished research and internet materials.

66.   In terms of methods, primary data was collected through the administration of questionnaires and the conduct of in-depth interviews. The questionnaire comprises open-ended and close-ended questions for easy coding, tabulation and subsequent analysis. Questionnaires were administered to the staff and management of the NIMASA and officers and men of the Nigerian Navy. Interviews involve the use of a combination of structured and unstructured interviews with carefully selected respondents. The two methods combine the benefits of standardization and depth. Finally, according to

Table 3.1 below, twenty (20) face-to-face in-depth interviews were conducted with some purposively selected residents of some coastal communities in Nigeria.

Table 3.1: List of Nigerian Coastal Communities/Number of Local Residents Interviewed

Serial	Coastal Communities	No of Respondents	Mode of Interview	Date of Interview
(a)	(b)	(c)	(d)	(e)
1.	Banigo-Bonny	5	Physical	8/03/21
2.	Brass-Bayelsa	5	Physical	9/03/21
3.	Oluma-Bonny	5	Physical	8/03/21
4.	Peter Side-Bonny	5	Physical	8/03/21

Source: Fieldwork, March 2021

67.   Other interviews were held with key members of specialized trade unions such as the Boat Owners Cooperative Society and Maritime Workers Union, as well as with staff and management of NIMASA and also officers and men of the Nigerian Navy. In addition, Zoom interviews were held with Nigerian Defence Attachés (DA) in some GoG states who could not be physically interviewed, because of logistics constraints occasioned by the COVID-19 pandemic (see Table 3.2).

Table 3.2: Defence Attaches Interviewed

S/No	Country	Coverage/Concurrent Accreditation	Mode of Interview	Date of Interview
(a)	(b)	(c)		
1.	Benin	Togo Burkina Faso	Zoom	30/03/21
2.	Cameroon	Congo Brazzaville Central African Republic	Zoom	31/03/21
3.	Equatorial Guinea	Sao Tome Principe Gabon	Zoom	31/03/21
4.	Ghana	Liberia Sierra Leone Cote de Ivoire	Zoom	31/03/21

Source: Fieldwork, March 2021

POPULATION AND SAMPLING SIZE

68.   The population of the study was divided into two for the distribution of the questionnaire. Using the area sampling technique, the first set of respondents consists of Naval officers and men drawn from the three operational naval commands; the Central, Eastern and Western Naval Commands, A Naval unit from each command was chosen, namely; NNS Beecroft for the Western Command; NNS SOROH for the Central Naval Command; and NNS PATHFINDER from the Eastern Naval Command. In choosing the three naval units, consideration was given to those whose operational activities have a direct bearing on the counter-piracy efforts of the Navy. The second cohort of respondents consists of staff and management of NIMASA. In the final analysis, the total sample population comprising the officers and men of the Nigerian Navy and staff and management of NIMASA is 3533 from which our sample

size of 346 was derived using the Daryle W. Morgan and Robert V Krejcie table for determining sample size for a study (see Table 3.2).

Table 3.3: Population and Sample Size Distribution

Serial	Population	Size	Sample Size	% of Total Sample Size
(a)	(b)	(c)	(d)	(e)
1.	NIMASA	1600	157	45.3
2.	BEECROFT	635	62	17.9
3.	BONNY	263	26	7.5
4.	SOROH	470	46	13.4
5.	PATHFINDER	565	55	15.9
6.	**Total**	**3,533**	**346**	**100**

Source: Fieldwork, March 2021

SAMPLING TECHNIQUE

69.   Two sampling techniques were adopted in this study. The first sampling technique was the area or cluster sampling technique which was used to select sample elements from different locations. This was also applied in the selection of respondents from the coastal communities. The other sampling technique adopted was the stratified random sample which was applied in the determination of the Navy officers and NIMASA staff population after initially using the area sampling method to classify them by location.

METHOD OF DATA ANALYSIS

70.   This study employed both quantitative and qualitative methods of data analysis. Qualitative data were analysed through content and logical analysis.

The quantitative data were analysed using inferential statistical tools such as chi-square. SPSS package, a statistical tool, was used to run this analysis, and the findings were presented in frequency tables, charts and percentages.

A SHORT NOTE ON LIMITATIONS

71. The fieldwork on which this report is based was conducted over 3 months; from December 2020 to February 2021, in Nigeria and other GoG countries. The unforeseen outbreak and spread of the COVID-19 pandemic which led to forced lockdown and restrictions on local and international travels, slightly impacted the fieldwork aspect of primary data gathering. Travel restrictions invariably implied that alternative options such as telephone and zoom conversations became expedient in reaching key respondents. The study team, regardless, was able to interview key respondents online as well as physically in different locations within Nigeria and across different parts of the Region.

CHAPTER 4

THE ROOT CAUSES OF PIRACY IN THE GULF OF GUINEA

INTRODUCTION

72.   This chapter examines the root causes of piracy in the GoG based on primary and secondary sources of data from the field, as discussed in the previous chapter on research methodology, as well as secondary information from extant literature on the subject matter. It begins with an overview of how the economic, social, political and environmental peculiarities within the Region are underlying factors that shape the nature of the governance crises and conflict in the Region.

73.   The root causes examined in this chapter are linked to extended periods of neglect and marginalization of local communities; widespread poverty and deprivation; disruption of human and community livelihoods; weak state institutions; low-risk high reward factor that create incentives for criminality; and the persistence of political disorder and violence in most of the countries in the Region.

74.   Piracy activities in the GoG are increasingly assuming new and complex dynamics than is often acknowledged in the literature. A key conclusion in this chapter is therefore that different factors account for why certain events occur within the Region different from what is obtained in other regions of the world.

An understanding of the root causes of piracy is ultimately very crucial given how several interventions to tackle piracy have mostly focused on symptoms or manifestations than underlying factors.

CAUSATIVE FACTORS

NEGLECT AND MARGINALISATION OF COASTAL COMMUNITIES

75.   Frontier communities, whether on land or coastal areas, remain sites of neglect by central governments in many GoG states. Such communities are mostly neglected, for instance, in the location of basic social amenities and infrastructure such as portable water, good roads, electricity supply and health facilities. Outside of major towns and cities, including national capitals located along the Atlantic seaboard, the majority of the inhabitants of coastal communities along the GoG waters live in desolate fishing communities, rural villages and small towns. Even where they host critical installations owned by the government or foreign companies, most of the coastal communities still lack access to basic amenities and infrastructure and even access to subsidised socioeconomic opportunities that support livelihoods and basic survival.

76.   Due to the riverine nature of many of the coastal communities coupled with the scarcity of arable land for agriculture, many local residents depend on fishing, artisanal and ancillary activities for survival. Since a good number of them are also very familiar with the geography of the creeks and waterways in

the coastal region or are itinerant seamen in their own right, they are familiar with boat handling and navigation with or without the benefit of modern navigational aids. Neglect and marginalisation of most coastal communities have bred resentment; and ultimately are fuelling militancy, insurgency, criminality and secessionist activities that create a permissive environment for the emergence of a plethora of criminal gangs such as those involved in piracy.

WIDESPREAD POVERTY AND DEPRIVATION

77. A related root cause of piracy in the GoG is the incidence of widespread economic marginalization and deprivations. Despite the huge endowment of natural and mineral resources, most host communities in the Region are confronted with issues of economic hardship and deprivations, evidence in a high incidence of poverty and unemployment. A large percentage of the Region's population live below the poverty line. For instance, 76.8% of the population of Equatorial Guinea live in poverty and some 40% of Nigeria's population live below the poverty line. Similarly, the Cabinda region which produces over 60% of Angola's oil output has a high level of poverty incidence.[46] Due to widespread corruption and bad policies, the only ones to benefit from the oil industry have been the central governments, oil companies and a few wealthy locals.

78.   Studies have shown that the likelihood of criminal acts is greater in a community or country defined by mass misery and joblessness than the one in which basic needs of food, education, health, housing and sanitation are met for the majority of the people.[47] As a result of the twin problem of poverty and unemployment, young people are the most vulnerable to recruitment into a criminal network, such as those behind piracy in the GoG. This partly informed the apt assertion that "poverty and unemployment are breeding grounds for the GoG pirates and need to be addressed".[48] A similar conclusion was arrived at by Holmgren when he concluded that "piracy has its roots in poverty. Criminality feeds on lack of opportunities, unemployment, and a frail political environment. Eradicate poverty and piracy will be eradicated".[49]

DISRUPTION OF LOCAL LIVELIHOODS

79.   Another factor in the growth of piracy in the GoG is declining opportunities for legitimate livelihoods occasioned by the destructive and disruptive activities of foreign interests in mineral and marine resources exploitation. Corporate irresponsibility and impunity have largely characterised the exploitation of mineral resources such as oil and gas onshore and offshore in some GoG states. Few situations exemplify the current challenge of corporate impunity as starkly as the widespread and systematic oil pollution in Nigeria's Niger Delta. Experts estimate that the inhabitants of the Region have experienced oil spills on a par with the 1989 Exxon Valdez disaster in Alaska

every year for the past 50 years, a yearly average of about 240,000 barrels.[50] Pollution undermines lives and livelihoods by contaminating drinking water and destroying farmlands and fishing.

80.   Furthermore, the plundering of marine resources in the GoG waters by foreign trawlers deprives local communities of much-needed food and livelihoods and causes revenue losses to states. An estimated Nine to Twenty Four billion US Dollars ((US$9 - US$24) is lost to IUU fishing globally, with the level of illegal fishing in the GoG being 40% of the total fishing activities in the Region.[51] According to Onuoha and Lamptey, "depletion of fish stock has contributed to poverty, unemployment and collapse of livelihoods, forcing some people to embrace a life of criminality or to migrate to other locations in search of greener pasture."[52]

81.   In addition, adverse climate change is leading to a rise in ocean sea levels due to global warming in ways that impact negatively on anthropogenic activities. As the surge of waves and tides devastate or shrink once-thriving coastal villages and towns, subsistence activities such as farming and fishing are decimated. In *'Sea-Level Rise: West Africa is Sinking'*, Jessica Ahedor quoted a World Bank study showing that flooding and coastal erosion due to sea-level rise cost West Africa about $3.8 billion and cause 13,000 deaths annually. Her report, published in Earth.Org, further estimated that sea levels would rise by more than 76cm around the world by the end of the century but the rise would

be faster than the global average along the coast of West Africa where about one-third of the Region's population resides and where an estimated 56% of GDP is made.[53]

82.	The shrinking of land occasioned by ocean sea rise as well as the destruction of farmlands and depletion of fish stock due to environmental pollution have cumulatively resulted in a dire situation in which local communities that depend on them for food and income are forced to directly engage in criminal activities such as piracy; or at the very least, make them to tacitly support its operation. Consequently, "as the profits made from legitimate livelihoods such as farming and fishing diminish due to environmental pollution, overfishing by industrial trawlers and weak government protection capacity, local residents are increasingly turning to 'fishers' of men, as sea bandits – sea robbers and pirates."[54]

83.	Green buttressed this point when he posited that "involvement of locals in piracy has become an attractive venture as their legitimate vocations such as fishing, farming and other sources of income have been destroyed with the advent of oil exploration in these communities."[55] It is not surprising that some coastal communities hail pirates who support some community development projects possibly with money made from ransom or even those who live a life of affluence on account of proceeds from such criminal endeavour. While the resulting permissive criminal economy has made piracy fester, it is also evident

that any counter-piracy measures that exclude coastal communities as have so far been the case, cannot achieve any or much success.

WEAK STATE INSTITUTIONS

84.   The weakness of state institutions in terms of capacity to deter, apprehend or punish acts of piracy contributes to its prevalence in several countries. Weak governance and widespread corruption manifest in the mismanagement of revenue from natural resources, the underdevelopment of human resources, and underfunding of national institutions critical to maritime security such as navies and coast guards. In addition, Commodore NC Ekwom (DA Cameroon), averred that corruption is prevalent in most GoG states and thus negatively impacting the citizens. This state of affairs has made the people desperate thus turning to criminality including piracy.[56] They lack the required maritime capabilities for a comprehensive counter-piracy campaign.

85.   Only Nigeria and Ghana in the GoG have the naval capacity to operate at sea for an extended period. Yet, Nigeria which parades the Region's largest navy only has an estimated 28% of its ships operational at any given time.[57] Most of the states also do not have the fund to maintain the right mix of personnel and platforms to run adequate surveillance at sea or within the immediate port environment. This makes interdiction operations very few and far apart; if at all such exists. Even when successful arrests of pirates were

effected, non-existence or inadequate anti-piracy legislation stalls prosecution. For example, a legal assessment conducted by the United Nations Office on Drugs and Crimes (UNODC) across the GoG region had identified significant gaps with only a few countries having a sufficiently robust legal framework allowing for the effective prosecution of cases of piracy. This, in turn, appeared to constitute the primary reason for the very few successful prosecutions.[58] Some only allow prosecution of their nationals whereas piracy typically involves collaboration between and among transnational actors or entities.

86. It is pertinent to note that there is a growing partnership between GoG states and the UNDOC in the area of technical support and capacity building in drafting anti-piracy laws and prosecution of perpetrators. In 2018, for instance, the UNODC provided technical support in reviewing the legal frameworks for maritime security of Liberia, Cape Verde, Guinea Conakry, Senegal and Sierra Leone. The UNODC equally assisted Nigeria with the technical support in drafting the Suppression of Piracy and Other Maritime Offences (SPOMO) Act of June 2019. Under the Act, Nigeria has successfully arrested and prosecuted some pirates. The adoption or updating of national legal frameworks to punish crimes committed at sea by countries such as Gabon, Nigeria and Togo are an important critical first step towards improving maritime safety and security in the Region.[59]

LOW-RISK HIGH REWARD INCENTIVE FOR CRIME

87.   The major attraction that generally lures people into criminal activities is in the quest to gain illicit monetary and material benefits. The propensity to engage in such criminal enterprise, most of the time, depends on the perception of the risk-reward ratio. When the risk far exceeds the reward, a prospective criminal is often discouraged from undertaking certain ventures, and vice versa. The low-risk reward ratio of piracy is a notable factor implicated in the growth of the crime in the GoG, particularly in the case of kidnapping for ransom that is rampant in the Region.

88.   Abduction for ransom has recently become the hallmark of piracy in the GoG. The IMB reports that 135 crew were kidnapped from their vessels in 2020 globally, with the GoG accounting for over 95% of crew numbers kidnapped.[60] A record 130 crew members were kidnapped in 22 separate incidents. Since 2019, the Region has experienced an unprecedented rise in the number of multiple crew kidnappings. In the last quarter of 2019 alone, the GoG recorded 39 crew kidnapped in two separate incidents.[61] The payment of huge amounts of ransom, the complexity of the value-chain of piracy that involves several clandestine and rouge transnational actors who benefit from the ransom payment, the relative ease of piracy actions, and the largely ungoverned spaces are some of the defining elements of the low-risk profile of piracy in the Region.

89.   In February 2021, for instance, the 10 foreigners abducted by pirates off the coast of Gabon were later released after the payment of ransom reportedly to the tune of $300,000 to regain their freedom.[62]   The recourse to payment of ransom has made piracy very lucrative, enticing more people and allowing stronger collaborations among networks of criminal gangs to thrive. In the past, payment-for-ransom would ordinarily involve top government and security officials in different countries. Since most valuable ships and their cargoes do not belong to or originate from the GoG, there is growing concern that major global shipping companies and foreign governments are bypassing governments in the Region to negotiate directly with and pay pirates.

90.   This much was openly acknowledged during an international conference held in London on piracy and the oil industry when a company described its interlocutory role in negotiating most ransom payments directly using physical cash and bypassing local authorities.[63] Overall, as Ross rightly noted, the payment of ransom produces obvious short-term benefits but much larger, hidden, long-term costs. The hidden cost of kidnapping for ransom is that it emboldens clandestine groups with vast transnational connections to intensify such activities. The bottom line is that if kidnapping, like any other type of business, is sufficiently profitable, those involved in it or related activities will eventually expand as well as create new and more lucrative networks to continue.[64] Finally, the availability of a ready market for stolen goods or other

valuables feeds into the piracy enterprise. As long as goods pillaged from ships have ready markets for them in an environment of weak state regulatory capacity over trading, piracy would remain a lucrative business attracting a good number of people into the illicit trade.

PERSISTENCE OF DISORDER AND VIOLENCE

91.   The increase in pirate attacks off the GoG coast is largely associated with the persistence of insecurity and political disorder that have become recurrent and endemic realities in some of the states in the Region. The poor state of governance in Nigeria, Angola, Cameroon, Ivory Coast, and Senegal, to name a few, have resulted in an incidence of militancy, low-intensity conflicts and violent uprisings that exacerbate arms proliferation across the Region. Nowhere is this reality felt more acutely than in the oil-rich but highly volatile Niger Delta region of Nigeria where the resurgence of militancy has negatively impacted security, onshore and offshore. Criminal groups that have evolved from the environment of militancy have now diversified into kidnapping, sea robbery, and piracy.[65]

92.   Nigeria's francophone neighbour, Cameroon, is equally beset with two violent conflicts in addition to facing rising ethno-political tensions. Its main conflict, between the government and Ambazonia separatists from the English-speaking minority, has killed over 4,000 people and displaced 765,000 of

whom 60,000 are now refugees in Nigeria. Cameroon also faces ongoing Boko Haram insurgency centred in the far North. The insurgency has killed over 3,000 Cameroonians and displaced about 250,000.[66] In both instances, the widespread availability of small arms and light weapons as well as of people ready to indulge in their use by engaging in daring piracy activities converge to produce the kind of situation now common in the GoG.

93.   Although the separatist conflict for the independence of the Cabinda province of Angola remains low-intensity, activities of rebels from the Front for the Liberation of the Enclave of Cabinda (FLEC) does pose a threat to political stability. Despite the signing of a peace agreement in 2006, sporadic violence has persisted, with the province recording an increase in insurgency-related incidents since the beginning of 2016.[67]

94.   The persistence of these conflicts in an environment of limited state capacity for effective border control has heightened the proliferation of small arms and light weapons. Access to such weapons has enabled and emboldened pirate gangs to attack ships at will, including exchanging gunfire with naval forces who are responding to distress calls sent out by ship crew.[68] As noted by the IMB, pirate attacks in the GoG are particularly dangerous as over 80% of attackers were armed with guns. All three vessel hijackings and nine of the 11 vessels fired upon in 2020 happened in this Region.[69] These pirates usually arm

themselves with weapons such as AK47 rifles and rocket-propelled grenades and therefore pose a significant threat to the crew and merchant shipping.[70]

95.   It is safe to infer that there are several factors responsible for the outbreak and rising incidence of piracy in the GoG. Although they are similar to those in other piracy hotspots around the world, those in the Region have peculiarities that are not found anywhere else. On the surface, piracy in the GoG could be attributed to the quest for material gains but even this is underscored by deeper root causes that are deep-seated and systemic. Such root causes include long-drawn, deep and festering feelings of marginalization; poverty and economic deprivation; the resurgence of militancy and insurgency in the Niger Delta; and limitations imposed by weak or non-existent legal jurisprudence to successfully punish those involved in pirates and other maritime crimes. Others are the recurrent underfunding of law enforcement agencies; arms trafficking and easy access to small arms and light weapons; persistence of political disorder and violent conflicts and the permissiveness of the political environment in many countries in the Region to criminality.

CHAPTER FIVE

<u>THE EFFECTS OF PIRACY IN THE GULF OF GUINEA</u>

96.   Piracy has very serious and diverse implications on lives, livelihood, security and development, where they are persistent or prevalent in different parts of the world. In this chapter, five major effects of piracy in the GoG are identified and discussed as follows: (1) loss of lives and properties; (2) high cost of shipping and the disruption of the global economy; (3) human security and environmental devastation; (4) poor external image and low global rating of the GoG and (5) the opportunistic exacerbation of transnational organized crimes.

<u>LOSS OF LIVES AND PROPERTIES</u>

97.   Piracy and armed robbery have made the GoG unsafe for merchant shipping. One obvious and direct effect of piracy in the GoG is the threat it poses to the safety and wellbeing of seafarers. In recent years, several seafarers have been killed, assaulted, injured, abducted and dispossessed of valuables as piracy and armed robbery incidences increase dramatically. When ships are attacked by pirates, crew members suffer the torture and stress of being fired upon with guns and rocket-propelled grenades and those captured can be held hostage for an extended period. Pirates in the GoG kidnapped 130 seafarers in 22 separate

incidents in 2020 alone, a number that accounts for all but five of those seized at sea worldwide.[71]

98.   The growing trend in pirate violence in the GoG results in bodily injuries, trauma and fracturing of family structure. For example, several seafarers, naval personnel and artisanal fishermen have lost their lives due to pirate attacks in the Region. In December 2019, for instance, pirates attacked four ships in the harbour of Gabon's capital, Libreville, killing a Gabonese captain and kidnapping four Chinese crew members.[72] In another incident during the same month, two crew members died from illnesses contracted while being held hostage in an unknown remote location. According to IMB, the number and severity of attacks on vessels by pirates in the GoG are increasing, posing a threat to global trade and the safety of seafarers working in the Region. Several persons have been maimed and traumatized by a mix of piracy activities as detailed below. Table 5.1. shows the type of incidents that happened during piracy attacks in the first two quarters of 2000. Apart from the kidnapping for ransom of 59 crew members in that period, 35 and 27 incidents respectively happened within the two quarters of the year in the GoG. Out of these, there was no record of armed robbery, illegal bunkering or pollution

Table 5.1: Types of Piracy Incidents

Serial	Events	JAN - MAR 2020	APRIL-JUNE 2020	REMARKS
1.	**(a)**	**(b)**	**(c)**	**(d)**
2.	Fired upon	07	01	
3.	Suspicious approach	03	04	
4.	Kidnap	02	10	The 2 incidences involved 19 and the 10 incidences involved 40 crew members were kidnapped in Q1 and Q2, respectively
5.	Robbery	04	07	
6.	Boarding	11	02	
7.	Hijack	01	01	
8.	Attempted boarding	06	02	
9.	Search and Rescue	01	00	
10.	TOTAL	35	27	

Source. IMB PRC Dec 2020[73]

99.   Because they are criminals desperate to make money, pirates are always prepared to torture, injure, maim or kill their victims in order to force the government, shipping companies or relatives of victims to pay a ransom. In addition to the risk of casualties, crew members who experience robbery and abduction can suffer serious mental and post-traumatic stress disorders (PSTD) long after they have been rescued or freed. The testimonial of Sudeep Choudhury, who was abducted on-board MT APECUS in 2019, demonstrates

the lasting psychological trauma suffered by victims of such violent maritime crime. He reportedly "lost more than 20kg in the 70 days that he spent in the jungle and returned with sunken cheeks"[74]. Indeed, for every person killed or injured by pirates, there are many more who must cope with the psychological, physical and economic effects that endure in its aftermath[75]. In this way, piracy and armed robbery pose a direct threat to human security and safety in the Region. This undesirable effect of piracy in the GoG and indeed the whole world will persist unless there is a drastic effort at addressing the root causes of piracy. The measures that are needed to tackle this challenge are addressed in subsequent chapters.

HIGH COST OF SHIPPING AND DISRUPTION OF GLOBAL ECONOMY

100. The escalation of pirate attacks has increased the cost of goods and services imported into the Region. Operators face rising costs for a high-risk area that now covers most of the Indian Ocean and the GoG owing to an increase in insurance premiums for the crew, cargo and ships. With the brazen increase in the frequency and success rate of hijacking of vessels and abduction of crew members in the GoG, government, oil companies, and ship owners have lost a substantial amounts of money in the form of ransom paid to free crew members/workers kidnapped by pirates. Ransoms paid for kidnapped crew typically range from USD 18,000 per person to as much as USD 500,000,

although most ransoms sit between USD 30,000 and USD 50,000.[76] Other costs include installing preventive measures and protection on board and employing private security guards.

101. Although it is difficult to determine the exact cost of piracy in the GoG partly due to the nature of the crime and shipowners' unwillingness to disclose ransom sums and security costs, Oceans beyond Piracy estimates that attacks on ships cost US$818.1mn in 2017 up from $793.7m the year before. It is estimated that nearly a quarter of that $818.1m was spent contracting maritime security.[77] For example, a war risk premium for ships travelling through the GoG is more than about $18 million in extra charges in 2017. Over a third of all ships passing through the GoG reportedly carried an additional kidnap and ransom rider at a total cost of $20 million per year.

102. Due to the multiple risks involved in transporting goods to and from the Region, therefore, insurance premiums have increased astronomically as shippers are beginning to factor in the costs of independent security contractors, extra insurance, and, sometimes, ransom money. This additional cost is in turn spread on goods to be borne by unsuspecting end-users and citizens. In a sense, poor African consumers bear a substantial burden of the additional cost caused by piracy even if the connection is hardly ever made or obvious. Beyond the financial cost, the persistence of piracy discourages ship owners from investing in the acquisition of more ships and they may decide to sell off their vessels in

return. Apart from stifling or killing the fledging local shipping industries, piracy is further entrenching the monopoly of the world's major shipping companies in terms of merchant shipping. To this should be added the effect on port states in the Region. About 90% of trade in the Region comes by sea, making maritime security a crucial factor in the Region's economy. However, incessant pirate attacks discourage many merchant ships from entering the Region. Drop-in maritime activity as a result of piracy in the Region leads to reduced economic benefits accruable to states, thereby impacting negatively revenue generation, economic growth and development of the Region. The result is a decline in the national revenue profile of states that operate seaports in the Region.

103. Furthermore, situations of growing pirate activities in the GoG affect oil supplies worldwide. Because it is one of the new frontiers of oil and gas resources, the Region is a key crude oil production hub with about 8 oil-exporting countries. International oil companies like Shell, ExxonMobil, Total, Chevron and Eni are currently operating out of Gabon, Equatorial Guinea and Nigeria where they risk exposure due to sporadic yet highly disruptive instances of piracy in their supply chains. With Europe, America and the Asian countries depending heavily on the oil from this region, any supply disruption would have a direct effect on their oil supplies and the overall global price of oil.

HUMAN SECURITY AND ENVIRONMENTAL DAMAGE

104. In recent years, thousands of seafarers have been killed, injured, assaulted, taken hostage or threatened as piracy and armed robbery have increased dramatically. All seafarers transiting the GoG have to live with the risk of attack. When ships are attacked by pirates, crews suffer the stress of being fired upon with guns and those captured can be held hostage for months.[78] The 2013 Global Piracy Report highlighted that more than 300 persons were taken hostage, with 21 of them injured by knives or guns. The most violent of the pirates were the Nigerians who killed a crew member and kidnapped 36 crew members for ransom.[79] There has been a growing trend in violence at sea. There are pirates ready to use their weapons to suppress the crew and to kill people without fear when the crew members intend to protest.[80] In addition to the risk of casualties, crew members who experience robbery can suffer mental disorders, many of whom are unrecoverable, due to the fear of being killed.

105. Pirate attacks in the Region also heighten the risk and incidence of ecological damage in the GoG region. Pirate attacks on ships increase the rate of fuel consumption as ships are forced to change the route to avoid being attacked. This leads to a significant increase in carbon emissions. An empirical study has utilized highly granular data to establish the emission profile of each voyage undertaken to avoid the risk of piracy. It showed the link between pirate

encounters and additional CO2, NOx and SOx emissions by shipping vessels.[81] Such CO2 emissions contribute to the challenge of climate change and its various environmental ramifications. Particularly, the cases of petro-piracy especially in the Delta region of Nigeria has accounted for environmental pollution as the oil tankers snatched by pirates are hurriedly taken for a ship to ship transhipment leading to oil leakages that pollute the environment.

106. Overall, these developments add to the level of degradation of the environment and marine ecosystem in the Region, particularly in Nigeria's Niger Delta region where illegal oil bunkering and artisanal oil refining have left the sea and waterways polluted and devastated. Water and environmental pollutions, in general, has led to the pollution of sea animals, green grass, vegetation and farmland. The overall consequences of all these are the destruction and disruption of the legitimate livelihood system, which in turn compounds the problem of unemployment and poverty that are implicated in the rise of maritime crimes in the Region. The emission problem has a global effect with daily advocacy to redress. Therefore, remedial actions at curtailing piracy would remove the attendant problem of environmental concerns.

POOR IMAGE AND LOW GLOBAL RATING

107. There is the wider strategic and political impact of piracy which causes serious reputational damage for the countries in the GoG. In July 2019, the IMB

described the GoG maritime domain as "one of the most dangerous shipping routes in the world" and a "world piracy hotspot".[82] Consequently, ship owners are finding it increasingly hard to justify putting seafarers and their expensive vessels or cargoes at risk plying the route. They are also struggling to find crews that are willing to join the voyage to the Region or even transit the GoG waters.

108.   In addition, some countries have taken measures that have implications for healthy diplomatic relations. In June 2019, for instance, India's Directorate General of Shipping issued a restriction on all Indian nationals in the maritime industry, banning them from working in vessels in Nigeria and the GoG at large.[83] In the era of globalization, a country's image is an important asset in the international arena. Anholt has rightly noted that the reputation of a country has a direct and measurable impact on just about every aspect of its engagement with other countries and plays a critical role in its economic, social, political and cultural development.[84] The prevalence of piracy and challenges associated with efforts to rescue foreigners who are held as hostages have caused unwarranted diplomatic tension and squabbles between the nations concerned.

109.   There were diplomatic issues between Abuja and New Delhi in the two months that five Indian sailors on board MT APECUS were captured in the outer anchorage off Bonny Island and held in captivity before they were released. While the Nigerian navy had publicly accused the tanker company of being involved in the transport of stolen crude oil from the Niger Delta to Ghana, the

ship's owner, Captain Christos, fervently denied the allegation. Rather, he blamed the Indian government for getting the Nigerian navy to detain his vessels and staff in order to force him to "negotiate with terrorists" and pay an "incredible" ransom. Indian authorities however dispute this version of events.[85] If poorly managed, an incident such as this can trigger serious diplomatic rows even between otherwise friendly countries.

110.   Indeed, the increasing rate of piracy in the GoG in general and Nigeria in particular, has a damaging effect on the image of the Region, as coastal states are increasingly being seen as unwilling and unable to protect the life and property of foreigners. This adds to the number of negative developments that slur the region's image, with consequences for foreign direct investments. The negative global image of the Region impedes economic progress, especially the shipping and oil industries, thereby deterring prospective investors from the opportunity to do business.

EXACERBATION OF ORGANISED CRIMES

111.   Organised crimes that are transnational thrive in spaces, land and water bodies, where the presence and writ of the state are limited or non-existent; the so-called 'ungoverned spaces. One of the reasons that piracy and myriad other criminal activities are flourishing is precise because the vast GoG waters is mostly a no-man's-land. After all, the state and its institutions are not visible and present in ways that they could serve as a deterrence to criminal networks. That

piracy in the GoG region is exacerbating other forms of organized crime such as trafficking in persons, weapons, drugs, fake pharmaceutics and illicit oil bunkering should not come as a surprise. In 2012, the UN Security Council drew attention to how piracy in the GoG and West Africa is increasingly dovetailing into oil bunkering, robbery at sea, hostage-taking, human and drug trafficking, terrorism and corruption (UNSC, 2012). In less than one decade since this revelation, an elaborate criminal franchise with vast transnational connections has developed and consolidated across the GoG and West Africa that are not just contributing to piracy and other opportunistic enterprises but are showing the potential of nurturing violent extremism and terrorism in the Region.

112. A recent report by the Vanguard Newspapers (Lagos) reveals the potential danger that the existence of a plethora of criminal gangs and networks pose for the security of littoral southern areas of Nigeria and other GoG countries. During a media briefing in August 2020 by the Commander of the US Special Operations Command for Africa, he noted that terrorist groups such as ISIS - West Africa and al-Qaeda are looking to expand further south into the littoral areas[86]. With major oil and gas assets springing up in deep offshore sites across the GoG waters, the potential for terrorist activities and attacks is growing.

113. Finally, the nexus between the activities of pirates in the high sea of the GoG vis-à-vis how they fuel drug trafficking, pipeline vandalism, terrorism, kidnapping, and hostage-taking must be understood in terms of how they all

constitute part and parcel of a value-chain of transnational criminality. It is important to note that each of the different criminal activities is linked together such that those who engage in one can quickly become involved in other types depending on how they perceive the costs and benefits of making a switch back and forth at any given point in time. In other words, those who engage in piracy may switch to several other criminal activities if based on their rational choice calculation they believe that the potential return on investment is higher, say in drug trafficking.

CHAPTER 6

CHALLENGES OF CURBING PIRACY IN THE GULF OF GUINEA

114.   Piracy poses a lot of challenges to the GoG states, in particular, and the international community, in general.   These challenges are borne out of the multifaceted impacts of piracy on international trade, maritime security, national security and sustainable development in the Region. The challenges that piracy imposes on international maritime trade is due to the geostrategic importance of the GoG as a major shipping corridor spread across the coasts of 20 sovereign states, islands and many landlock states of West, Central and parts of the Southern African regions.[87] With several natural harbours that are operational all seasons of the year and unaffected by chokepoints and adverse weather conditions, the Region is attractive to major powers seeking to invest massively in Africa. Even at that, numerous challenges can lead to crises and loss of investments or even undermine livelihoods if not addressed. Some of the key challenges are discussed in this Chapter.

INADEQUATE RESPONSE CAPACITY AND INFRASTRUCTURE

115.   Inadequate response capacity as a major challenge in the GoG reveals itself in poor maritime domain awareness, lack of robust security coverage across the GoG waters, delay in mobilising rescue and interdiction responses

during piracy attacks. This is due to the vastness of the GoG waters, and the lack of adequate maritime and air assets because of the limitation of state juridical power on territorial waters. According to Churchill (1982), the territorial sea is defined under the UNCLOS to cover a 12-nautical mile zone from the shoreline of a coastal country. Within this zone, the coastal state exercises full sovereignty over the air space above the sea and the seabed and subsoil. A coastal state may therefore legislate on matters concerning the safety of navigation, the preservation of the environment and the prevention, reduction and control of pollution without any obligation to make these rules compliant with international standards.

116. Since the resource use within a territorial sea is strictly reserved for coastal countries[88], the expectation is that no surveillance and interdiction efforts should extend into neighbouring countries. This gap in extant laws of the seas, in part, is exploited by pirates who perpetrate crimes at sea and quickly escape into neighbouring countries. Pirates also exploit delays caused by the cumbersome procedure requiring information from distressed vessels to transmit reported crimes at sea to the IMB Reporting Centre in Kuala Lumpur, Malaysia, before they are made available to closer naval authorities and governments where piracy incidences take place.

117. Furthermore, inter-agency competition and rivalry in the maritime sector have created a situation that could be described as one of 'cohabitation-without-

affection' between and among key agencies with statutory responsibility for maritime security and safety. The day-to-day operations of the Deep-Blue Project of the Nigerian Maritime Administration and Safety Agency (NIMASA) and the Nigerian Navy have, for instance, shown that the latter should exercise policing function but it is sometimes hampered by bureaucracy and inter-agency rivalries. Since the reporting line is not established by law, many times, ship owners or their representatives could contact either NIMASA or the NN directly thereby causing confusion and delay in responding to piracy attacks.

118. Finally, there is always the issue of low capacity in the form of modern weapons and inadequate training of the Maritime Guard Command (MGC) to interdict pirates on the high sea. Personnel of the MGC, for instance, reported that they lack knowledge of the vast maritime environment, the experience of watch-keeping, reporting of incidents and sending alerts, compliance with Rules of Engagement (RoE), and how effectively to coordinate with the captain and crew members of a distressed vessel, to mention a few.[89]

LACK OF POLITICAL WILL TO ADVANCE REGIONAL COOPERATION

119. There exist regional legal provisions for collaboration among the various states in the Region to curb piracy. These are covered in the Yaoundé Code of Conduct, the Declaration of the Heads of State and Government of Central and the West African States on Maritime Safety and Security and the Memorandum

of Understanding among ECCAS, ECOWAS and the Gulf of Guinea Commission (GGC) on maritime safety and security in Central and West Africa. However, the degree of liberty exercised by individual states, disharmony in the execution of the provisions and proper domestication of the provisions render these legal provisions ineffective. For instance, the Yaoundé Architecture provides for intelligence sharing among member states. The Code of conduct was adopted in June 2013 to promote maritime cooperation and information sharing and coordination. However, the Yaoundé structure needs the financial base necessary for it to run properly as well as the complement of qualified staff for the different structures like the Inter-Regional Coordinating Centre (ICC) / Regional Centre for Maritime Security of West Africa (CRESMAO) / Regional Centre for Maritime Security of Central Africa CRESMAC / Multinational Maritime Coordination Centre (MMCC) zones A, D, E, F, G for it to be effective.

120.   The inability to commit resources towards the operationalization of these regional initiatives/instruments is a major challenge. For example, there is no international naval force in the GoG similar to ATALANTA or TF 151 in the Indian Ocean with the capability to provide continuity of security coverage along maritime and transit routes. The present system of operation of embarking and disembarking of vessels on the high sea implies that there are no agreed

common Rules of Engagement (RoE) for military personnel from country A to use their weapons against pirates within the national waters of country B.

121. The gamut of challenges associated with building coalition to ensure burden-sharing between and among coastal states, appropriate and adequate staffing, allocation of resources for operational infrastructure and equipment, and lack of a coherent strategy to collectively harness regional maritime assets has hindered the effective fight against the fight against piracy. This is given that response to piracy still lies within the domain of individual countries. An exceptional case is that of countries in Zone D (namely Cameroon, Gabon, Equatorial Guinea, and Sao Tome and Principe) who are working better together whenever they face a common threat from piracy. For instance, during a recent attack involving illegal boarding of MV Sea Phantom on 6th February 2021 at 133 nautical miles Northeast of Sao Tome and Principe, a naval frigate and chopper from Equatorial Guinea as well as Cameroonian patrol boats responded promptly.[90] During that incident, the 8 pirates escaped but all crew members were saved and unharmed. There is a need to replicate this and sustain this if we are to surmount this challenge.

ABSENCE OF OR WEAK LEGAL REGIMES TO DISCOURAGE OR PROSECUTE PIRATES

122. National laws and regulations, including those that targeted criminal matters, generally do not cover similar crimes that occur in maritime domains. Where such national laws exist, however, they are not complemented by regional legal provisions even though there is recognition that curbing piracy requires the effort of more than one country. The contradiction is often that many coastal countries do not have national laws and legislations against piracy and the UNCLOS is limited in its operational coverage to national waters. Since maritime crime is transnational, the lack of a specific legal regional structure provides a leeway for criminal activities on the high seas to thrive. What the absence of regional laws implies is that the spectrum of activities necessary to investigate, collect evidence and successfully embark on litigation is severely limited across the GoG.

FAILURE OF GOVERNMENTS AND OTHER STAKEHOLDERS

123. The point had been made in previous sections of this report that corruption, marginalization and poverty among others, have become root causes of piracy in the GoG. Paradoxically, governments of coastal states and other relevant stakeholders have either failed to address these issues holistically and sustainably or have themselves become implicated in how they fester. The enormous revenue loss from oil theft also known as illegal bunkering has

become a major source of concern: For example, in Nigeria, following the deregulation of the oil sector as a result of the return to civilian rule in 1999. By 2009, for example, the income of Rivers State, one of the 36 states in Nigeria, was $2.9 billion, greater than that of several African countries. With more money in their hands, top government officials saw their wealth and patronage power increased considerably. With a wide range of influential entities known to be directly involved or associated with illicit transactions that include oil bunkering by the gangs that they sponsor, oil theft is estimated to directly or indirectly benefit at least 500,000 people in the country[91].

124. Closely related to the above challenge is the misappropriation of state funds; inefficiency in the conduct of government businesses as well as the delivery of social services to coastal communities. It is estimated that income inequalities in leading oil producers in the GoG surpass that of other non-oil exporting countries. Nigeria, the African Continent's second-largest economy and top African oil producer after Libya, had a poverty rate of 70% in 2007 at the same time that billions of dollars of oil revenue disappeared into private hands and the overseas bank accounts of corrupt politicians and top government officials.

125. With this backdrop of systemic corruption and wastage, a large number of citizens in many GoG countries do not trust their governments; and some are

willing to undermine or work against them. While crime has become a national epidemic, it is abetted by the predatory behaviour of state institutions, including the police that are themselves poorly paid and poorly equipped to carry out statutory duties of protecting the lives and properties of citizens. Under the prevailing circumstance, many people in the coastal regions are experiencing loss of livelihood opportunities occasioned by the adverse impacts of crude oil production activities on land and in their waters.

CUMBERSOME REPORTING ON PIRATE ACTIVITIES

126. Emboldened by access to sophisticated weapons and ammunitions they can readily purchase from black market sources or stockpiled during previous insurgency activities, pirates operating within the GoG are increasingly able to engage in daring exploits to overwhelm and gain access to vessels and crew members plying the waters; monitor important vessels or rich cargoes using sophisticated tracking devices; and also use unmanned drones and long-range communications facilities to carry out their activities.

127. Before 1992, seafarers have nowhere to turn to when their ships were attacked, robbed or hijacked either in port or out at sea.[92] The IMO-Piracy Reporting Centre was established in Kuala Lumpur, Malaysia, to provide 24/7 free reporting services to seafarers to act as a single point of contact for shipmates anywhere in the world whose vessels have been attacked or robbed by

pirates. Because seafarers are required to trigger SSAS alert and share directly with the IMO-PRC and MDAT GoG in France before they are re-routed to the country where the attack happened, a critical window of opportunity to act promptly is mostly foreclosed.

128. Reports of attack on vessels will have to go to London and Kuala Lumpur before being relayed to governments and security agencies even when the ship under attack might be in the vicinity of some naval vessels that could have come to their immediate assistance. The Director-General of the Nigerian Maritime and Safety Administration Agency (NIMASA), Bashir Jamon, reiterated concerns over the cumbersomeness of and delay in the current reporting procedures as one of the major challenges the Agency faces in mobilising speedy reaction to piracy attacks in Nigerian waters. This insight was corroborated by the Commander of the NNS BEECROFT, Rear Admiral AI Shettima, who acknowledges the same as one of the challenges that the NN faces in responding promptly and decisively to pirate attacks. The situation is even worse in most other countries of the GoG due to poor infrastructure, particularly advanced communication technology.

129. There is also consensus among key operators in the maritime sector that the present reporting system is too cumbersome and should be modified to give room for speedy reporting and making information to reach all those who should act in situations of piracy attacks. Furthermore, the linking of the PRC channel

directly to NIMASA, as well as the naval or coastguard forces of member states, could help reduce delay and loss of time to act promptly. It is pertinent to note that NIMASA has an organic Maritime Guard Command (MGC) for quick response to SOS from ships, but reports eventually reach the MGC long after crews must have been dispossessed of their valuables, taken hostage, wounded or even killed. A strong case could be made for the establishment of a PRC in at least one country within the GoG region in order to reduce the delay and time loss in receiving and reacting to piracy attacks anywhere in the Region.

LIMITED INFRASTRUCTURE FOR COUNTER-PIRACY

130. Piracy in the GoA reduced drastically and brought stability only after considerable efforts were made to build structural capacity within Somalia and the adjoining region, which include international support to improve the legal systems of all the countries in the Region, for increased prosecution and imprisonment of convicted pirates.[93] In the GoG region, however, such capabilities and infrastructure are either non-existent, insufficient or rather too weak to adequately respond to the challenges at hand. The state of ports and harbours in the Region, for instance, remains underdeveloped, with none of the island states that are naturally suited to have deep-sea ports as well as robust infrastructure for maritime safety and security boasting of none.[94] The ports in Nigeria, the largest of the countries in the GoG, are comparatively smaller in

size with very few structural and human capacities required for the day-to-day running of modern port systems. What all of these imply is that even though the GoG is a key maritime and energy corridor of the world, the absence of or limited infrastructure for securing them has made piracy more or less an opportunistic and lucrative enterprise.

131. In the same way that pirates have become a threat to maritime safety and security so also have the transnational entities involved in illegal, unreported and unregulated (IUU) activities become a threat to the marine ecosystem in the GoG.[95] The vast and deep waters of the GoG that is rich in fish and other seafood resources is mostly dominated by foreign fishing trawlers engaging in IUU fishing. Studies have shown that the growing cases of IUU fishing are due to considerable gaps in fisheries management systems of countries in the GoG, with the threat amounting to 65% of the legal reported catch in the Region annually[96]. Apart from undermining marine conservation efforts and threatening key SDGs targets, particularly ending poverty and hunger, the study acknowledged and demonstrated the urgent need for countries in the Region to cooperate if they must tackle IUU.

FACTORS HINDERING REGIONAL COUNTER-PIRACY COOPERATION

132. The political geography of states of the GoG is very variegated and complex. With such complexities invariably also come recurrent fault-lines produced by a wide range of political, governance, socioeconomic factors which could easily precipitate and fuel violent agitations and conflicts.[97] Despite the commitment they frequently expressed publicly, for instance, internal governance and socio-economic crises in many GoG countries are enough distractions for them when it comes to forging the kind of robust collaborative actions required to fight piracy.

133. There are two dimensions to this. First is that, the daunting nature of the internal crises they face often lead many countries to frame and focus on national security considerations in terms of internal security on land, without extending the scope to include security at sea. Second, as they find themselves overwhelmed by internal security challenges, the opportunity and scope to work together to tackle specific regional security challenges are diminished or circumvented.

134. Except for occasional high-profile incidents that quickly attract international media attention, the major implication of the above trend is that piracy and other maritime security problems are considered 'too distant' that they are hardly placed on the front-burner of national security policy and

interventions. By extension, also, they are not seen as matters that countries need to invest scarce resources towards mobilising consensus and concerted action; even though that is what is required to tackle piracy and its ramifications holistically and sustainably. Until governments in the Region appreciate that there is an urgent and compelling need to rethink their understanding of national security to cover land and sea, in equal measures, they are likely to miss the importance of regional collaborations in tackling piracy in its transnational dimensions.

135. Even if they occasionally recognise the imperative to collaborate, the challenges and complexities that countries and regions within the GoG zone face are capable of diminishing or scuttling such ambitions. Apart from the fact that the GoG countries vary in terms of their colonial experiences and linguistic diversities, they also overlap three regions (Western, Central and Southern Africa) whose political geographies differ considerably. In varying degrees, the different political structures in GoG states ensure that they remain dependent on their former colonial masters to take collective political and economic decisions.[98] Because the influence of the different former European colonial powers is still writ large in the domestic affairs of their former colonies in the GoG, it could easily become a stumbling block against regional cooperation on pressing issues such as piracy.

Table 6.1 Responses on Collaboration Efforts at Fighting Piracy.

Serial	Population	No of respondent	Percentage (%)
(a)	(b)	(c)	(e)
1.	Yes	266	100
2.	No	0	0
3.	Total	266	100

Source. Field Survey, 2021

Figure 6.1 Responses on Collaboration Efforts at Fighting Piracy.
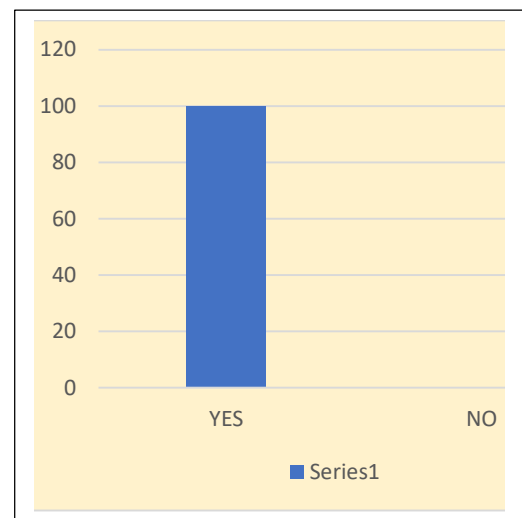
136. From Table 6.1 and Figure 6.1 above, the scale or effectiveness of existing collaborations between and among agencies across the GoG, there is a strong indication that despite regional diversities and complexities, the scope and opportunities for regional collaboration are still very high. Indeed, virtually all the respondents classified the effectiveness of collaboration between "very effective", "effective" and "fairly effective. Though this is contrary to held view in literature, examples abound to affirm the research findings. For instance, Operation PROSPERITY which was a collaborative effort between Nigeria and Benin; 2 countries with different colonial backgrounds, was adjudged as successful. However, there is a need for the political will and appropriate economy to be prevalent for it to be sustained as the success of the above initiative could not be sustained due to a lack of resources to keep it going.

Table 6.2 Responses on the Effectiveness of Collaboration

Serial	Population	No of respondent	Percentage (%)
(a)	(b)	(c)	(e)
1.	Very Effective	44	17
2.	Effective	133	50
3.	Fairly Effective	89	33
4.	Not Effective	0	0
5.	**Total**	**266**	**100**

Source. Field Survey, 2021.

Figure 6.2 Responses on the Effectiveness of Collaboration

POVERTY, RESOURCES AND INSURGENCY

137. Several issues are directly or indirectly implicated in the escalation of piracy in the GoG. Some of the recurrent and notable factors common to different countries in the Region include rising poverty, widespread youth unemployment, poor resource management and the exacerbation of insurgency/terrorism in West and Central Africa.[99] There could also be the problem of lack of understanding of maritime security, neglect of internal security, political instability and disputes amongst the political leaders of the countries of the Region.[100] The absence of commitment or will to resolve such deep-seated issues by the government are part of the reasons why pirate attacks have spiked over the past decade.

FAILURE TO MOBILISE AND SUSTAIN REGIONAL EFFORTS

138.   The fieldwork on which this report is based has clearly shown that many laudable initiatives are already in place aimed at curbing the menace of piracy in the GoG. Such include the Maritime Trade Information Sharing Centre GoG (MTISC-GoG) set up by the key operators in the maritime sector which were rechristened in 2016 to Maritime Domain Awareness for Trade of the GoG. This is a voluntary reporting system to encourage vessels to report their positions, directions and any suspicious activities they encounter.[101]   However, it appears that this initiative may not be working well.

139.   Another initiative aimed at curbing piracy in the GoG is the Yaoundé Code of Conduct set up in June 2013 to promote maritime cooperation and information sharing. The Code provided for states in the Region to arrest, investigate and prosecute persons who may have committed piracy; the rescue of ships, persons and property exposed to piracy by sharing the timely flow of information; designation of national focal point; and cooperation in training and educational programmes.[102]

140.   Furthermore, two key resolutions adopted by the UNSC in 2011 and 2012 encourage states to take actions to counter piracy in line with global counter-piracy standards set by IMO in 2017.[103]   In addition, the joint operation by Nigeria and the Republic of Benin called "Operation Prosperity" was set up to

secure the joint maritime domain of the two for the first six months. During that period, the area witnessed a drastic reduction in the activities of pirates. According to the ICC-IMB Piracy Report of 01 Jan – 31 Dec 2020, there was a drop from 55 attacks in the GoG in 2016 to 34 in 2018.

FAILURE TO PROVIDE ADEQUATE SECURITY

141. The vast oil and gas resources found in onshore and deep offshore locations across the GoG are very lucrative and attractive. While this, in itself, is a welcome development, it is also becoming evident that capital intensive infrastructure are becoming target of opportunity for transnational criminal groups such as those involved in piracy. The GoG states derive a substantial portion of their revenues from oil exploration and production activities, especially along the coasts and sea. However, they have not sufficiently demonstrated commitment or concern to take proactive steps to provide adequate security along the coast.[104] Closely related is the absence of a full appreciation of the valuable role the maritime sector is capable of playing to maintain stability and security. Except for a handful, none of the GoG states can boast of a reliable navy capable of maintaining a presence at sea and providing effective deterrence or countermeasure in the event of any piracy attack.[105]

142. It is regrettable to note that government or the states of the Region are either facing internal conflicts as a result of economic and political crises at

home or that they have no means of protecting their citizens. This absence of formidable security outfits to effectively police the coastlines and the high sea, and to challenge pirates, is what pirates have taken advantage of to maximize their clandestine activities. Figure 6.3, indicates the general outlook of piracy activities in Africa vis-à-vis the rest of the world as reported by the IMB. In 2016, the GoG recorded 55 piracy incidences out of 62 and 191 in Africa and the world, respectively. In 2017, the figure for the Region as well as for Africa and the world declined to 34, 46 and 180, respectively. By subsequent years, from 2018 to 2020, the number of incidences fluctuated but increased slightly in all cases. Finally, the aggregate percentage for the entire five years, 2016-2020, showed that the GoG accounted for about 35% of the global average and a staggering 90% of the total for Africa.

FIGURE 6.3. GLOBAL, AFRICA AND GULF OF GUINEA PIRACY INCIDENCES
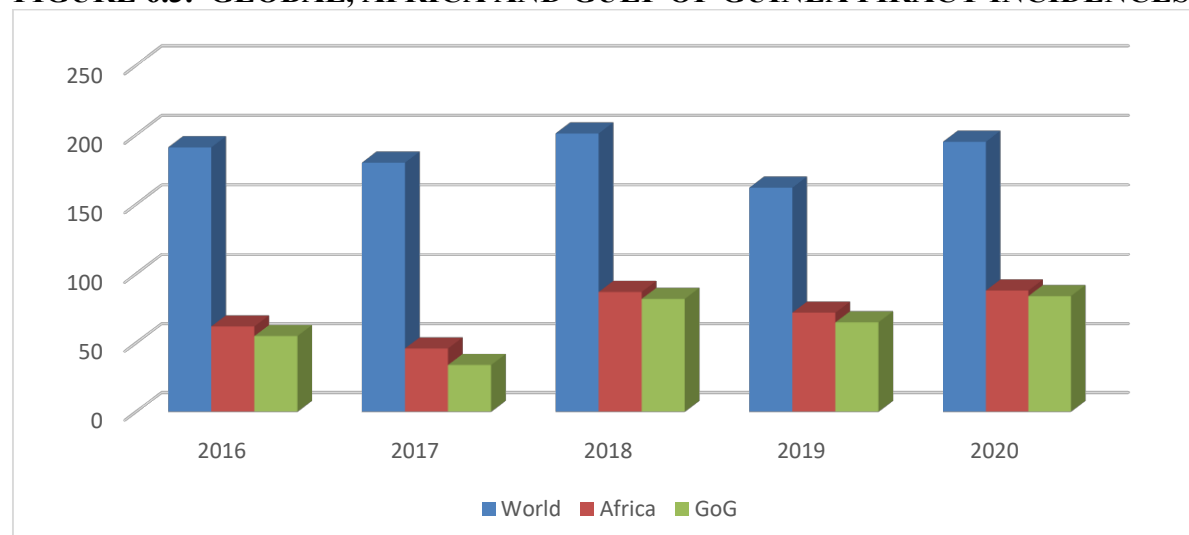
Source: IMB-PRC 2020 Annual report

PIRACY WITHIN TERRITORIAL WATERS

143.   Territorial waters is that area of the sea immediately adjacent to the shores of a state and subject to the territorial jurisdiction of that state, while the high seas are common to all countries (Britannica, 2021). The mode of operation of pirates in territorial waters in the GoG has made it impossible for the international community to assist in checking the menace of piracy. For example, the Somali pirates operate in the international waters, so it was possible for the international community to send its ships to help in addressing the situation and it also allowed the shipping companies to employ the services of an armed security guards onboard their vessels to deter pirates and ward off attacks.[106] Conversely, most of the attacks in the GoG take place in the territorial waters and harbours under the jurisdiction of the nations involved, it is therefore not possible for the international community to send in vessels or warships to repel attacks unless at the invitation of the host nations.

144. Moreover, the fact that ship companies cannot place armed security guards onboard their vessels for protection in territorial waters of the GoG constitutes a huge challenge. They can only pay for the national navies to protect and escort their vessels through Nigeria, Benin and Togo waters.[107] All these have led to the prevalence of piracy incidences in the waters of the GoG. According to the ICC Report of Last Quarter of 2020, several cases of piracy

were reported within the GoG. Details on a country to country basis are as depicted in the charts below.

Table 6.4: Number of Piracy and Robbery Incidents by Country

SERIAL	COUNTRIES	NUMBER OF INCIDENTS				TOTAL
		JAN-FEB-MAR 20	APR-MAY-JUN 20	JUL-AUG-SEPT 20	OCT-NOV-DEC 20	YEAR 2020
1.	NIGERIA	17	08	/	/	/
2.	GHANA	03	04	/	/	/
3.	LIBERIA	00	00	/	/	/
4.	SIERRA LEONE	00	00	/	/	/
5.	COTE D'IVOIRE	00	01	/	/	/
6.	TOGO	01	00	/	/	/
7.	BENIN	03	02	/	/	/
8.	GUINEA	01	02	/	/	/
9.	CAMEROON	02	01	/	/	/
10.	GABON	02	04	/	/	/
11.	REP. OF CONGO	01	00	/	/	/
12.	DRC	00	01	/	/	/
13.	EQUATORIAL GUINEA	00	03	/	/	/
14.	SAO-TOME & PRINCIPE(STP)	01	01	/	/	/
15.	ANGOLA	03	/	/	/	/
16.	**TOTAL**	**34**	**27**	/	/	/

Source: ICC Report Oct - Dec 2020[108]

NUMBER OF INCIDENTS PER COUNTRY
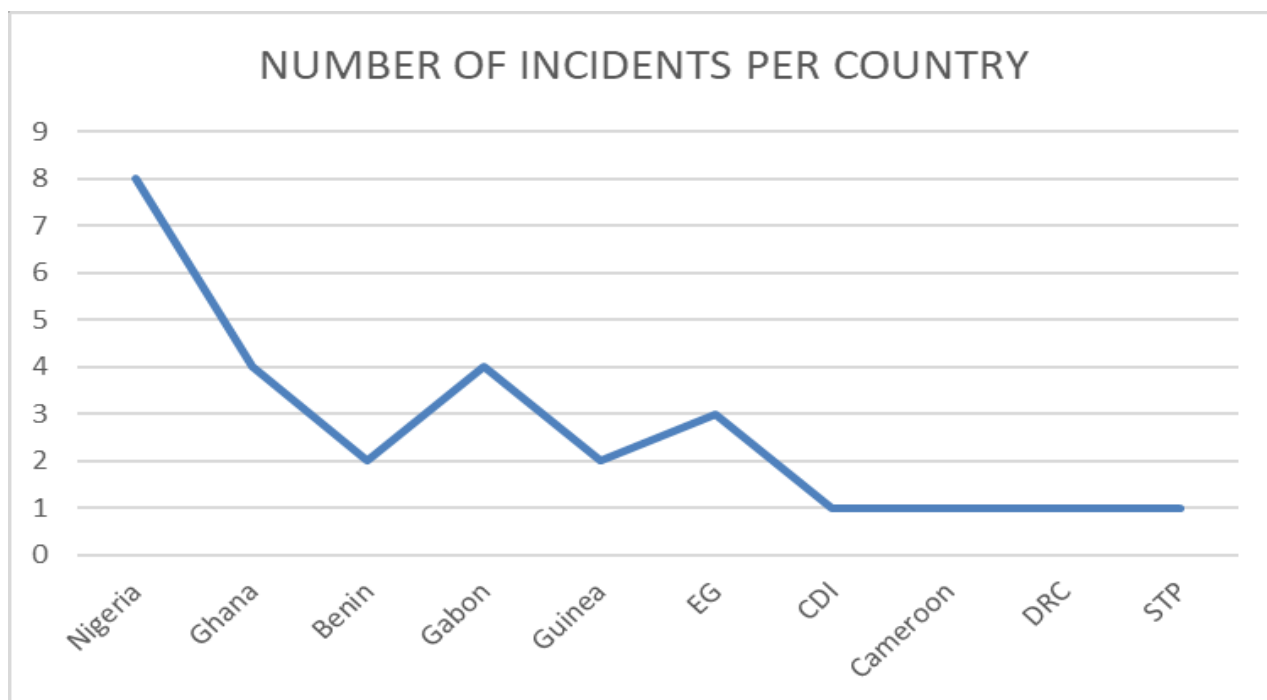
Source: ICC Report Oct - Dec 2020[109]

LACK OF CAPACITY TO CONTEND WITH PIRATE ACTIVITIES

145.   Several attempts have been made at different times by countries of the GoG to stem the rate at which piracy is growing and transforming within their areas. It however appears as if their efforts are not strong enough to stop pirates, as the scale/intensity of the problems now requires concerted global attention.[110] It was in the latter regard that the UNSC adopted two key resolutions in 2011 and 2012 condemning acts of piracy and armed robbery off the coast of the GoG. The Council also called on the regional actors to take strong action against perpetrators. Under UNSC Resolution 2039 of 2012, countries in the GoG committed themselves to convene annual summits to develop a common maritime strategy.[111]   All these efforts by the countries of the GoG and the UN

did not deter the pirates from carrying out their nefarious activities due to inadequate commitment by member states.

LACK OF SECURITY MEASURES BY INDIVIDUAL VESSELS

146.   Lack of security measures by individual vessels accounts for the ease of access that pirates have into vessels. To address this, physical barriers could be used to make it difficult as much as possible for pirates to gain access to vessels. This can be done by increasing the height of the vessel- this will make it difficult for an attacking pirate to climb the vessel since pirates usually use long lightweight hooked ladders; grappling hooks with a rope attached and long hooked poles with a climbing rope attached to board vessels underway. According to Rear Admiral Daji, the Flag Officer Commanding Western Naval Command, NN, Razorwire (also known as barbed tape) creates an effective barrier when carefully deployed. He opined that most vessel operators are reluctant to deploy this physical barrier as they don't want to incur extra costs.

147.   Similarly, the Water Spray and Foam Monitors can be used as deterrent measures. Such use of water spray and/or foam monitors are effective in deterring; or at the very least, delaying pirates attempting to board a vessel. The use of water can make it difficult for a pirate skiff to remain alongside and makes it significantly more difficult for a pirate to climb onboard. The

reluctance of shipping companies to deploy such physical barriers and deterrence measures has continued to make vessels and crew members vulnerable to pirates.

FAILURE TO TRACE AND ADDRESS ROOT CAUSES OF PIRACY

148. The failure by the leaders of the states of the GoG to trace and provide solutions to the root causes of piracy in the Region is among the intractable challenges facing the Region. The study has found that the root causes of piracy are mostly located in socio-economic exclusion and marginalisation; and that such situations also emanate from poverty coupled with high rates of youth unemployment and underemployment.

149. The situation is such that petroleum prospecting and other minerals extraction activities in the GoG have left the environment and farmlands of local communities desolate. Against this backdrop, inhabitants of the coastlines of the GoG have seen their livelihoods and survival undermined by their inability to engage in farming and fishing. The large army of inhabitants, mostly unemployed youths, readily takes to piracy in the absence of other options for subsistence and survival. Although the law enforcement approach has marginally reduced piracy incidences, they are basically what they are: short-term measures. A more effective and proactive approach would be for government and stakeholders to invest in large-scale social and economic intervention measures over an extended period and by so doing remove the incentives that make piracy thrive.

CHAPTER 7

INTERVENTION MEASURES FOR COMBATING THE CHALLENGES OF PIRACY IN THE GULF OF GUINEA

150. The persistent insecurity due to pirate activities along the coastline and the high sea of the GoG has robbed countries in the Region as well as the international community of enormous commercial opportunities that comes from the vast resources in the Region. This situation has reached a frightening level that calls for the attention of the international community for assistance and collaborative efforts in order to put necessary measures in place to deal with piracy.

151. The previous chapter drew attention to some of the measures already taken by governments, individually or collectively, to deal with the threats and challenges posed by piracy activities. What is perhaps missing is the need to strengthen such existing efforts or initiatives by imposing stringent regulations and measures to mitigate the challenges. Until lasting and sustainable solutions are in place, the Region will continue to remain deprived, unstable and only pirates will continue to reap the huge benefits embedded in the very rich GoG.

152. In this chapter, efforts will be made to highlight and discuss sustainable intervention measures which include focusing on the role of coastal communities in anti-piracy efforts; and strengthening response mechanisms by key security institutions involved in anti-piracy activities, furthermore, scaling up national

efforts and regional coordination against piracy and mobilising international effort and support for GoG countries will be discussed and highlighted. While the four intervention measures are not exhaustive, they have been chosen because of how they were recurrent during fieldwork as well as in the literature on how best to respond to and tackling piracy.[112]

KEY INTERVENTION MEASURES

MAKING COASTAL COMMUNITIES COUNT IN ANTI-PIRACY EFFORTS

153. Governments in the GoG countries and key partners in the international community must, as a matter of urgency, bring coastal communities back in as the first bold step towards tackling piracy in the Region. For too long, coastal communities have been excluded from or missing in the contemplation, design and implementation of key measures to tackle piracy, whereas they ought to be at the forefront of any such intervention solutions to achieve any positive result. Making coastal communities count in anti-piracy efforts require, among other things, invest in scaling up and maintaining the livelihood resources and infrastructures that coastal communities depend on for accumulation and survival.

154. Furthermore, the development of coastal communities by way of the provision of adequate health, education and other basic social amenities is very

important. This is especially the case where the operations of companies in the extractive sector in several GoG countries, including oil and gas, generally fall short of global best practices in Corporate Social Responsibility (CSR). Operating in ways akin to what obtains in more developed jurisdictions around the world would go a long way to ameliorate the plights of coastal communities along the GoG Atlantic seaboard. In pursuing CSR, however, companies operating in coastal communities could work with community stakeholders in different places to identify priorities, programmes and projects that best suit different communities. Doing so would create and ensure a sense of ownership as well as dignity or self-worth that makes involvement in piracy and related activities unattractive.

155. This report has shown clearly that the continuous foreclosure of access to livelihood opportunities, including the dearth of critical infrastructure and social amenities, are all at the heart of the contradictions pushing local communities to the fringes of society and making criminal activities such as piracy attractive to them. There is also very little option left in tackling piracy as long as local communities who should be the first line of defence along the coasts are not trusted to play such a role.

156 Although piracy in the GoG preceded the Niger Delta militancy, there is no doubt that militancy has contributed to and exacerbated piracy across the GoG. There is a view expressed by several respondents during fieldwork that

piracy around the Niger Delta segment of the GoG is not considered necessarily a criminal act but more of a self-help option mobilised to extract reparation or recompense decades of marginalization and exclusion. Although the Nigerian Government is doing a lot to address the developmental needs of the Region in conjunction, most times working with multinational oil companies, it appears such efforts and interventions have not entirely placated inhabitants of the Region.

157. Invariably, where they are not directly involved in piracy activities, local communities also do nothing to block the criminal offence. It is in this regard that any intervention by national or international stakeholders must include a major component of strategic communication and public engagement aimed at disrupting piracy networks and weaning local communities from supporting pirates. Such community-focused programmes would also be helpful in terms of addressing the issue of small arms and light weapons proliferation.

158. In order to break the value-chain that incubate, nurture and allow piracy and other clandestine criminal activities to thrive, therefore, concerted efforts and investments are required and most certainly, countries in the Region alone cannot meet such obligations even though it is their sole responsibility to provide for their citizens. In addition, festering governance challenges that seemed to have placed coastal communities in a perpetual state of economic

marginalization and political exclusion, and far away from critical centres of power where a key decisions on allocation of national resources are made, would have to be addressed and reversed so that they can have a sense of belonging and worth than is currently the case.

STRENGTHENING RESPONSE MECHANISMS BY KEY SECURITY INSTITUTIONS

159.   There is a need to strengthen the response mechanisms by key security institutions involved in anti-piracy activities in the light of the recent upsurge in piracy and other criminal activities on the waters of the GoG. This report has shown that none of the countries in the Region has what could be taken as sufficient or robust enough naval or coastguard capabilities to respond to piracy and other crimes at sea. It will be a win-win situation if countries in the GoG pay more attention, plugging the gap or deficit in the capacity of their various security institutions, especially the navy and coastguards, to rise to security challenges at sea. The international community also have a major role in this regard, especially given how they also have fixed (e.g. floating production storage and offloading, FPSO, and deep-sea oil rigs) and movable (merchant vessels and oil super-tankers) capital intensive assets on the waters that require round-the-clock security projection.

160. The need to create and deploy well-trained and highly functional coastguard capability was not lost on several interview respondents during

fieldwork. Indeed, there was a strong option that given the vastness of the GoG waters, a division of labour could be envisioned between the navies of member states and coastguards; in which the former takes responsibility for patrol and surveillance farther into the international waters while the coastguard unit takes responsibility for territorial "brown" water patrols and surveillance. With the way, pirate attacks are occurring closer and within territorial waters of most GoG countries, perhaps there is a major policy consideration to be made; to strengthen existing coast guard capabilities where they exist or create new ones. In the latter instance, the marine police unit could easily form the core of any proposed coastguard unit in contemplation. Whether countries decide to create new coastguard or retain the current arrangement in which they use their navies for patrol and surveillance operations on waters, they need to invest more and adequately to improve existing maritime security assets, maritime forces and infrastructures such as Offshore Patrol Vessels (OPVs) and Maritime Patrol Aircraft (MPA) as doing so will seriously boost their antipiracy efforts.

161. It would no longer suffice to support the adoption of key resolutions or launch global initiatives but to back them up with actual funding, logistic support and political will. Although extant UNSC Resolutions on piracy in the GoG expressly commit to providing a wide range of assistance to countries in Western and Central Africa to tackle piracy, focusing on strengthening the military capabilities of those countries is necessary but not sufficient to mobilise

and implement sustainable solutions. Supporting the building of naval capabilities and assets or training naval and coastguard personnel to better patrol is crucial to boosting the Region's maritime security but the soft side in terms of investing in development, particularly those on SDG priorities, should also take priority.

162. Other important elements that should be prioritised if GoG countries are to mobilise an adequate regional response to piracy are: First, the creation of or the strengthening of existing Maritime Domain Awareness (MDA) capability such as the Multinational Maritime Coordination Centres (MMCCs) would also help to reduce or eliminate piracy in the GoG: Second, is to invest in data and database that makes it easier to properly track, monitor and retrieve information on known pirates in member states. The absence of up-to-date and credible data often makes it possible for pirates to elude detection and arrest when they move from one location to another. The establishment of an up to date database which will profile known offenders will help guard against institutional loss of memory which enables the pirates to elude detection.

163. Third, is the need to invest in local content and local technology as a sustainable way to retool major equipment and assets rather than spending scarce foreign exchange. Apart from improving dockyard repair facilities, there is also a need to invest in the purchase and deployment of drones with long-range

capabilities which will give the navies of GoG countries an aerial view of the operating environment during and before the conduct of operations. This could be key to enhancing the operational and patrol capabilities of the GoG navies.

IMPROVE NATIONAL EFFORTS AND REGIONAL COORDINATION AGAINST PIRACY

164.   Ultimately, efforts and bold steps at the national and regional levels aimed towards promoting cooperation are pivotal to tackling piracy in all its multidimensional and transnational dimensions. This report has unequivocally shown that national efforts to address the root causes of piracy and other menaces in the maritime estate of most countries are still limited and farfetched. In most countries, enabling laws and legislations as well as legal jurisprudence to prosecute pirates and other crimes at sea are either non-existent or still at very tender phases. Indeed, policy-makers in most countries in the GoG are still fixated with security as a land-based matter without seeing the obvious connections between insecurity on land and insecurity at sea, and vice versa.

165.   At the same time that individual countries are strengthening internal laws, legislations, court systems and procedures, or government policies and plans of action, they could also begin to cultivate and forge closer and friendly working relationships between and among themselves to tackle piracy. One of the takeaway lessons reading this is obviously that countries in the Region are not uniformly endowed so they all cannot be expected to commit themselves, in

equal measures, to promote regional cooperation agenda against piracy and other crimes at sea.

166. There is a need for GoG member states to enact, update and harmonise their anti-piracy laws, legislation and policies across the Region. While there currently exists a regional legal provision for collaboration among the various states in the Region to curb piracy, there is also a degree of liberty exercised by individual states which render effective implementation of regional legal framework or provisions ineffective. Adopted in June 2013, for instance, is the Yaoundé Architecture provides for intelligence sharing among member states. The Code was to promote maritime cooperation and information sharing and coordination. However, the operationalisation of the structure itself requires not only a sound financial base but also a full complement of qualified and competent personnel that countries in the GoG cannot readily and singlehandedly muster.[113]

167. One of the key insights from this study is that countries in the Region are not necessarily on the same page or at the same level in terms of the progress they have been making towards greater cooperation and collaboration against piracy. There is, however, enormous and substantive benefits in working together than acting alone; apart from the potential for experience sharing and learning new lessons, working together also means that they can tap into and maximise the benefits of economics of scale. The latter point is particularly

instructive because of the current human, financial and material resource gaps countries in the Region face.

168. There is an ongoing and highly controversial debate over whether or not vessels entering, leaving or transiting countries within the GoG waters should be allowed to bear arms and/or have armed guards to deter pirates. The current practice is that the national navies are called upon to provide security for vessels entering the Exclusive Economic Zone (EEZ) and territorial waters. However, due to limitations relating to manpower and the non-availability of platforms, it becomes hard to provide armed guard cover for all vessels. In the light of growing security concerns on the waters of GoG states, however, a short- or medium-term measure might be to grant permission to vessels to bear arms as they exit international waters in order to prepare for and deter pirates.

169. There is also a proposal as to whether or not to grant A license to private maritime guard companies to carry arms to take up such roles. The Benin Republic, for instance, has made provision for this by allowing armed guards on ships coming to shore but this arrangement is still farfetched for most other countries. Understandably, this can only be successfully done if member states of the GoG reach a binding consensus to enact the necessary legal frameworks and procedures to allow and regulate the role of armed guards on vessels. The licensed armed guards could be able-bodied but retired military and naval

personnel who only require minimal training since they are already familiar with the demands that come with such roles.

170. Even though all piracy activities take place on waters, planning for them is more often than not made on land. They also tend to involve a retinue of persons and groups, each one carrying out specialised or multiple activities before, during and after an actual piracy attack is launched. What this implies, for one, is that a wide range of security institutions must be involved in building a robust national and regional response to piracy. In addition to effective intelligence gathering is the need for different national security institutions to share the same intelligence, real-time, between and among themselves. Finally, security and intelligence services should devise protocols to share sensitive information with their counterparts in other GoG countries as all of these are required to anticipate and stop piracy before they happen. This may require more capacity building at the national level but also greater harmonization of the intelligence architecture of the GoG states to be able to prevent attacks and rescue victims.

MOBILISING INTERNATIONAL EFFORT AND SUPPORT TO GOG COUNTRIES

171. Much of current international efforts against piracy and maritime insecurity have focused more on ensuring that the GoG sea route is free from the activities of pirates. Acting in conjunction with the navies of different GoG countries, major international navies such as those of the Danish, French,

American and Italian deploy and operate in the GoG waters. However, ensuring that they operate within established international legal frameworks, particularly those provided for under the Yaoundé Mechanism in consonance with the priorities and needs of the Region, is imperative.

172.   While GoG countries are expected to take the lead in tackling complex governance, security and developmental challenges confronting them, including those relating to piracy and maritime insecurity, the international community also have a pivotal role to play in mobilising concerted response and support to achieve a positive and lasting result. The Report has acknowledged how such international efforts and support contributed to making the difference, for instance, in tackling piracy off the coast of Somalia as well as along the Malacca Strait.   In the GoG, the imperative is even stronger, given the strong transnational dimensions of piracy activities; illustrated by how those who steal crude oil readily find a market for them with refineries outside the Region. There is logic to the view that if there are no buyers of stolen crude, pirates will not be encouraged to steal crude, thus reducing attacks on vessels.

173.   The international community must demonstrate the sincerity of purpose by supporting ongoing efforts by countries in the GoG to tackle piracy and insecurity at sea as a matter of mutual enlightened interest. The technology to track the origin of mineral resources, as has been shown in respect of the Kimberley Process for so-called blood diamonds, can easily be adapted to trace

stolen crude oil and gas. This implies that refineries that receive stolen crude from the GOG can easily be identified, prosecuted and blacklisted. Apart from targeting stolen crude oil, the international community could also support all efforts by various national, regional and international agencies to fully implement international sanctions against illegal arms trading and vendors. This is because there is a clear and direct nexus between the existence and proliferation of small arms and light weapons in the GoG and the flourishing of piracy and other illicit activities in the Region.

CHAPTER 8

CONCLUSION AND PRIORITY INTERVENTION MEASURES

CONCLUSION

174.   The study set out to examine the root causes of piracy in the GoG, their attendant socio-economic effects on the Region and the international community with a view to suggesting priority intervention measures. The Region which has18 sovereign states as its members' houses one of the largest deposits of hydrocarbon and other vital resources needed by the Region and the rest of the world for their survival and development. It is also a sea route that connects the far East to the Western parts of the globe but piracy activities have turned the region into a nightmare for maritime businesses. The states of the Region too have not derived adequate economic benefit from it and they have remained poor and backward. These have drawn the attention of the international community to the Region for a possible solutions.

175.   The study established that the GoG occupies a strategic place in maritime transport and economic consequences hence, piracy activities in the region have now reached the level of international community concern. It also established that the root causes of piracy in the Region were identified to include extended periods of neglect and marginalization of local communities, widespread poverty and deprivation and disruption of human and community livelihoods

Others are weak state institutions, low-risk high reward factors that create incentives for criminality and the persistence of political disorder and violence in most of the countries in the Region.

176. This study has shown that the prevalence of piracy in the Region has generally resulted in loss of lives and properties, high cost of shipping, loss or declining revenues, the poor global image of the Region, disruption of international trade and exacerbation of organised crimes. Meanwhile, some of the measures employed in the recent past to combat the menace of piracy in the GoG have proven largely ineffective to checkmate the menace. This is, in part, due to the limited capacity of states in the Region to maintain a visible and prolonged presence at sea or swiftly respond to distress calls; the absence of required regional cooperation; and also lack of political will to address the underlying root causes and drivers of piracy.

177. In the light of the above, several challenges stand in the way of effective counter-piracy efforts in the Region. These include inadequate response capacity and infrastructure, lack of political will to advance regional cooperation against piracy, lack of or inadequate legal regimes to discourage and prosecute acts of piracy, failure of government and other stakeholders to address the root causes of piracy and cumbersome and ineffective reporting on pirate activities, and response.

INTERVENTION MEASURES

178. To curb the incidence of piracy in the GoG, this report proffered many priority intervention strategies, as follows:

a. *Making Coastal Communities Count in Anti-Piracy Efforts, through*:

    i. Building/strengthening the capacity of coastal communities, including the implementation of poverty reduction measures;

    ii. Provision of social services and infrastructure (provision of education, health, and creation of employment opportunities, etc.);

    iii. Strategic communication and public engagement against recruitment into criminal networks;

    iv. Community-focused arms mop-up and other interventions to reduce unauthorised arms; and

    v. Strict enforcement of environmental standards and regulations on pollution, IUUF, discharge of effluents

b. *Strengthening Response Capacity*, that must cover*:*

    i. Resourcing maritime security forces and infrastructure (offshore patrol vessels- OPVs); maritime patrol aircrafts (MPA); boosting navy and coastguard personnel and capability, etc;

ii.   Scale-up Maritime Domain Awareness (MDA) capability (Multinational Maritime Coordination Centres (MMCCs): provision made for 5 but 3 currently functional) monitoring, patrol, drone, forward-base, YARIS- etc.);

iii.   Boosting intelligence gathering, analysis and sharing among member states/institutions; and

iv.   Legislation to allow armed guards on vessels (e.g. Benin Republic already allowing armed guards on ships coming to shore. This might be realistic in the short-term but challenges in the long run).

c.   *Scaling-Up National Effort and Regional Coordination,* **in form of:**

i.   Adequate resourcing of Maritime Operation Centres (MOCs);

ii.   Enact, Update and Harmonise Anti-piracy laws and legislation, and policies across the Region;

iii.   Make Yaoundé Code of Conduct binding in accordance with Art 17 of the code.

iv. Build consensus, coordination, cooperation and communication between/among GoG states;

v. Strengthen the platform for sharing lessons learnt and best practices already provided for in the Yaoundé architecture;

vi. Identify and disrupt the criminal network and value-chain of kidnapping-for-ransom; payment system that involve official and unofficial actors; and

vii. Governments of GoG countries to contribute to International Maritime Organisation's (IMO) West and Central Africa Maritime Security Trust Fund (to date, only Norway, UK, China, Japan and Nigeria have generously towards the fund)

d. *International Support,* **through the:**

i. Identification and blacklisting of refineries that accept/buy stolen crude oil;

ii. Collaborating with major international navies (e.g. Danish, French, Italian, etc) already deployed in the GoG waters to operate within the framework put in place under the Yaoundé process;

iii.   Active supporting of the full implementation of the international sanctions regime against illegal arms vendors

179.   All of the above can only be achieved through focused, deliberate and concerted action by governments of GoG countries to commit more resources to address the root causes of piracy in the Region, to be complemented by a wide range of other intervention measures. In the long run, priority attention should also go towards greater investment in improving the welfare and livelihoods of coastal communities through the provision of critical social amenities, job creation, preservation of their natural environment through strident enforcement of regulations against oil pollution and IUU, among others. In addition, from the findings, most of the incidents take place in the Niger Delta region of Nigeria and hence the need to concentrate and prioritise interventions in the area.

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