

# **Piracy in Gulf of Guinea causes, efforts and solutions**

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## **Abstract**

Piracy is a global phenomenon negatively affecting the security of the entire maritime traffic in the world. There are three geographical areas which have become zones of concern. Piracy in South East Asia, specially the Strait of Malacca and the South China Sea has been seen as problematic from the 1990s onwards. The coast of Somalia and the Horn of Africa achieves increasing attention since 2007 on the other side Piracy in West Africa, notably the Gulf of Guinea, has become the third major recognized area under threat since 2011. In all cases major international shipping routes are concerned and fairly extensive regional and international actions have addressed piracy.

This paper use qualitative research technique by demonstrating the current maritime security situation in west of Africa especially Gulf of Guinea supported by statistical analysis of piracy incidents through (2010-2016) , discusses the causes and the regional efforts dealing with this dilemma, then presents a number of recommendation aiming to eradicate the threat of piracy and enhance maritime security in that region. As a result of this paper None of recommendations will gain enough progress to be self-sustaining, however, until the considerations of maritime security in the Gulf of Guinea is raised from the operational to the governmental level and there is political willingness in West African countries to defend the region's waters, the Gulf of Guinea will remain a challenged security area.

**Keywords:** Maritime Security, Piracy, Gulf of Guinea.

## **1. Introduction**

Translated into its original Latin form, “pirates” literally mean “enemies of mankind”. so, by definition, pirates are “not enemies of one state but of all states” and therefore appear as an unparalleled, participate security risk at the global level (Tepp, 2012). Pauper governance, high depravity, and the lack of significant economic chances in the region obstruct the effectiveness of global anti-piracy practices and allow piracy to thrive, resulting in increased maritime insurance costs, higher global oil prices, and the growth of regional black markets.

Maritime crime off the coast of West Africa is a rising security threat, making the region Africa's current piracy hotspot. In most incidents, Nigerian criminals steal oil-related cargo from vessels in Nigerian national waters. During the decade, the Gulf of Guinea has become one of the most critical maritime areas in the world. Maritime insecurity is a main regional trouble that is obstructs the development of this strategic economic area and threatening maritime trade in the short term and the constancy of coastal states in the long term (Richardson, 2015).

This paper demonstrates the current maritime security situation in west of Africa especially Gulf of Guinea supported by statistical analysis of piracy incidents through (2010-2016) , discusses the causes and the regional efforts dealing with this dilemma, then presents a number of recommendation aiming to eradicate piracy threat and enhance maritime security in that region.

## **2. Definition of Piracy**

The definition of maritime piracy has varied over time and modified depending on context. The development of the notion reflects the politics of the day, Evidenced by the segregation of pirates from buccaneers and privateers in the past (Konstam, 2007). The Greeks and Roman separated between robber pirates and pirate societies. Pirate societies were ones which indiscriminately confiscated persons or goods without a official declaration of war (Goodwin, 2006). By the seventeenth century, the idea of labeling a society as piratical was no longer acceptable. Instead pirates were seen as individuals who formed groups and were united in wrongdoing, these groups were not delegate of a state (Rubin, 2006).

The first international notation of piracy occurred in the 1958 Geneva Convention on the High Seas (Article 15) and the later in the 1982 United Nations Convention on the Law of the Sea (UNCLOS) (Article 101). According to these piracy consists of:

**a)** Any 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:

I. On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;

Ii. Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;

**b)** Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

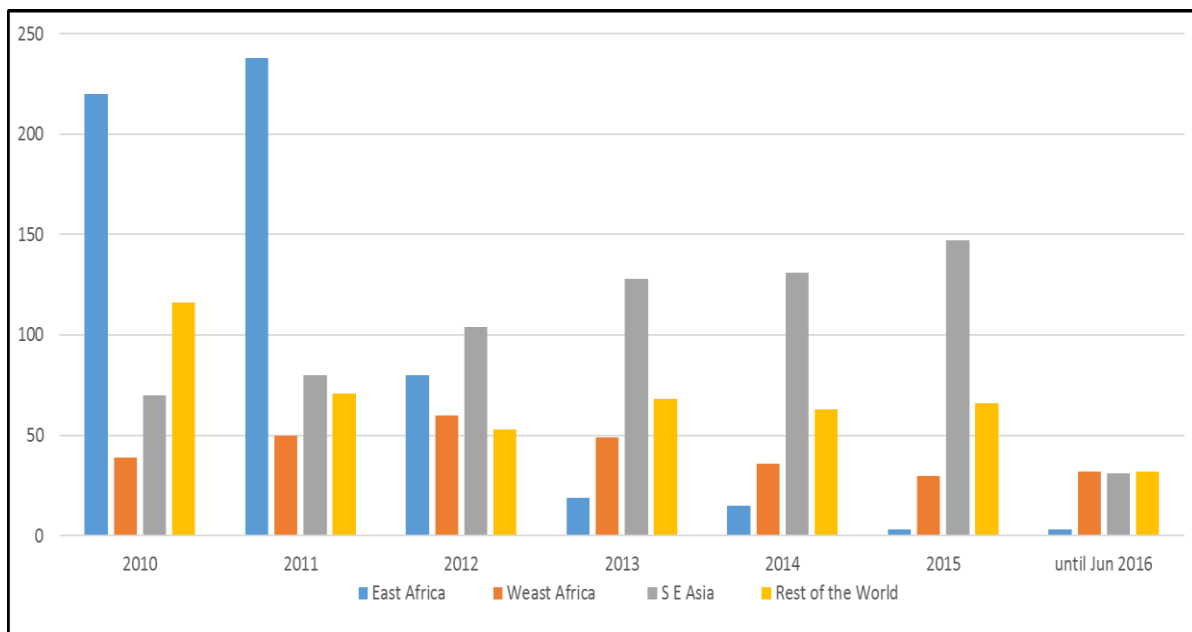
**c)** Any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b) of this article.

The International Maritime Bureau (IMB) in its annual reports, defined piracy as an act of boarding or attempting to board any ship with the apparent intent to commit theft or any other crime and with the apparent intent or capability to use force in the furtherance of that act. Issues arising from the definition of IMB above, is that, intent, specification, extent and the use of force are principal elements to be considered in what constitute piracy and not necessarily where or location of occurrence. This definition is adopted in this study for the sake of analytical convenience, and due to the fact that it encapsulates both the features of sea piracy, armed robbery, and sea theft. Hence, this study sees sea piracy simply as sea theft or robbery.

## **3. The Nature of the Gulf of Guinea's Maritime Insecurity and Statistical review**

Pirate activity in the Gulf of Guinea varies to that in the Indian Ocean. Somali pirates concentrate on kidnap for ransom; captivate vessels and controlling their cargo and crew in order to extortion money from a ship-owner. In the Gulf of Guinea pirates launch attacks primarily from Nigeria, with the aim of stealing cargo, equipment or valuables from a vessel and its crew. Kidnapping of crew-members happens, but is rarer than in the Indian Ocean, and hence levels of violence are high as Gulf of Guinea pirates are less concerned with maintaining the wellbeing of hostages. Piracy attacks and armed robbery at sea in the Gulf of Guinea comprised average fifth of all recorded maritime incidents globally from 2010-2016(IMB, 2016).

These figures represent only a fraction of the actual attacks in the region as ship owners and governments downplay incidents to avoid increased shipping costs or a reputation for insecurity (Osinowo, 2015). (fig.1) shows Actual and Attempted of World pirate attacks (2010 - Jun2016)



**Figure. 1: Actual and Attempted of World pirate attacks (2010 - Jun2016)**

*Source: By author adopted from IMB, 2016*

Anchorage and approaches to the ports of Bonny and Lagos (Nigeria), Cotonou (Benin), Lomé (Togo), Tema (Ghana), and Abidjan (Côte d'Ivoire) are especially vulnerable with large numbers of merchant ships often hang around in these areas. In the busy port of Lagos, hundreds of vessels loiter for days along the roadsteads (calm areas of water near harbors where ships can anchor) in view of limited capacity of West and Central African ports for offloading. Dominant measures in the approaches to these ports still weakened (Osinowo, 2015). Piracy is under-reported by as much as 50 percent in West Africa, either due to victims' desire for discretion or the lack of survivors (Richardson, 2015). Despite these analytical challenges, a trend can be discerned from data collected by the International Maritime Bureau (IMB), a subsection within a specialized criminal division of the International Chamber of Commerce (ICC).

Maritime crime off the coast of West Africa increased from 8.8 % of the global total in 2010

to 11.6 % in 2011, surged to 20.2 % in 2012, and has declined slightly to 19.7 % in 2013, and 15.5 % in 2014. unexpectedly in the first half of 2016 has reached to the peak of 32.7 % of attacks globally, from this percentage piracy cases were recorded on Nigeria's territorial waters represent the majority by 75% of total attack in that region. (Table.1) shows Actual and Attempted attacks in West Africa (2010-Jun2016).

The apparent growing importance of West African piracy is distorted by an overall decrease in universal piracy. On the other side Piracy in the Gulf of Aden has break down since a peak of 237 incidents in 2011, to just 15 attacks in 2014 and only 3 attacks in 2015 also 3 attacks in the first half of 2016, that represent the lowest percent of attacks globally which ensured that the piracy moved actually from east to west of Africa (IMB, 2016). (Fig. 2) An overview map of pirate attacks in East and West Africa (2010-2014).

Table.1: Actual and Attempted attacks in West Africa (2010-Jun2016).

	2010	2011	2012	2013	2014	2015	Jun-2016
Angola	-	1	-	-	1	-	1
Benin	-	20	2	-	-	-	-
Cameroon	5	-	1	-	1	1	2
Dem.Rep.Congo	3	4	2	-	1	3	2
Tome&Principe	-	-	-	-	1	-	-
Gabon	-	-	-	2	1	-	-
Guinea	6	5	3	1	-	3	-
New Guinea	-	-	-	-	-	1	-
Ivory Coast	4	1	5	4	3	1	1
<b>Nigeria</b>	<b>19</b>	<b>10</b>	<b>27</b>	<b>31</b>	<b>18</b>	<b>14</b>	<b>24</b>
Liberia	1	-	-	-	1	2	-
The Congo	1	3	4	3	7	5	1
Mauritania	-	-	-	1	-	-	-
Morocco	-	-	-	1	1	-	-
Togo	-	6	15	7	2	-	1
Sierra Leone	-	1	1	2	1	-	-
<b>Region sub- Total</b>	<b>39</b>	<b>51</b>	<b>60</b>	<b>52</b>	<b>38</b>	<b>30</b>	<b>32</b>
<b>World Total</b>	<b>445</b>	<b>439</b>	<b>297</b>	<b>264</b>	<b>245</b>	<b>246</b>	<b>98</b>
<b>Percentage of Region to world</b>	<b>8.8%</b>	<b>11.6%</b>	<b>20.2%</b>	<b>19.7%</b>	<b>15.5%</b>	<b>12.2%</b>	<b>32.7%</b>

Source: By author adopted from IMB, 2016



Figure 2. An overview map of pirate attacks in East and West Africa (2010-2014)

Source: IMB, 2015

#### 4. Causes of Piracy in the Gulf of Guinea

There are many factors contributing to piracy in the Gulf of Guinea. These factors include “legal and jurisdictional weakness, favorable geography, conflict and disorder, underfunded law enforcement, inadequate security, permissive political environments, cultural acceptability, and promise of reward”. More specifically, “maritime piracy in Nigeria is directly linked to oil development and the resulting economic, social, and environmental conditions in the Niger Delta” (Tepp, 2012). The citizens of this region depend mainly on oil income, yet – due to government perversion and profiteering – only a small percentage of the revenue reaches the local residents. Unemployment and the lack of economic opportunities encourage many to turn to piracy as a means of livelihood. Although terrorist organizations benefit from cooperating with pirates, attacks are largely motivated by financial and not political gain, and thus do not stem from terrorist organizations (Tepp, 2012).

In spite of the increasing tide of piracy in the Gulf of Guinea, many countries in the region, especially Angola, Equatorial Guinea, and the Democratic Republic of Congo have largely disregard the issue. These nations have instead focused on inter-state issues on land, paying little attention to serious maritime security issues. Combined with the poor socioeconomic conditions of these countries, this lack of foresight concerning piracy encourages individuals with limited economic opportunities to turn toward maritime crime, feeding in to the reproduce relationship between maritime piracy and regional rockiness (Vrey, 2009).

In a strict context, this regional instability is not simply a security issue at sea, but is a secondary production of state failure and bad governance. State failure quickly leads to insecurity and insecurity on land can easily extend to maritime security. Nigeria specifically has increasing incidences of piracy based on

“the culmination of years of inattention, desperation and lawlessness in the area bordering the globally vital shipping route” (Neethling, 2010). Thus, the prevalence of piracy off the coast of Nigeria can be attributed both to the country’s dependence on oil production and the politicians’ mismanagement of natural resources.

Heighten the problem; most local ship owners are not ready to fairly outfit their ships to defend them from piracy because such costs would significantly cut into their earning. Moreover, West Africans see piracy as a threat to be addressed by government forces rather than by private effort. However, local navies are not equipped to patrol the vast Gulf territory, and because insurance companies cover the cost of stolen goods, there is little incentive for the maritime industry to combat piracy. in addition, rampant depravity often makes local patrols effectively worthless as Nigerian naval forces may be easily kickback (Boot, 2009). Although the apparent need for international support in uprooting piracy, there exists both a lack of legal authority and a lack of international will to prosecute pirates, two major obstacles to international anti-piracy procedure. Actually, Western nations prefer not to try pirates themselves because they often lack the legal jurisdiction to punish those found guilty. Instead, they prefer that pirates be tried locally, requiring pirates to be transferred to local governments capable of prosecution. Instead of Western nations following through with this difficult and unpromising process, pirates are often simply freed. Without international efforts to end maritime piracy, however, unstable governments may not be capable of reaching a state of steadiness. More importantly, the lack of coordination nature of different initiatives aimed to treat security problems in the Gulf of Guinea presently block international efforts from being active (Shafa, 2011).

## 5. Efforts to Counter-Piracy in the Gulf of Guinea

Attacks on shipping in the Gulf of Guinea have exposed the vulnerability of the region's maritime space. This has precipitated various countermeasures. A number of regional associations have been effectively involved in countering piracy in the region; these are (Kuppen, 2016):

- The Gulf of Guinea Commission (GCC) created in 2001 but only operational in March 2007, when its Executive Secretariat was set up in Luanda.
- The Economic Community of West African States (ECOWAS).
- The Economic Community of Central African States (ECCAS).
- The Maritime Organization of West and Central Africa (MOWCA) established to ensure a cost-effective shipping service for sub-regional countries focusing on safety and combating pollution.

In response to the rising maritime threat, the Economic Community of Central African States (ECCAS) developed an incorporated Strategy for Maritime Security (ISMS) in 2008, which called for a common regional framework for regulating maritime activities off Central Africa. In 2009, it stimulated the Regional Coordination Center for Maritime Security in Central Africa (CRESMAC) in Pointe-Noire, Republic of Congo. Under the ISMS, CRESMAC is responsible for commanding three centers for multinational coordination (CMCs), the primary value of this initiative is to embankment information sharing and authorization protocols required in the tracking of suspicious vessels across maritime border.

The Nigerian Maritime Administration and Safety Agency (NIMASA) and the Nigerian Navy (NN) have established the Maritime Guard Command for regular patrol of Lagos waters, while the Nigerian Marine Police patrol inland waterways.

In addition, NIMASA is partnering with the Nigerian Air Force to establish a maritime air unit at Benin to carry out surveillance. With a view to withstand the rising piracy trouble along its coast, Ghana is setting up an electronic vessel traffic management and information system (VTMIS) to sequel its sea and air patrols (Bateman, 2012).

The International Maritime Organization (IMO), side by side with MOWCA, is improving the Integrated Coast Guard. Function Network. This will supply regional mechanism for combating piracy and armed robbery against ships, and for enhancing maritime security in general for the area expansion from Mauritania to Angola (Bateman, 2012).

In 2010, amelioration in operational cooperation between the NN and NIMASA resulted in essential lowering in attacks around Lagos Harbor. Under the cooperation, jointly manned vessels leading law enforcement and antipiracy patrols backed with electronic surveillance assets, especially within the territorial seas and harbor approaches. In May 2013, two special maritime security companies cooperated with the NN to launch the Secure Anchorage Area (SAA), which extend security to vessels in a specified area off Lagos Port. The SAA presents armed preservation for vessels wishing to either anchor or carry out ship-to-ship transmit operations offshore. In 2014, NIMASA, in collaboration with the NN and the Nigerian Air Force, unveiled a Satellite Surveillance Centre (SSC). The SSC tracks all vessels in Nigerian waters and can identify each vessel's IMO number. This initiative sequel the existing array of sensors installed along Nigeria's coastline under the Regional Maritime Awareness Capability (RMAC) program confirmed by the United States and the United Kingdom. different other regional and international partners also adopted supportive resolutions and programs, including the African Union, United Nations, European Union, IMO, and G8(Osinowo,2015).

In the meanwhile, depending on lessons learned from the Gulf of Aden, the shipping industry formed the Maritime Trade Information Sharing Centre for the Gulf of Guinea (MTISC-GOG). With the aim of becoming an allocated focal point for incident reporting, information sharing, and the recent maritime security guidance, the MTISC-GOG is headquartered at the Regional Maritime University in Accra, Ghana and offers participating ships with 24-hour-per-day security reportage. It can also provide information to national maritime operational centers in the region and Interpol (Osinowo, 2015). The fact of a permanently shifting threat informed the Yaoundé Declaration of June 2013 in which the

heads of government from ECOWAS and ECCAS agreed to establish a Maritime Inter-Regional Coordination Center (MICC) in Yaoundé, Cameroon. A “Code of Conduct Concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in West and Central Africa” was adopted to further promote collective efforts on information sharing, interdiction, prosecution, and support to victims. Enforcement of the noncommittal Code of Conduct has been slow going, however. In particular, the delayed operationalization of the MICC highlights the need for greater political will (Osinowo, 2015). The Maritime Regional Architecture zones in the Gulf of Guinea (fig. 3).

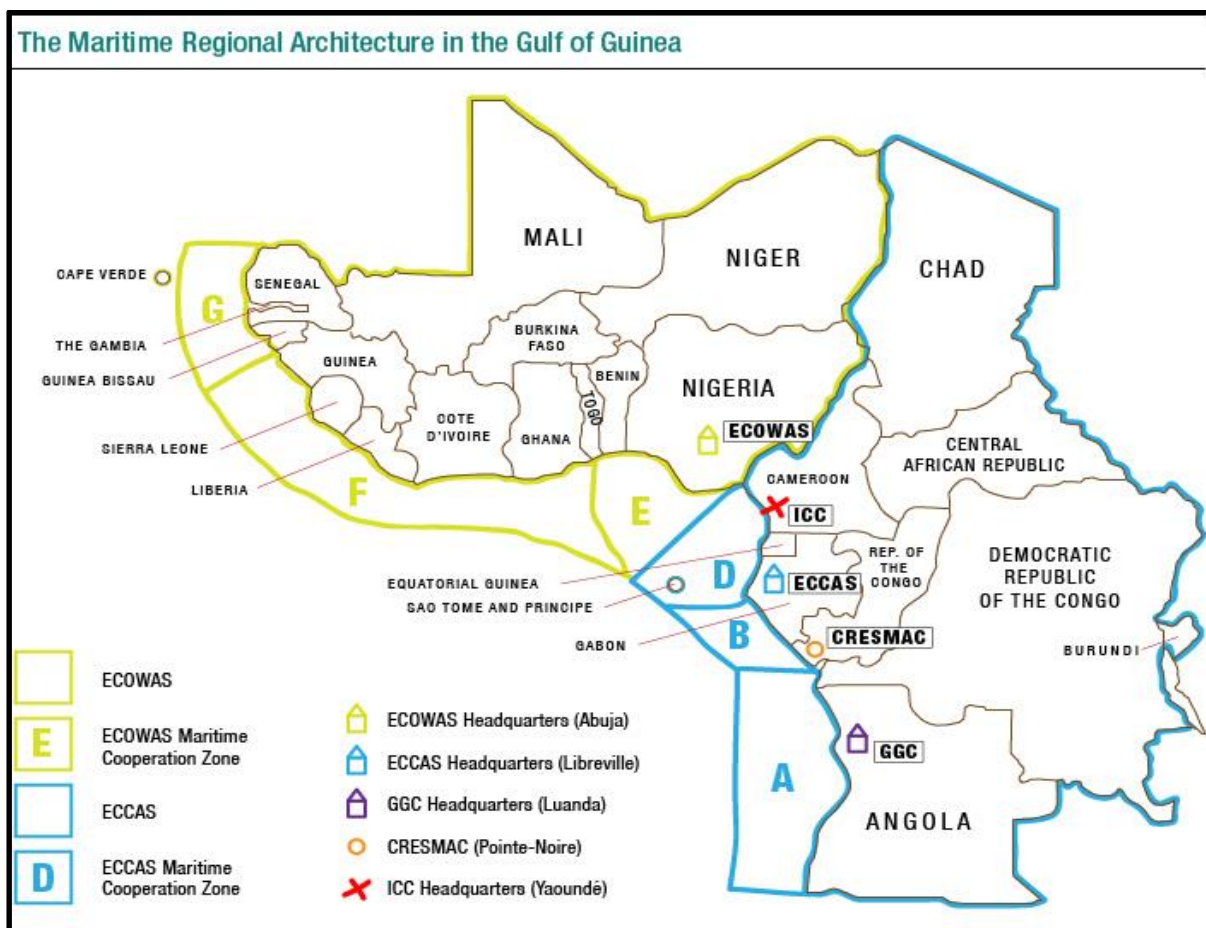


Figure 3. The Maritime Regional Architecture zones in the Gulf of Guinea.  
Source: Kuppen, 2016



## **6. Improvement and solutions**

The following are the suggested solutions to improve maritime security in the region of Gulf of Guinea.

**6.1. Enforcement coordination.** The restricted number of piracy-related trials emphasizes the necessity for greater coordination of legal efforts in the region as stated in the Memorandum of Understanding between ECCAS, ECOWAS, and the Gulf of Guinea Commission. To do that, a comprehensive review of every country's legal framework should be conducted to enable each to effectively trial piracy offenders. Members of the judicial system should be trained in coordination with maritime enforcement agencies in order to speed up and standardize the process of evidence collection and preservation to facilitate efficient and fair trials. The establishment of courts allocated to dealing with piracy and sea robbery trials may help minimize this lateness.

**6.2. Region's navies' collaboration.** Permitting of a standing forum for Zone E heads of navies by the ECOWAS Committee of Chiefs of Defense Staff (CCDS) could submit much-needed collaboration for assortment efforts of the region's navies. This protocol needs to be recurring among other zones under ECOWAS. The Political Affairs, Peace and Security Department of ECOWAS has the responsibility in this context to support the energizing of the zonal coordination mechanisms for all member states, including common understandings and prosecutions of cross-border and extraterritorial crimes. Accomplishment and enforcement of the ECOWAS Integrated Maritime Strategy, therefore, be worth the imperative attention and adherence of all stakeholders, including the influenced coastal communities.

**6.3. Asset Necessity.** A classes preventive mechanism characterized by maritime air patrols, ship-borne patrols, ground and satellite based surveillance assets will be needed to observe and secure the Gulf of Guinea. Countries with long shorelines or piracy hotspots should think about possession of fixed and rotary wing maritime patrol aircraft. These expectation, though aspirant, give a planning guide for governments, navies, foreign companies, and shareholders.

**6.4. Profiling piracy networks.** Smashing the cyclical chain of attacks on shipping in a cost-effective manner requires a strong power for profiling maritime crime and sharing information among stakeholders in the region. this capability would involve observing transiting ships, their crews, and their ownership with a view to profiling suspected ships and persons, comprising activities in coastal communities. A watch list for suspect vessels as well as human accomplices should be developed, modernizes, and participate.

**6.5. Partnership correlation.** More cooperation is necessary through international partners and African governments in the international waters around the Gulf of Guinea. Operations Atlanta, Ocean Shield and Combined Task Force 150/151 in the Gulf of Aden and Indian Ocean give a flexible pattern. Improving security is more about the strategic management of maritime space than it is about naval fleets and patrol craft. Central and West African states must define clearer transit corridors and anchorage sites for protection of merchant vessels in their territorial waters and Exclusive Economic Zones. This would be similar to the Internationally Recommended Transit Corridor that has functioned well in the Gulf of Aden and has been replicated as a Voluntary Reporting Area in the Gulf of Guinea by the MTISC-GOG.



## **6.6 focused on ashore economic growth.**

Case in the Niger Delta and common poorness in the region emphasize the necessity for more combined infrastructural development, Providing job opportunities for young people, and coastal environmental preservation. Furthermore, given the socioeconomic effects of illegal fishing, pollution, and environmental degradation, state and local governments across the region must concentrate on maritime-related policy issues that immediately effect coastal citizens. This encompass enforcing laws governing foreign companies' intrastate shipping, appropriate implementation of environmental laws, and developing shipbuilding, fishing, and other industries where considerable production shortcomings still found. Nigeria's Petroleum Industry, which integrates measures aimed at deepening responsible exploitation, improving local community participation, and benefitting host communities with economic, social, and infrastructural development could also assure enhanced economic chances in coastal zones. At least, multinational oil companies should reconsider their existing community evolution strategies.

## **7. Conclusion**

Piracy in the Gulf of Guinea raises a unique, shared energy threat and funds terrorist groups along West Africa. However, contrary to what happened in the Gulf of Aden, success cannot build on international warships, but will depend on the strength of national and other international forces to enable an integrated, regional maritime security force. Promote expansion of good governance and well-established institutions in the region will help target the root causes of these cases and guarantee long-term steadiness. Until there is political volition in each Central and West African country to protect the region's waters,

the Gulf of Guinea will remain defies security gap. Ship owners, governments, and regional bodies against the over-commercialization of maritime security. The international community also participate a concern in fighting piracy due to economic as well as security concerns. however, until the considerations of maritime security in the Gulf of Guinea is raised from the operational to the governmental level and there is political willingness in West African countries to defend the region's waters, the Gulf of Guinea will remain a challenged security area.

## **Recommendation**

- Activating political, interagency and interstate obligations to counter piracy and related crimes in waters of the Gulf of Guinea will build on creating powerful capacity for surveillance, reaction, and fulfillment.
- Territorial combined effort dealing with threats to good order at sea should be enhanced, and improved moreover, cooperation between agencies at a local level, including obviously fixed responsibilities for agencies and the specification of risk assessments related to piracy.
- Multilateral or dual legal dispositions should be considered to expedite capture, investigation, hot pursuit, prosecution and extradition, exchange of witnesses, sharing of clues, inquest, seizure and confiscation of the piracy proceeds.
- It is essential to establish mutual trust and respect between national organizations involved in counter-piracy activities. This is best built through regular information sharing, to develop effective counter-piracy strategies.
- The role of regional information-sharing center like MTISC-GOG should be enhancement as a supportive measure to improve information sharing.

- Availability of capacity required including patrol ships, aircraft, surveillance systems, judicial systems and facilities, and personnel with the essential skills and training.
- Countries of Gulf of Guinea should be parties to all relevant international conventions dealing with illegal activities at sea and the national legislation should be integrated with it.
- The requirements of the International Ship and Port Facility Security (ISPS) Code must be strictly followed and the Company Security Officers should monitor vessels for compliance with BMP guidelines.

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