MARITIME SECURITY AND SAFETY IN THE GULF OF GUINEA: TACKLING THE CHALLENGES OF PIRACY AND OTHER MARITIME TRANSNATIONAL THREATS IN THE GULF OF GUINEA

BY

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LEGON

DECEMBER 2011
DECLARATION

I, Wilfred Gasu, hereby declare that this dissertation is the result of an original research conducted by me under the supervision of Dr. Ken Ahorsu and that no part of it has been submitted in part nor in whole to any institution, organization or anywhere other than the purpose for which it was written. It does not incorporate without acknowledgement, any material previously submitted for a Degree or Diploma in any institution or previously published or written by any other person except where due reference is made in the context.

Wilfred Gasu                                        Dr. Ken AHORSU
(Student)                                           (Supervisor)

DATE:........................................ DATE:........................................
DEDICATION

To my wife Renora and my lovely children Fafa and Dziedzorm who have been helpful in seeing that I had the time to write this dissertation and still attend to the numerous other tasks associated with my appointment. I am thankful for the life we live together.
ACKNOWLEDGEMENTS

I am grateful to the Almighty God for giving me the opportunity, good health and wisdom to complete this research. No book is the sole domain of the author, I owe thanks to the innumerable colleagues who have assisted me as I worked towards producing and improving this work. My special thanks goes to Dr. Emmanuel Ken Ahorsu, my Supervisor for his guidance, suggestions and painstaking and meticulous supervision throughout the writing of this dissertation. I would like to specifically thank him for the wealth of knowledge I gained through interactions with him which immensely helped in advancing new ideas on this work.

My gratitude goes to the librarians of LECIAD, Balme, African Studies, GAFCSC and KAIPTC, for their assistance in sourcing for materials for the work. To the many authors and agencies who have rendered their contributions and support to this work through the enormous information made available in their publications, reports, journals and online articles for which extensive reference have been made to in this work, I am most grateful. Although my thanks and best wishes to my family come last, they have been the most important influence on my work. I count them as my best friends and dedicate this work to them.
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<tr>
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<tr>
<td>AFRICOM</td>
<td>Africa Command</td>
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<tr>
<td>AIS</td>
<td>Automatic Identification System</td>
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<td>APS</td>
<td>Africa Partnership Station</td>
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<td>AU</td>
<td>African Union</td>
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<td>CCDS</td>
<td>ECOWAS Committee of Chiefs of Defence Staff</td>
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<td>CMPD</td>
<td>Crisis Management and Planning Directorate</td>
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<td>CMR</td>
<td>Critical Maritime Routes’ programme</td>
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<td>CSDP</td>
<td>Common Security and Defence Policy</td>
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<td>ECOMOG</td>
<td>ECOWAS Ceasefire and Monitoring Group</td>
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<td>ECOWAS</td>
<td>Economic Community of West African States</td>
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<td>EDF</td>
<td>European Development Fund</td>
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<td>EEZ</td>
<td>Exclusive Economic Zone</td>
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<td>EMF</td>
<td>Economic Community of West African States Maritime Force</td>
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<td>EPA</td>
<td>Environmental Protection Agency</td>
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<td>EU</td>
<td>European Union</td>
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<td>FAO</td>
<td>Food and Agricultural Organization</td>
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<td>FOBs</td>
<td>Forward Operating Bases</td>
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<td>GAFCSC</td>
<td>Ghana Armed Forces Command and Staff College</td>
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<td>GDP</td>
<td>Gross Domestic Product</td>
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<td>GWOT</td>
<td>Global War on Terror</td>
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<td>IFF</td>
<td>Identification Friend or Foe</td>
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<td>IISS</td>
<td>International Institute for Strategic Studies</td>
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<td>INIB</td>
<td>International Maritime Bureau</td>
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<tr>
<td>IMO</td>
<td>International Maritime Organization</td>
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<td>INTERTANKO</td>
<td>International Association of Independent Tankers Owners</td>
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<td>IPIECA</td>
<td>International Petroleum Industry Environmental Conservation Association</td>
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<td>ISPS</td>
<td>International Ship and Port Facility Security</td>
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<tr>
<td>KAIPTC</td>
<td>Kofi Annan International Peacekeeping Training Centre</td>
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<td>LECIAD</td>
<td>Legon Centre for International Affairs and Diplomacy</td>
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<td>MDA</td>
<td>Maritime Domain Awareness</td>
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<td>MEND</td>
<td>Movement of the Emancipation of the Niger Delta</td>
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<td>MOWCA</td>
<td>Maritime Organisation of West and Central Africa</td>
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<td>MRU</td>
<td>Mano River Union</td>
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<td>MSA</td>
<td>Maritime Situational Awareness</td>
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<td>MSSIS</td>
<td>Maritime Safety and Security Information System</td>
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<td>NATO</td>
<td>North Atlantic Treaty Organisation</td>
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<td>NIMASA</td>
<td>Nigerian Maritime Administration and Safety Agency</td>
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<td>OAU</td>
<td>Organisation of African Unity</td>
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<td>OCIMF</td>
<td>Oil Companies International Marine Forum</td>
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<td>PMAR</td>
<td>Piracy, Maritime Awareness, and Risks</td>
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<td>RMAC</td>
<td>Regional Maritime Awareness Capability</td>
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<tr>
<td>SALW</td>
<td>Small Arms and Light Weapons</td>
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<td>SCRAT</td>
<td>Socio-Cultural Research and Advisory Team</td>
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<td>SEACOP</td>
<td>Seaport Cooperation Programme</td>
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<tr>
<td>SPAWAR</td>
<td>Space and Naval Warfare Systems Command</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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USA  United States of America
USAID  United States Agency for International Development
USEUCOM  United States European Command
WACAF  Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central Region
WAGP  West Africa Gas Pipeline Project
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ABSTRACT

The purpose of this dissertation, has been to analyse and highlight the maritime security and safety situation within the Gulf of Guinea maritime space with a view to inciting debate and policy action within a new paradigm of state, regional and regional cooperation to combat the emerging offshore threats owing to the new status of oil and gas producing countries that more states within the ECOWAS region are attaining. To do this, we have approached the issue from two perspectives: first by examining the policy and legal framework that exists or is absent in a bid to combat emerging threats to the security of nations, their citizens and the various seafaring communities within the maritime sphere concerned and secondly by looking at the attitude, approach, preparedness and capabilities of state actors such as national navies, justice systems and socio-political leadership of the sub-region. This is on account of the bountiful natural resources and opportunities that occur or exist in the Gulf. The rest include comparing best practices as exist in other jurisdictions such as the Gulf of Eden, within the European Union (EU) and possibly the United States of America (USA). This is meant to deflect corruptive issues such as self-interest among bureaucracies and within the corridors of political power as they relate to criminal activities and lawful punishment for such crimes as well as institutional deficiencies. Key findings which emerged include the fact that weak states are unable to police their maritime domains. It was also found that there is a need to evolve a sub-regional approach to maritime security, with ECOWAS playing a leading role. This is against the background that the West African zone and the Gulf of Guinea, while remaining potentially an energy and economic activity hub, is also potential conflict zone given the numerous as a result of security threats posed to the territorial waters of a number of states in West Africa.
CHAPTER ONE

RESEARCH DESIGN

1.1 Background to Problem Statement
At the onset of the 21st Century, barely a decade after a wave of violent conflicts swept across the West Africa, offshore discoveries of petrochemical resources along the Gulf of Guinea have added a new twist to the sub-regions’ security concerns. West Africa states have traditionally been defined as weak states and security complexes, mainly as a result of the heterogeneity of their people and the attendant ethnocentrism, perennial political instabilities, underdevelopment and poverty, as well as their susceptibility to land-based internal sources of threats. Security in the sub-region is, thus, conceptualized principally in ‘land-centred’ terms. Contemporary deteriorating maritime security conditions along the Gulf of Guinea have engendered a paradigmatic shift in the conceptualisation of threats to the sub-region that is gaining a great (geo) strategic and political economic interest. An array of maritime threats such as piracy and sea-based armed robbery, arms trafficking, human and trafficking, illegal fishing, and dumping of toxic wastes and pollution of the sea, as well as, emerging maritime terrorism threaten to undermine maritime livelihood, travel, trade, and exploitation of resources of the region. The phenomena and dynamics of these maritime threats bring to the fore the currency that non-state actors and organised crime have gained in today’s world of globalization, and international political economy, especially in terms of transnational security threats.

West Africa, and for that matter the Gulf of Guinea, has emerged as one of the vital energy regions in the world. Ghana and Liberia are the latest countries to join oil producers in the sub-region. The energy prospect of the Gulf of Guinea is enormous. It supplies 13% and 6% the
European Union’s petroleum and gas imports, respectively.\(^2\) Nigeria, the largest oil producer in Africa, is the linchpin in the whole Gulf Region. Nigeria alone supplies about 10% of the US’s oil needs. The projections are that by 2020, oil production in the Gulf of Guinea will amount to a quarter of the world’s total production and surpass the total production of the Middle East. Western oil conglomerates have invested over $80 billion dollars in oil exploration and employ about 60,000 personnel in the region. Given the political challenges in the Middle East and Venezuela, and the continuing gargantuan China and India’s economic growth, the region’s importance as an alternative source of oil and gas supply is expected to grow in leaps and bounds.

Securing energy resources is, however, not the only security concern confronting the sub-region. Protection of fish stocks, arms and drug trafficking, human trafficking, harbor security, and piracy undermine other marine commercial interests, threaten ages-old traditions and livelihoods, and scare away potential foreign investors. Illegal fishing alone is reported of robbing the Gulf of Guinea an estimated $350 million in revenue annually.\(^3\) The United Nations (UN) states that 90% drug trafficking in the sub region is conducted by Sea.\(^4\)

Maritime Piracy has been a centuries old profession that has posed challenges for mariners as long as ships have gone to sea. This menace was a security challenge which confronted most European Sea faring Nations. At the turn of the 18\(^{th}\) Century, the Royal Navy was primarily responsible for using force to suppress piracy. British naval and cruising areas gradually covered the shipping zones of the world and made possible the ‘Pax Britanica’.\(^5\) Given these successes against piracy, some thought that piracy had been destroyed for good. By the 20\(^{th}\) Century piracy

\(^2\) European Union’s petroleum and gas imports, respectively.
\(^3\) The United Nations (UN) states that 90% drug trafficking in the sub region is conducted by Sea.
\(^4\) Maritime Piracy has been a centuries old profession that has posed challenges for mariners as long as ships have gone to sea.
\(^5\) British naval and cruising areas gradually covered the shipping zones of the world and made possible the ‘Pax Britanica’.
had been outlawed by the world community. However, piracy never entirely disappeared, it persisted at a low intensity level. From the last quarter of the 20th century to date, the piracy menace has turned out far worse than even the most pessimistic observer could have predicted. Throughout the 1990s and especially after the end of the Cold War, piracy attacks increased spectacularly. Reports of piracy attacks increased dramatically during the period 1991 – 2001. 335 cases were reported in 2001 alone with a majority of about ninety percent of the cases occurring in Asia.6

In recent years, from 2007 onwards, the number of pirate attacks in Africa surpassed those in Asian waters. Attacks have been largely concentrated in waters off the coast of Somalia, Nigeria and Benin, but are not limited to those areas.7 The Gulf of Guinea especially water’s between Nigeria and Ghana are becoming notorious seaways of growing maritime insecurity. On 24th September, 2011 pirates attacked and attempted to divert a tanker MT NEW RANGER off the coast of Nigeria to Cotonou (Benin). On the 26th September, 2011 another pirate attack was reported off the coast of Togo on Merchant Vessel MT MATTEOS I. The vessel was later released and arrived at Tema Port on 27th September, 2011. Between September and October 2011, the rate of pirate attacks reported in the waters between Nigeria and Ghana was very alarming. The potential economic and social consequences of the piracy threats to the Gulf of Guinea could reverse the gains the sub-region has chalked if the threats persist or are allowed to worsen. They could ultimately undermine the political stability and economic development of the region. Piracy against ships presents a serious threat to the lives of seafarers, the safety of navigation, the maritime environment, the security of coastal states, and the right of innocent passage in areas under the sovereignty of a coastal state. In this regard, increased insurance cost
of shipping or even outright boycott of some West African ports by shipping lines cannot be ruled out.

This scenario is already envisaged in the Niger Delta where as a result of insecurity, the cost of development projects are almost double of what obtains for projects of similar quality internationally.\textsuperscript{8} It is reported that, Gulf of Guinea countries are estimated to lose 55 Million Barrels of Oil worth over US$1 Billion annually to smuggling.\textsuperscript{9} Maritime insecurity is therefore a great concern in West Africa, especially in Ghana. While transnational security threats and maritime security dynamics are multidimensional and interrelated, the main trust of this study is concerned with piracy and its ramifications for the Gulf of Guinea states and the world at large. Serious concerns have been expressed at various levels by international, regional, sub-regional, national authorities and business concerns on the nature, depth, of the crisis and how it could be managed. The billion dollar question remains the threat could be managed collectively, effectively, and efficiently.

1.2 Statement of Problem and Scope of Research

Piracy is a major source of worry and has an enormous potential for creating huge instability in regions where these operations are rife. Piracy threatens vital sea lines of communication and trade interest, and the severity of the crisis cannot be handled by a single nation state. The menace in the Gulf of Aden, where most of the world’s military superpowers have merged their resources to combat the scourge of piracy, and the Niger Delta, which has become a permanent state of instability, attest to hydra-headed problem piracy poses to the West African sub-region. As stated earlier, West African states are weak states in most concatenation of indicators of state
power. Despite the great successes chalked by ECOWAS as a security community, no regional maritime force is yet in place to collectively fight the menace. To date the management of reported pirate attacks is handled by individual nation-states within whose jurisdiction the attack occurs. With regards to reported piracy attacks that occurred in the waters between Ghana and Nigeria during the second half of 2011, non-action was taken by West African states.

The above raises the question how the issues of Maritime Security and Safety in the Gulf of Guinea can be secured. Does the challenge of securing/managing the Gulf of Guinea is enormous and require individual or collective effort? With most West African Countries lacking the essential platforms for Maritime protection, another question that arises is how ready are West African States, including Ghana to provide Maritime Security for their territorial and international Seas. Or the effective and efficient solution lies far beyond the borders of West African nations and may require a critical blend of tangible and intangible resources of the world’s superpowers? The study seeks to answer these questions.

1.3. Objectives of the Study

Objectives of this research are as follows:

a. To conduct a general overview of the collaboration between the West African Naval Forces.

b. Look or examine the emerging threat of piracy and smuggling in Ghana’s Territorial Waters.

c. Evaluate mechanisms, national, regional and international put in place to manage these threats.
Based on the findings, make suggestions as the way forward to respond to piracy and smuggling in the Gulf of Guinea.

1.4 Rationale

Unlike the Gulf of Aden, where US and European naval groups patrol to defend commercial ships against Somali piracy, the Gulf of Guinea has precious little in the way of foreign naval patrols. In West Africa, individually and collectively, countries in the region are faced with several challenges in respect to the capacity to patrol their maritime areas effectively in order to fight piracy and smuggling in the region. The Nigerian Navy is the best equipped navy in West Africa. In January 2007, she undertook Exercise IDABO, its largest maritime exercise in twenty years, which included thirteen warships and four helicopters in the Bight of Benin. The Ghana Navy has four patrol vessels, two Ex US Navy Coast Guard Vessels and seven small boats, and is in the process of acquiring six more vessels to help patrol its maritime domain of 60,000 square nautical miles. It is noted that the navies of Senegal, Cote d’Ivoire, Togo, Benin, Liberia, Sierra Leone, Guinea, Guinea Bissau, the Gambia, and Cape Verde, put together would present a force less formidable than a Ghana- Nigeria joint force. Given the recent oil find and the possibility of more discoveries, coupled with the emerging security needs, it is very imperative that, if West Africa will become a major source of oil supply to governments and international corporations in the sub region and the world, then there is the reason to effectively safeguard our maritime environment against these perceived threats.

Nigeria and Benin are currently conducting a joint anti piracy exercise in the Bight of Benin code named Operation Prosperity with several warships and two helicopters. The Exercise commenced late September and will and will last for six months, however three piracy attacks
have occurred in the maritime domain of Nigeria and Benin in the month of October 2011. There is therefore the urgent need to ensure effective management of our maritime domain against piracy and smuggling.

1.5 Hypothesis

The threats of piracy can be efficiently contained to collaboration of West African states, the international community, and non-state stakeholders.

1.6 Theoretical Framework

This study is based on Karl Deutsch’s pluralistic security communities. Despite the gargantuan progress made towards regional security cooperation worldwide, the traditional realist security premises of states as rational actors in pursuit of national security and international influence in an anarchical world persist. Nevertheless, as Krause and Williams note, for realists, ‘states are the subjects; anarchy is the condition.’ ¹² This is all the more so given that the anarchical condition at the international level is itself a social construction, rather than a natural phenomenon. But for Wendt, there is nothing about the anarchy itself which forces states to treat it as an insecure self-help system. ‘If states find themselves in a self-help system, this is because their practices made it that way’. ¹³ This unwillingness to conceptualise politics in non-state terms has a real significance for thinking about security. Walker asserts that the security of states has come to dominate our understanding of the meaning of security, ‘because other forms of political community have been rendered almost unthinkable.’ ¹⁴
There is a growing body of literature on the general phenomenon of regionalism in world politics, particularly in the new regionalism that has emerged since the 1990s that are taking on security issues. According to the logic of practicality, practices are the result of inarticulate know-how that makes what is to be done self-evident or commonsensical. Insights from philosophy, psychology, and sociology provide empirical and theoretical support for this view. Though complementary with other logics of social action, the logic of practicality is ontologically prior because it is located at the intersection of structure and agency. This article develops a theory of practice of security communities arguing that peace exists in and through practice when security officials' practical sense makes diplomacy the self-evident way to solving interstate disputes. In other words, it is practical and self-evident that contemporary transnational security threats cannot be conceptualised from a state-centric perspective; neither can it be approached and secured efficiently from national and conventional security regimes.

A security community is a number of states, sub-region or region whose members have evolved and come to share common normative values, whereby instrumental use of violence has been banished, become unlikely or unthinkable. Richard van Wagenen was the first to coin the term in 1950s, however it was the seminal work of Karl Deutsch et al in 1957 that the concept of security communities became accepted theoretically as a paradigm. They labeled a security community as “a group of people” trusting “that they have come to agreement on at least this one point: that common social problems must and can be resolved by processes of ‘peaceful change.’” People in a security community are bound together by the “sense of community” undergirded by common goals such as magnanimity, trust, and empathy. These common interests foster peaceful resolution of socio-political conflicts normally by adherence to norms, rules, procedures,
institutions, and alternative lifestyles. Deutsch made a distinction between amalgamated and pluralistic security communities. Amalgamated stated are those that denounced their sovereign independence and become unitary states in search and promotion of peaceful co-existence. However, pluralistic security communities retain their sovereignty even as they seek peaceful co-existence through collaboration on issues of mutual interest. Deutsch argues that the pluralistic security communities are easier to establish and maintain than their amalgamated counterparts.

Contemporarily, the concept has gained greater international currency as a result of the redefinition of the concept of security in more pluralist terms, and due to the contribution made to it by constructivist scholars. Adler and Barnett redefined the security community by shared identities, values, and meanings, multi-purpose direct interactions, and reciprocal long-term goals. They outlined a typical evolution of a security community along a continuum of nascent-ascendant-mature: denoting their ability to meet the rudimentary conditions of peaceful change and capacity to respond collectively to common threats through supranational or transnational mechanisms, respectively.

The study is adopts Deutsch’s pluralistic security communities is very relevant to developments in contemporary West Africa. States are independents but they have adopted a number of protocols that prohibit war and unconstitutional change of governments. They have equally resolved to collectively fight terrorism, money laundering, among other transnational threats. Besides, the concept reflects the ascendance and currency of non-state actors, single issues, and emerging normative consensus in fighting transnational crimes.
Security and community are being linked together in many creative ways, whether in terms of human security or regional stability. This phenomenon essentially re-writes the traditional state-centric security discourse. Again, contemporary cooperation and collaboration among states and non-state actors to secure communal, regional and international security are increasingly being seen as ends in themselves. It is in this manner that securing of the Gulf of Guinea maritime security is a collective responsibility that requires the collaborative efforts of both state and non-state actors.

1.7 Literature Review

The United Nations Convention on the Law of the Sea (UNCLOS) of 1982 defines maritime piracy as any criminal acts of violence, detention, rape, or depredation committed for private ends by the crew or the passengers of a private ship or aircraft that is directed on the high seas against another ship, aircraft, or against persons or property on board a ship or aircraft. Onuoha conceptualizes maritime security into a bi-dimension of intrinsic and extrinsic ones.\(^\text{19}\) The first appertains to the natural integrity of all elements that constitute the primary and vital features of the maritime domain such as the untouched value of the waters and the amount of fish and other marine resources. Logically, the degradation of the natural integrity of the marine ecosystem by human activities such as dumping and poaching poses to threats the intrinsic dimension of maritime security. The second segment concerns the well-being of all ‘foreign’ materials existing in or making use of the maritime domain; be it vessels, persons and infrastructure that differ from the natural marine ecosystem but are legally valuable to states or economic concerns that have the right of use to the sea.\(^\text{20}\) Heitman, writing on how to bolster Africa’s security forces against growing transnational threats, highlights oil bunkering, illegal fishing, illegal logging and
mining, arms trafficking, and general smuggling as having cost Africans billions of dollars in lost revenue.²¹

He cites terrorism as a new dimension that private militias are assuming in Africa. The Tuareg rebels of Niger and Mali, the Movement for the Emancipation of the Niger Delta (MEND), cattle rustlers in Kenya, and General Nkunda’s forces in the Democratic Republic of Congo are some of the militias that are increasing employing ‘terrorism’ as raison d’être.²² He identifies the sheer size of most African countries, difficult terrain and climate, poor communication and transport infrastructure, sparse rural population density, unemployment, and cultural identity challenges amidst poverty. For Hietman there is a close link between territorial and maritime security challenges, as well as interconnections between criminally organised groups. On the management of transnational threats, he argues that prevention and pre-emptive action promise best results. However, effective deterrence measures depend on the right numerical level of security personnel, adequate funding, mobilization of the people, the necessary training, sustained presence, and current and comprehensive intelligence to facilitate counterinsurgency.²³

Patterson posits that security is deteriorating in the Gulf of Guinea one of the most important energy regions. He outlines the region from Senegal to Angola and adds that its maritime security challenges is compounded by the fact that there numerous river-systems that spill into the Gulf of Guinea. He asks if the region should be likened to a New Persian Gulf. He answers the question in a pun. In terms of its energy potentials, yes, the Gulf. However, he points out that pervasive corruption, oil bunkering, religious intolerance, ethnocentrism, and insurgency, using Nigeria as example, makes it difficult to say yes. He concludes that while the regions is rich and
potentially promises to replace the Persian Gulf as the main source of world energy, the deteriorating situation poses real danger to US interests in the region.\textsuperscript{24}

Gilpin writes on enhancing maritime security in the Gulf of Guinea. He defines maritime domain as “all areas and things of, on under, relating to, adjacent to, or bordering on a sea, ocean, or other navigable waterway, including all maritime related activities, infrastructure, people, cargo, and vessels and other conveyances.”\textsuperscript{25} He identifies threats to the region’s maritime domain as fish poaching by vessels from Asia, Europe and other parts of Africa that costs the region over $370 million annually; piracy; national and transnational crime mainly due to poor maritime governance; small arms and light weapons proliferation; enduring disputed maritime boundaries; and environmental degradation of the sea. The region is vulnerable to lack of maritime domain awareness; lack of legislative and judicial arrangements to adjudicate sea-related conflicts; and weak infrastructure that have adverse implications for achieving human security and millennium goals.\textsuperscript{26}

Richard Hill in his \textit{Maritime Strategy for Medium Powers} classifies maritime state power into super, medium, and small powers. Small powers are those that are self insufficient and need the support of more powerful states to be able to secure their territorial waters. All countries within the West African sub-region are by these criteria small powers, perhaps with the exception of Nigeria. However, even Nigeria is overwhelmed with the activities of insurgents in the Niger Delta.\textsuperscript{27} Therefore, other West African states are most likely to be annihilated in the light of threats to maritime security, necessitating the primacy of initiatives to prevent this dire state of affairs.
1.8 Sources of Data

The study used data from mostly policy documents, reports from defence establishments of the littoral states of West Africa. Interviews were carried out to clarify some of the issues emanating from the analysis of these reports. The study also utilized secondary sources of data such as books, magazines, journals, articles and newspapers accessed from LECIAD, Balme, African Studies, GAFCSC, KAIPTC libraries, among others. Additional materials were sourced online.

1.9 Arrangement of Chapters

The study is organised into four chapters. Chapter One constitutes the research design. Chapter Two covers the conditions that make the sub-region’s seas susceptible to maritime security threats. Chapter Three highlights piracy and other maritime-related transnational security threats as well as the regimes evolved to ameliorate the foregoing threats. Chapter Four is the concluding chapter with summary of findings, conclusions and recommendations.
End Notes

4 Ibid.
5 Ibid.
6 Ibid.
7 Ibid.
8 Africa Security Review 18.3. To patrol is to control; ensuring situational awareness in Africa’s maritime Exclusive Zone.
9 UNODC, Transnational Trafficking, 19
16 Vincent Pouliot, ‘The Logic of Practicality: A Theory of Practice of Security Communities,
20 Onuoha, op. cit., p. 38.
22 Heitman, op. cit., pp. 2-3.
23 Heitman, op. cit., p. 3.
CHAPTER TWO

THE CULF OF GUINEA AND MARITIME TRANSNATIONAL SECURITY THREATS

2.1 Introduction

Undoubtedly, the protection of maritime domain has become a key component of states’ security. For countries located within the Gulf of Guinea and for that matter, West African states, maritime security can no longer be put at the backburner. Evidently, the West African states located within the Gulf of Guinea area are endowed with countless resource and its geostrategic importance cannot be discounted. Thus far, a significant proportion of resource including oil is located within marine jurisdictions. However, maritime domains across West Africa are exposed to enormous threats including transnational and organized crime, a state of affairs which threatens to undermine the quest for development across the sub-region. The aforesaid dire set of circumstances, can however, be mitigated if the establishment of a regional maritime force is actualized. This Chapter outlines the threats to maritime security, and the need for a regional maritime force.

2.2 Resource Endowment and Maritime Security Threats

Without a doubt, West Africa can best conceptualized as a case of regional security complex because the security of one state is inextricably linked to other states in the sub-region. Broadly speaking, the prognosis of West Africa’s dire security profile is not monolithic, but multidimensional. Actually, the precarious nature of security in Africa is a product of three factors. The first explanation reinforces the natural resource curse thesis, the vagaries of geographical attributes, as well as environmental and demographic variables. The second formidable source of insecurity can be situated within the context of internal and international
governance processes. Finally, regional and external geopolitical considerations have repercussions, both benign and invidious, on the region’s security architecture. From a geographical point of view, the vast landscape of West Africa, approximately 4.7 square kilometres in area, and its 6000 kilometres coastline is more than double, the size of Western Europe.³

West Africa’s geographical landscape is of immense geostrategic relevance. But therein lay the security challenges as the vast land size is also vulnerable to insecurity because it is also an “area of formidable geography, limited government presence, and a long history of smuggling, banditry, human trafficking, and violence.”⁴ As indicated earlier, West Africa hosts numerous resources and it is not surprising that The Gulf of Guinea is known to have large deposits of hydrocarbon, and as a result, has attracted the attention of global powers including the United States of America (USA), which has identified the Gulf of Guinea as key to her energy security. Countries including Nigeria, Cote d’Ivoire, and recently, Ghana are engaged in commercial exploration of oil and are key variables in the energy security matrix of the globe.

In addition to the foregoing, favourable prognosis in the Mano River Region (MRU) basin in Mali reinforces the fact that almost all the ECOWAS countries sit on huge oil and gas deposits.⁵ Besides its hydrocarbons endowment, the Gulf of Guinea is also a fountain of fish stock. The Gulf, and by inference, marine domain is governed by a body of rules and regulations-laws of the sea-which regulate the exploration of resources within the territorial waters within countries. Notwithstanding the existence of this regime, the unrelenting exploration of resources and the potential of states to violate the rules of engagement necessitate the establishment of a
mechanism which would insulate the marine space of West Africa-particularly when it is embedded in resources-from the vagaries of the maritime industry. Typically, there are dissenting voices over the capacity of West African countries to fund a force to police the maritime domain of West African states.

Refreshingly, ECOWAS has been relatively successfully in funding its security adventurism in countries including Sierra Leone and Liberia under the auspices of its military wing, the ECOWAS Monitoring Group (ECOMOG). In an interdependent international system, it would foolhardy to deny that ECOMOG’s activities have been funded only by ECOWAS. In an interdependent world, institutional complementarity has enabled the ECOWAS to benefit from funds from other institutions including the United Nations (UN). Indeed, the often-mentioned ECOWAS Standby Force is envisaged to be endowed with a naval component. And bearing in mind the modest gains made by the ECOWAS in the security sphere, it is plausible to state that the establishment of an ECOWAS Maritime Force (EMF) is realistic. The fact that ECOWAS would provide some funding for initial take-off should be a source of strong sense of optimism. Given a set of circumstances including political will and the needed momentum, littoral West African States can establish an EMF.

2.3 Promoting Immutable Maritime Interest and Security

The ECOWAS maritime domain is studded with activities including shipping, fishing, oil exploration, among others. Providing safeguards, and for that matter the provision of maritime security is absolutely crucial. Conceptually, maritime safety refers to issues that affect lives and property in the maritime environment, including accidents, pollution and the reliability of
equipment. Conversely, maritime security on the other hand covers criminal activities such as piracy, armed robbery at sea, smuggling and cross border crime. Undoubtedly, protecting the maritime interest of the sub-region’s marine sphere requires a vigorous pursuit of marine safety and security. It is only through the aforesaid mechanisms that the West African sub-region can uphold its territorial integrity, promote trade access, maritime food security, mineral resources, search and rescue, and assistance to other agencies.

Rear Admiral J.R. Hill, in his book *Maritime Strategy for Medium Powers*, categorized states into Super Powers, Medium Powers, and Small Powers. Small Powers, according to Rear Admiral J.R. Hill are those with tenuous capabilities who are unable to secure their territorial waters without the tacit and blatant support of external actors, be it state or non-state actors. The economic growth of these countries is typically tepid, amid widespread poverty and misery. These countries are heavily dependent on the Bretton Woods institutions and other development partners for aid. Predictably, policy makers in states conceptualized as ‘Small Powers’ always find it daunting to justify military expenditure considering the state of despondency and abject poverty that a considerable section of their populations are subjected to. Thus, military expenditure, and by inference equipping the Navy is often subjugated by other equally pressing needs.

The collateral effect to downgrading military expenditure in the pecking order of economic relevance is that Small Powers are severely constrained militarily to defend their territorial waters. This vulnerability is vitiated only with the support of international institutions such as the United Nations (UN), and International law—although the jury is still out over the efficacy of
international law. Evidently, West African states fall within the category of Small Powers states. Notwithstanding their weaknesses, however, Small Powers states can still protect their interest in certain spheres of endeavour. For every country, be it weak or powerful, territorial integrity and sovereignty are key aspects of their (national) interest. In addition, other issues of utmost importance in defining a country’s maritime interest include resource exploration, safety and security and maritime trade, environmental sanctity, rigorous enforcements of rules of engagements, among others. Promoting the aforementioned interests are not insulated from of threats, from both national and transnational actors and these form the basis for discussions below.

2.3.1 Territorial Integrity and Sovereignty

The principles of sovereignty and territorial integrity have remained cardinal principles of states’ interaction since the Westphalia Treaty of 1648. Particularly in the maritime sphere, the protection of territorial waters cannot be ignored considering, as mentioned earlier, the abundance of resources inherent therein. However, providing effective security will be ineffectual without policing the maritime boundaries of West African countries. To this end, it is imperative for naval forces across the sub-region to be visibly present across territorial seas, adequately equipped ready to deter or undercut any threats that have the potential to undermine the interests of the sub-region. If this can be achieved, surveillance and patrols along the territorial seas as stated in international law, particularly the Exclusive Economic Zone (EEZ) must be aggressively pursued. Search and seizure onshore, as well as deterring potential aggressors are essential to securing the maritime space of West African states.
2.3.2 Promoting Trade and Access to the Sea

Trade has become an immutable aspect of states’ interaction. The sea obviously provides a mechanism through which states trade. The intertwined nature of trade and access to sea reinforces the fact that promoting trade is inextricably linked to access to sea infrastructure. For the littoral states, it is conceivable to state that a considerable portion of their trade is channelled through the sea. By contrast, landlocked countries are heavily dependent on the ports infrastructure of littoral states for trade, both imports and exports. The geostrategic importance the Suez Canal, particularly in the area of trade re-emphasizes the crucial nature of the sea to trade.

The fundamental nature of sea transport is evident by the fact that over 80 percent of trade is routed through the sea and for West Africa also depends substantially on sea transportation, too. Indeed, for oil producing countries in West Africa, access to the sea is absolutely essential. Not only does the sea offers resources but also a transportation route for large vessels which transport crude oil to sell on the international market. Ultimately, the economic viability of West African states cannot be delinked from access to the sea. Therefore, any activity that portends danger to the free access to sea and trade must be discouraged.

2.3.3 Human Security and Livelihoods

As indicated earlier, the sea has been the main source of livelihood for significant number of individuals. Fishing provides income for people, and also a source of food. For instance, in Ghana, it is estimated that over 95 percent of fish are caught in the EEZ and an estimated 3 percent of the GDP is from the fishery sector. Auspiciously, a considerable number of
Ghanaians, particularly those in coastal communities are heavily dependent in the fishing sector. And For those who inhabit coastal areas, fishing is the mainstay of their local economy. In addition, the export of fish is gradually becoming an integral component of Ghana’s non-traditional export earnings as it has raked in over a quarter million United States (US) dollars. The nexus between human security and fishing is obvious and therefore, the inability of West African states to protect their fishing endowment will spell doom for a significant number of persons, and would have deleterious repercussions for countries across West Africa.

2.3.4 Mineral Resources: Black Gold

Factually, the sea is a fountain of untapped mineral resources, particularly oil. Therefore, the sea remains the epic-centre of oil exploration activities. Oil, in addition to its by-products can serve as catalysts for capturing the commanding heights of the economy. On the other hand, there is copious literature to the effect that oil can spur conflict as evidenced by countries including Nigeria and Cameroon. Currently, Nigeria is grappling with resolving the Niger Delta crisis while locked in conflict over the contentious ownership Bakassi Peninsula-noted for its huge deposits of hydrocarbons. As Ghana begins its oil production, heralded by extreme optimism and hope, there is a real potential that her nascent oil industry, if not safeguarded, could be a recipe for underdevelopment, too. The exploitation of resources provided for by the sea could therefore trigger a vicious cycle of conflict which could have an invidious effect on development.

Indeed, one of the flagship projects of the ECOWAS, West Africa Gas Pipeline Project (WAGP), estimated at 500 million US dollars ($500, 000, 000) may be threatened by
disillusioned elements within societies who may want to sabotage the initiative as a way of venting out their frustrations over lack of development within the West African sub-region in the mist of plenty.

2.4 The Perils to Maritime Security and Safety

There is no denying the fact that the Gulf of Guinea is buffeted by myriad of domestic, regional and transnational threats, making it vulnerable. The insecurity which pervades the Gulf of Guinea has served as a disincentive for potential investments, resulting in a colossal $2 billion financial loss annually, a significant amount which could have helped transformed the haemorrhaging economies of West African states if applied judiciously.13 Across Africa, security is often characterized by a conscious attempt by political leaders to consolidate their political power to the detriment of the very people to claim to rule. The pursuit of security in Africa has been done in a restrictive sense as it connotes securing the territorial lands from prospective aggressors.14 As a matter of fact, security, to a considerable degree has been associated with the perpetuation of a regime and not necessarily the welfare of a country and its inhabitants. African states’ land-centric approach to security has created a situation whereby marine security has gained less attention from political leadership.

Current trends, however, indicate that marine security has begun to occupy the political space, and for that matter, engaged the attention of political leadership as result of the enormous benefits inherent in the marine sphere. But security, particularly marine security is mired in complexities as a result of the spiralling of multidimensional threats. The demise of the Cold War, and the inception of globalization have triggered a wave of transnational crimes and marine
domains are not exempted from such crimes-drug trafficking, piracy, illegal immigration, environmental security, economic and financial security, information security, armed robbery at sea, stowaways, human trafficking, pollution and small arms trafficking, among others. Typically, criminal gangs have operated with such sophistication that even state actors have sometimes been outpaced by these gangs. Potential threats to marine security are pervasive and definitely would occupy the policy space. Certainly, the perpetuation of crimes across maritime domains is a veritable source of money for players in these nefarious activities. Not only are these revenues used to facilitate criminal acts at sea, but are also invested ostensibly to undermine the justice system and the whole fabric of society.

In effect, individuals who benefit from transnational crimes are able to bribe their through the corridors of power and as a result, may be beyond the reach of the law if they breach it. If allowed to fester, transnational crimes across the maritime sphere could conspire to undermine considerably, the socio-political milieu of developing countries. Trafficking crime in the maritime domain generates vast amounts of money for international organized crime syndicates and terrorists organizations. Laundered through the international financial system, this money provides a huge source of virtually untraceable funds. These monetary assets can then be used to bribe government officials, bypass established financial controls, and could be used to fund additional illegal activities in the EEZ. In Developing countries such as those found along the coast of West Africa, these transnational threats could seriously undermine or collapse the political, social, economic and judicial system.
2.4.1 The Pecuniary Implications of Smuggling on the High Sea

The paucity of policing of coastal waters across West African means smuggling by sea across the sub-region is very high. It is obvious that traders, in their quest to deny states the revenues needed for development, would obviously opt to pursue activities that inure to their benefits, i.e. avoiding the tax through smuggling. Ultimately, lots of revenue is lost as a result the inability to conduct rigorous patrols across the territorial seas of states across West Africa. This deficiency could however be obviated if West African states evolve an integrated or regional approach in tackling marine security. Through a regional approach, states across West Africa can complement each other apparently to address the loss of revenue as a result of smuggling.

2.4.2 Illicit Trade in Drugs and Arms

Regrettably, West Africa has become infamous for its permissible climate for illicit trade in drugs and arms. Arms, particularly small arms and light weapons have devastated the sub-region as exemplified by countries including Liberia and Sierra Leone. In fact, “the availability of small arms in West Africa is a very serious problem as “while small arms and lights weapons (SALWs) do not, of course, cause conflicts, they soon become part of the conflict equation by fuelling and exacerbating underlying tensions, generating more insecurity, deepening the sense of crisis, and adding to the number of casualties.”¹⁵ But the availability of arms poses threats to not only security (land) but also marine. Somali pirates have shown that easy access to small arms and light weapons can successfully aid marine-related crimes. With the widespread nature of small arms and lights weapons in the sub-region, therefore, the signs are foreboding. Easy access to the foregoing no doubt will be an incentive for gangs who are motivated to partake in
nefarious activities onshore. Besides the prevalent of small arms and light weapons, West African countries have gained notoriety as both transit and destination point for illicit drugs.

The drug network, usually collusion among drug barons across South America, North America, Europe and other Developed countries, have often exploited the laxity in security arrangements at points of entry and exits in West Africa. Particularly, considerable quantities of illicit drugs are transported by sea and therefore, littoral states across including Ghana and Senegal are targets, using vessels and canoes which inexplicably escape the attention of security operatives. Although evidently, West African states have been overwhelmed by drugs trade, there appears to be no concerted efforts at remedying the effects of this practice, and ultimately combat drug trafficking. There is no gainsaying that a regional approach to tackling the drug menace is the most viable option. A regional approach to combating the drug menace can also replicated in their area of the proliferation of small arms and lights weapons. This double-edged solution would rid West Africa off these dysfunctions, and make the region a beacon of maritime security.

2.4.3 Depleting the Resource Base of the Exclusive Economic Zone (EEZ)
As indicated already, the West African sub-region is immensely endowed with fisheries and other resources. These foregoing resources could potentially become a major source of government revenue. That notwithstanding, West African have been unable to reap these benefit as they are unable to exercise control over their maritime domain, particularly their EEZ. Evidently, poaching has cost implications for the sub-region as it is estimated that the sub-region incurs a loss of about $370 million annually as a result of poaching by vessels from Asia, Europe
which are obviously more sophisticated than most vessels within the sub-region. These challenges are exacerbated as Naval forces operating within the sub-region are ill-equipped to deflect any potential threats from aggressors. There is also a nexus between poaching and human security. For instance, the inability of vessels to harvest fish in large quantities has the rippling effect of reducing the quantum of seafood on the local market. Meanwhile, fish is a significant source of livelihoods for households and individuals and is a veritable source of proteins, according to data gleaned from international institutions, particularly the United Nations (UN).

However, poachers from outside the sub-region continue to use their overwhelming naval power to stymied efforts by vessels within the sub-region, particularly those within the fishing communities to generate income as they are unable to have bumper harvest, and by inference, unable to generate enough income for livelihood. Poaching could be nipped in the bud if West African states collectively evolve a mechanism which would promote a hands-on approach to confronting the poaching menace. However, considering the lack of patrol vessels in the sub-region to police the marine domain of the sub-region, the task may be daunting. A regional approach offers the most effective means to resolving the foregoing challenges. And this reinforces the need for a regional maritime force.

2.4.4 Post-September 11th International Maritime Security

The terrorist attacks on the World Trade Centre, United States of America (USA) upended the contours of international security. Subsequently, terrorist groups particularly the al’ Qaeda have upped the ante and have successfully carried out attacks on the USA and other countries across the globe. West African states, through its Mechanism on Conflict Prevention and Management “did anticipate and take measures directed at addressing the threat of terrorism
even before the official declaration of the Global War on Terror (GWOT).\textsuperscript{17} However, not much has been achieved in the area of marine security. Meanwhile, the marine sphere is certainly not exempted from these attacks as it has become easy target for myriad of groups which seek to trigger attacks for their own parochial interests. As mentioned already, the marine sphere is key to international trade and transport. However, the vast size of the sea makes it impossible to provide security for every vessel and this has made the marine sector easy target for terrorist groups. For West African states, they are most susceptible to marine terrorism as, besides it relatively weak marine security apparatus, provides incentives for terrorist groups because of the abundance of resources within the marine space of the sub-region.

As the country which is arguably most affected by terrorism, the USA has been playing a leading role, under the auspices of the International Maritime Organization (IMO)-the global organization endowed with the responsibility to safeguard the marine industry- in evolving a global strategy to address marine terrorism. Thus far, the global strategy is four-prong; the elements are the necessity of tracking vessels, verification and authentication of the identity of seafarers, the reliability of cargo, security of vessels and ports.\textsuperscript{18} These essential elements are expected to be implemented vigorously in order to ensure the security of the marine industry. On a positive note, it is important to acknowledge that the Maritime Safety Working Group of IMO, in 2002 integrated the aforementioned four benchmarks to institutionalize maritime security in its draft proposal envisaged to be canonized as the framework for insulating the marine industry from the vagaries of marine terrorism. It is expected that West African states, under the guise of ECOWAS would endeavour to incorporate these four elements of maritime security into regional mechanisms aimed at protecting the maritime domain of the sub-region. Collaborative training
programmes for navies must be encouraged, in addition to sharing information, and gathering intelligence with regard to marine terrorism. It is only through such complementary arrangements that West African states can fortify maritime security.

2.4.5 Environmental Degradation and Marine Pollution

Environmental conservation is absolutely essential for the survival of human kind. Certainly, the environment is endowed with resources and therefore, it is not unexpected that a series of actions would be undertaken to explore the resources. An aspect of the environment, the marine sphere presents opportunities for resource exploration. However, the utilization of the marine industry also has the unintended consequences of facilitating environmental hazards. The history of West Africa is replete with numerous cases of environmental peril through the actions of human kind. Nigeria has been devastated by environmental pollution associated with the exploration of resource in marine domains. Examples include the Niger Delta region, which although produces a considerable portion of Nigeria’s oil, has had to endure years of environmental degradation and generally, poor state of development.

In addition to the devastation caused to the environment, the marine sphere also has a direct connection with global warming and rising sea levels as a result of the use of marine pollution. Some of the rippling effects of marine pollution include rising sea levels, fast-paced development of hurricanes, flooding, among others. With reference to the Gulf of Guinea, hurricanes, rising sea levels and flooding may not be common but there is no doubt that some environmental dysfunctions are ubiquitous. The Food and Agricultural Organization (FAO) and the 2005 Abuja Declaration corroborates reports that fish stocks have experiences a downward spiral of fish and
this has drastically altered the ecological equilibrium, and triggered environmental peril. A number of measures have been undertaken to resolve the following dire state of affairs in the Gulf of Guinea.

Perhaps, realizing that African countries have a penchant for ratification but no verve for implementation, the IMO in collaboration with the International Petroleum Industry Environmental Conservation Association (IPIECA) have embarked on a campaign to encourage African governments not only to ratify, but also implement all the relevant conventions. One of such international agreement is the Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central Region (WACAF), also known as the Abidjan Convention. In order areas too, where marine domains are likely to imperiled, attempts are being made to safeguard the marine sector. However, most of these efforts remain stagnated as they are always riddled with poor implementation.

For instance, although countries located within the Gulf of Guinea are worse affected by oil pollution, about 75 percent of the countries are yet to ratify the 1990 Convention on Oil Pollution Preparedness Response and Cooperation, let alone begin any implementation processes. And this not surprising because West African typically are tepid with reference to implementation as reportedly, ECOWAS member states have implemented an average of only forty-five percent (45%) of the decisions and protocols of ECOWAS while several programmes are yet to be implemented. If West African states, particularly those within the Gulf of Guinea are serious about protecting their marine enclave, and for that their environment, then they have to
consciously implement the relevant conventions and demonstrate their unalloyed commitment to marine security.

2.4.6 Repelling External Threats and Maritime Interests

Every polity faces threats and therefore, it is a matter of course that West African states encounter external threats. The need to deflect these external threats cannot be underestimated. Consequently, it is imperative that a Standby force be evolved to shield the sub-region from these threats. The United Nations Charter obviously provides a framework to deter external attacks on its members of which states of the Gulf region have assented to by ratifying the UN Charter. However, due to the multiplicity of the role of the UN, it may fatigued in its quest to deter external attacks on its members, thus the need to establish regional Standby Forces to complement the UN in that regard. For West African states, the establishment of such a force can be legally situated within Article 2 of the 1981 ECOWAS Protocol Relating to Mutual Assistance on Defence.

ECOMOG has played a useful role as, to certain degree, acted as a Standby Force. However, it is not a fully-fledged Standby Force as a result of both institutional and logistical deficiencies. In the event that a Standby Force is established, the need for, as a mentioned already, a naval component is undisputed. It only through an establishment of a naval component of that the maritime interests of West African states can be promoted. ECOMOG offers a useful lessons in the security sphere and if West African states appreciate the enormity of the task of safeguarding marine securities, then they have no option than to resolve to establish a regional maritime force.
2.4.7 Rent Seeking and Proliferation of Arms in the Maritime Industry: Oil Production

The increasing spate of crimes within and outside the borders of West African states has already exacerbated the already dire security climate in the Sub-region’s maritime domain. The deplorable state of maritime governance has led to rent seeking in the marine industry, particularly in the oil sector. However, petro-states within the Gulf of Guinea are derisively referred to as “the paradox of plenty.”

Corruption percolates every nook and cranny of governance. Gabon, Nigeria, Cameroon are but a few examples of countries which are often cited as examples of the paradox of plenty. For instance, in Nigeria, regardless of several years of oil production, and an estimated US$340bn from oil revenues between 1965 to 2000, a considerable number of her population, (over 70%) still earn less than one dollar a day, while political elites continue to stash huge sums of money if foreign accounts.

Similarly, Gabon and Equatorial Guinea have had to grapple with corrupt practices within the petroleum sector as billions of dollars remain unaccounted. This worrying trend may also provide incentives for disgruntled elements within societies to take up arms in their quest to address their grievances. This could snowball into the proliferation of small arms and light weapons, with the overall effect being the perpetuation of civil wars and its grave implications. Marine security, if given serious consideration, could serve as a mechanism to protect a country’s revenue through accountability, and to a considerably degree, help to arrest the proliferation of small arms and light weapons. Addressing the proliferation of arms would certainly have a benign effect on the security profile of West African states, and consequently, create conditions for a safe maritime environment.
2.4.8 The Gulf of Guinea: A Ticking Bomb or Resource-Endowment?

Thus far, it is apparent that the Gulf of Guinea is endowed with enormous resources. However, the Gulf of Guinea is also a den of piracy. The Gulf of Guinea, as a result of its precarious nature, is cited by the International Maritime Bureau as one of the most perilous maritime domains. Unfortunately, West Africa, specifically the Gulf of Guinea has been a beehive of piracy attacks and it is reported that the spate of attacks within the Gulf since the 1990s has been on the rise. Rather ominously, criminal gangs operating within the Gulf not only attack vessels but also hijack the vessels, willing to release their captives only when a ransom is paid. If the Gulf of Guinea would remain attractive to investors, then the prevailing insecurity must be addressed through a regional, hands-on approach which seeks to deter potential pirates.

2.5 The Dire State of Naval Force in West Africa and Security in a Broader Context

Successfully navigating the maritime domain across West Africa is bedeviled with numerous challenges. These constraints are exacerbated as a result of the absence of credible capacity to deal with threats that have the potential to undermine maritime security in West Africa. Records show that Nigeria, although endowed with the largest naval force within the sub-region has at her disposal, a little over 5,000 naval personnel, at most fifteen warships, while maritime reconnaissance is severely deficient because of the availability of only 4 helicopters, a ludicrous state of affairs that mirrors the naval capability within the sub-region. Regrettably, Naval Operating Bases in Nigeria lack fundamental facilities including jetties, surveillance radars, and shore batteries as a result of several years of neglect. Presumably, the lack of basis facilities for the Naval force of Nigeria has limited the force’s to effectively patrol the territorial waters of
Nigeria as a considerable aspect of its operations are focused providing security for onshore oil exploration and shipment.  

The capacity of Ghana Navy—second largest in West Africa with only 1,000 personnel pales against the backdrop of the herculean nature of safeguarding maritime security. With such a minuscule Naval force, against the background of contending threats posed by the burgeoning oil industry, the need to retool the Ghana Navy, and all Naval Forces across West Africa is salient. Overall, the surveillance capabilities of West African There is little or no surveillance and interception capability beyond 100 nautical miles of the vast ECOWAS coastline, rendering it vulnerable to various forms of criminal activity, including piracy, poaching, and dumping of toxic waste. The sea routes also provide easy channels for arms and human trafficking. By far though, drug trafficking constitutes the most serious immediate security threat to the region. There are concerns that the Gulf of Guinea is becoming a hub of narcotic trade.

As a result of the fact the region is a safe haven as transit-point for narcotic trade, it is estimated that in 2007 security forces seized more than six metric tons of cocaine in the territorial waters, seaports, and airports in seven countries, namely Guinea-Bissau, Cape Verde, The Gambia, Ghana, Nigeria, Mauritania, and Senegal. Regrettably, the largest single seizure occurred in Senegal, where the authorities uncovered a Latin American operation with 1.2 metric tons of cocaine destined for Europe. If seaports and territorial waters are not safeguarded, narcotics trade would, in addition to projecting the sub-region in a negative perspective, would also contribute significantly to making illicit drugs easily accessible.
2.5.1 Interrogating Security from a Broader Perspective

Typically, there is a tendency for West African states to espouse the traditional land-centric approach to security in the sub-region, and have consistently ignored the provision of security in other domains including the marine sphere. However, contemporary conceptualization of security transcends the protection of territorial land. However, West African states appear to be pre-occupied with fortifying the territorial lands, and therefore, oblivious of activities within their territorial waters. Basic equipments (such as functioning surveillance systems), material (including patrol craft) and trained personnel are in short supply. The International Institute for Strategic Studies (IISS) outlines a worrying prognosis of the state of the marine sector in the sub-region. Detailing what is already a public knowledge, the IISS notes that patrol boats are deficient in the sub-region, with most listed assets categorized as “unseaworthy.”\textsuperscript{30} With a porous security climate in the maritime sphere, West African states would certainly find it daunting to promote their maritime interest.

2.5.2 Institutionalizing Legislative and Judicial Framework

West African States are derisively known to always be in a haste to sign and subsequently ratify international conventions.\textsuperscript{31} However, the enthusiasm needed for implementation is almost non-existent as these convention gather dust on the shelves of government ministries, departments, and agencies. The abysmal state of implementation of ECOWAS convention across the sub-region provides enough evidence to buttress this point. The marine sector is no exception. In some countries, the lack of codified rules of engagement have created opportunities for violators of marine to escape with punitive measures, or are left off the hook with minimal fines. Even in countries where rules and regulation exist, determinate, and predictable, its enforcement, as
indicated earlier is always a bane. This challenge is exacerbated in instances whereby people with influence and power are able to infiltrate the judiciary and consequently, undercut the independence of the judiciary. The foregoing breeds corruption, and undermine the ability of the justice system to effectively discharge its duties predicated on the rule of law. Without doubt, if West African states are keen to evolve a formidable maritime security mechanism, the implementation of the required conventions and institutional safeguards are absolutely essential. These require the existence of strong institutions, conscious and concerted political commitment from political leadership and technocrats, the investment of both financial and human resources.

2.5.3 Tenuous Maritime Infrastructure

Notwithstanding the benign opportunities inherent in the maritime industry across West Africa, the sub-region has failed to adequately address its infrastructural deficiencies and as a result, growth in the maritime sector has stagnated. Indeed, the poor state of infrastructural facilities in the marine sphere mirrors the present state of development in West Africa. Actually, there is a lack of concerted effort to retool the individual naval services across the sub-region. As a result, a considerable number of port and surveillance infrastructure are in need of repair, upgrading or replacement. As demonstrably indicated in an IMO progress reports, countries in the sub-region have been unable to fully comply with standards for port safety and security outlined in the International Ship and Port Facility Security (ISPS) Code, regardless of the fact that most countries in West Africa are signatories.

On a disappointing note, while the marine industry is inundated with state-of –the-art vessels fitted with cutting-edge technology, a whopping 85 percent of vessels registered in the Gulf of
Guinea states are more than 20 years old, a state of affairs that makes these vessels prone to wreck. To put things into perspective, the global average for vessels more than 20 years old are only 15 percent- a low figure which indicates that vessels which are 20 years and above are anachronistic, and presumably not worthy to ply the territorial waters of countries. It is a matter of conjecture if indeed, these over-20 year old vessels are insured. With such dilapidated infrastructure in the maritime industry, the signs are ominous and this again, reinforces the need for a regional maritime force which, in addition of addressing maritime security challenges, would enable the sub-region to pool their resources, and conceivably retool their maritime infrastructure.

Thus far, the geostrategic significance of West African state has been reiterated. In addition, contending issues within the maritime industry have been highlighted particularly threats which can potentially stymied the development of the maritime industry. But it is not a hopeless situation as regionalism provides a formidable solution to maritime insecurity. It is against this background that the need for a regional maritime force is enunciated in this Chapter. It is envisaged that the regional force would provide a framework for resolving the numerous challenges bedeviling the maritime industry, and hopefully enable the sub-region to reap optimal benefits from the maritime sector.
End Notes

3 Ibid.
5 Fatau-Abdul, M., op. cit.
8 See http://www.imo.org/includes/blastData.asp/doc_id, 17/01/2012.
14 Ibid.
22 Proceedings of a Workshop organized by the Legon Centre for International Affairs (LECIA), United Nations Development Programme (UNDP) and National Institutional Renewal Programme (NIRP) on “Regionalism and Integration in West Africa: The Way Forward.” 20-21 December, 1999, p. 44.


28 Pham, J. P., Securing the Strategic New Gulf”, in World Defence Review, June 7, 2007, p. 12. It was 23


31 See the International Maritime Organization’s International Ship and Port Facility Security (ISPS) Code.
CHAPTER THREE

CONTEMPORARY PIRACY IN THE GULF OF GUINEA AND ITS MANAGEMENT

3.1 Introduction

This Chapter explores the nature of modern piracy off the West Coast of Africa, the Gulf of Guinea. It identifies recent changes in its quality and quantity; and makes a critical assessment of piracy’s real impact, both present and future, on the sub-region’s political economy. It highlights the UN Convention on the Law of the Sea (UNCLOS) as the international legal framework for addressing the menace of piracy and armed robbery at sea, and its limitations as a universal framework when it comes to prosecuting pirates. It therefore class for national, regional and international harmonisation of legal framework to remove the contemporary legal penumbra that constrains prosecuting piracy and armed robbery at sea. It assesses and appraises the efficacy of the national, regional and international structures and efforts put in place as a response to the deteriorating maritime security. Finally, it discusses what future role there is for ECOWAS in counter-piracy, and what measures are necessary to stem the situation getting worse.

3.2 Contemporary Piracy in the Gulf of Guinea

According to Onuoha, a primary worry for research on contemporary piracy and armed robbery at sea is that the conceptualisation of the phenomenon defies a succinct and universally accepted definition.¹ As stated earlier, UNCLOS’s definition of piracy limits it to unlawful acts of coercion or incarceration carried out on the high seas, or outside the jurisdiction of a littoral state for illicit profit by the crew or passengers of a clandestine ship, directed against a different ship. The UNCLOS definition conceptualises similar crimes committed within the littoral waters of a state as armed robbery against ships. Consequently,
acts of ‘piracy’ within the territorial waters of a country is not viewed and defined as piracy.\(^2\) The International Maritime Bureau (IMB) defines piracy as “an act of boarding or attempting to board any ship with the intent to commit theft or any other crime and with the attempt to or capability to use force in the furtherance of that act.”\(^3\) The IMB definition is broader, all-encompassing, and paints a more comprehensive scenario of piracy and its other related crimes as obtains in the Gulf of Guinea.

Piracy at sea is centuries old trend that has threatened mariners and ships at sea. Since independence, there has always been tinges of ‘piracy’ in West African ports and littoral waters, especially when ships are anchored awaiting their turn to discharge their cargo. These misdemeanours often facilitated and characterised by collusion between some port workers, security details and petty criminals, however, bordered largely on petty thievery and shades off into insignificance when compared with contemporary incidences of piracy and sea armed robbery. A major notorious antecedent to contemporary upsurge and concern for piracy occurred in 1979, when the Danish cargo ship MV *Lindinga Ivory* was violently assaulted three nautical miles outside the Lagos Sea-Port and all its cargo was looted, the master killed and the rest of the crew members were injured in the process.\(^4\)

The years 2008 and 2009 marked an unprecedented upsurge in piracy worldwide, particularly in the Gulfs of Aden and Guinea. In 2008 a reported 20 percent of the 49 attacks worldwide took place in Nigerian waters alone and in the first three quarters of 2009, the seas of Nigeria was judged the second most dangerous, in terms of attacks, globally. In all, 32 attacks on ships were recorded in West Africa during the period. The IMB’s report for the period of January to September 2009 on piracy and armed robbery against ships singles the Nigeria out as an area that remains of high concern.\(^5\) However, the International Association of
Independent Tankers Owners (INTERTANKO) contested the said figures that “the number of officially reported incidents may be doubled to give a more realistic picture of what is happening in the area.”

On November 24, 2009 pirates attacked a German-owned oil tanker *MT Cancale Star* carrying 500,000 barrels of diesel 18 nautical miles off the coast of Benin. The pirates killed the Ukrainian first officer, wounded four other members of the crew, and made away with the contents of the ship’s safe. Only one of the pirates was captured. Hitherto, piracy and armed robbery were largely concentrated in the littoral waters of Nigeria and revolved around the politics of natural resource exploitation. The Benin attack thus marked the extension of piracy activities beyond the waters of Nigeria, a demonstration of a new reach of Nigerian pirates. The merchant shipping industry became “very seriously concerned by the ongoing violent attacks in the Gulf of Guinea against innocent merchant ships by armed pirates operating out of a network of more than 3,000 creeks in Nigeria alone, and also by the apparent inability of the national and regional governments to protect shipping from these attacks.”

The Gulf of Guinea especially water’s between Nigeria and Ghana are becoming notorious seaways of growing maritime insecurity. On 24th September, 2011 pirates attacked and attempted to divert a tanker Mt New Ranger off the coast of Nigeria to Cotonou (Benin). On the 26th September, 2011 another pirate attack was reported off the coast of Togo on Merchant Vessel MT Matteos I. The vessel was later released and arrived at Tema Port on 27th September, 2011. Between September and October 2011, the rate of pirate attacks reported in the waters between Nigeria and Ghana was very alarming. The potential economic and social consequences of the piracy threats to the Gulf of Guinea could reverse the socio-political and economic gains the sub-region has chalked if the threats persist or are
allowed to worsen. They could ultimately undermine the political stability and economic development of the region that is being touted of replacing the Middle East as the main source of energy in the near future.

Piracy in the Gulf of Guinea largely entails the looting of the cargo, logistics, stores, and other valuable of ships. In recent times, ships loaded with crude oil are hijacked, diverted and its content of crude oil is siphoned and off-loaded unto other vessels. This represents a modus operandi that differs markedly from the ‘Somali’ form of piracy, where ransom is often demanded for the return of a hijacked ship and its cargo. Available data on budding sea-based threats in the Gulf of Guinea region points to an increase in militancy and organised crime activities, particularly, along the Nigeria-Cameroon-Equatorial Guinea maritime corridor. These criminal goings-on in this area include piracy and sea armed-robbery, kidnapping and hostage taking, human trafficking and oil ‘bunkering’ that threaten the sea lines of communication, trade and access to energy supplies from the region.8

The West African shoreline should be seen generally against the background of the Gulf of Guinea as a region with a large, poor and restive population emerging from a wave of violent conflicts despite abundant energy resources. Nigeria, Angola, Congo Brazzaville, Cameroon, Gabon, Equatorial Guinea and Chad, and Ghana are oil and gas producing countries and Liberia will soon be joining. These West African countries are within the perimeter of an important shipping lane that is geo-strategically important because of the petro-carbon resources of the Gulf of Guinea.9 Most important, the spectre, relevance and motivation for piracy, as well as its linkage to oil exploration and its exigencies could be largely traced to the Niger Delta. Oil exploration, the role of the Nigerian government and multi-national corporations and the attendant grievances of marginalization and alienation on the part of
some inhabitants of the Niger Delta constitute the watershed and raison d’être of militant groups such as the Movement of the Emancipation of the Niger Delta (MEND), even if rhetorically. The danger is that the grievances of dysfunctional governance, poverty, unemployment, ethnocentrism, and visible inequalities are common to most West African societies.

The fear, as reported in the Ghanaian media, is other West African citizens might on their own or in collaboration with militants from the Niger Delta resort to piracy and sea armed-robbery as a result of the relative depravation they suffer. Worse still, piracy and its related criminal activities are very lucrative businesses and would be very difficult to stop once it takes root. Besides unemployed youth being enticed into pirate other criminal gangs by monetary gains, luxury goods and weapons, the elite and security agencies are often corrupt, lack public spiritedness and are driven by greed to lead a life of opulence through organised crime. Crime and opportunity are motivational factors; the lines between political grievances and criminality in the Gulf of Guinea are blurred.

The economic costs of piracy mainly include the sinking of ships, killing of crew men, ransoms paid for crews and vessels, delay penalties and clients’ loss of confidence in shipping companies, and the rising costs for tighter security measures for shipping. There are also indirect costs of piracy such higher insurance premiums, re-routing of shipping lanes, escalation of violence due to the presence of international forces and private security forces, and potential environmental disaster should oil-liners be sunk could lead to an environmental disaster of apocalyptic proportions. Within the West African context, the scourge of piracy affects other sectors of the economy. For example, the industry of fishing has been largely affected in the Nigeria as a result of piracy and armed robbery at sea. Criminal gangs or
pirates often attack and rob fishermen of their catch, engines, and other logistics, as well as their lives.

The Nigerian fishing economy is the second largest source of Nigerian export, however, since 2008, largely as a result of harassment; many fishermen have refused to put to sea. Consequently, there are over 50,000 seafarers unemployed in Nigeria. The attacks on fishermen and the attendant fall in fish catches have resulted in higher cost for sea food and reduction in fish protein intake by ordinary Nigerians. Piracy and armed robbery at sea costs governments in the Gulf of Guinea loss in revenue that in turn undermines the provision of social infrastructure of the people. It is also plausible to argue that criminal activities by criminally organised gangs scare away foreign direct investors that, in turn, protract unemployment and underdevelopment.

Piracy occurs primarily because West African states are weak and do not have the wherewithal to secure their territories and the international waters. Besides, as stated earlier, it is not always that the political will is there to fight such crimes, given the history of collusion between some regulatory state agencies and criminals. Worse still, the organised crime groups are well organised, resourced and mobile, often better than the constabulary state agencies. In this regard, globalisation and maritime security have a close interface, since bulk of international goods and services- more than 80 percent- travel by sea.

The phenomenon of maritime piracy along Africa’s coastal areas is of great strategic and political-economic interest-specifically since globalisation and maritime trade show a close interface. It also highlights the contemporary significant roles non-state actors play in national, regional and global political economy. Piracy combines all the qualities of today’s
transnational security threat: pirates are non-state actors, engaged in asymmetry attacks, could potentially cooperate with terrorists, profit from globalisation and legal grey spheres. It is tied to weak states, a potential threat to energy security and is linked to other key transnational challenges such as climate-change, ecological degradation and organised crime.

3.3 The Need for an International Legal Framework

The effective management of the menace piracy and its related threats pose clearly outstrips any one country. Piracy is an international phenomenon that requires a universal and multi-faceted collaboration to stem its scourge. Such inter-agency and universal enterprise on maritime security essentially re-requires laws and frameworks that govern what nations can and cannot do at sea concerning piracy. The UN Convention on the Law of the Sea UNCLOS exists to reduce the threat of conflict at sea, define the rights and responsibilities of states with regard to the sea, and establish maritime boundaries. UNCLOS also provides international law on piracy. Articles 100-111 of UNCLOS address the issue of armed robbery and piracy against ships. Generally, stakeholders in maritime trade and security concur that UNCLOS is a satisfactory global structure to govern responses to emerging maritime security challenges. In practice, however, the UNCLSO framework faces some functional challenges. For the UNCLOS framework to be effective all countries have implement the rules and principles outlined in the framework.

It is incumbent on participating governments to implement the guidelines and regulations articulated by the IMO in support of UNCLOS. Often, states are reluctant to implement the regulations and standards. Implementation is stalled by the acuity on the part of signatory states that carrying out the provisions in the agreement may run counter to national interests.
or impose unwanted costs. Sub-consequently, there is inadequate international cooperation on the institution of the framework.

The use and management of the sea, especially the high seas, are complex issues, and maritime stakeholders are aware that maritime law is important in achieving effective maritime security. From a legal perspective, piracy like any other criminal activity needs be prosecuted with caution and within the remit of the law. First and foremost, it is necessary to explore in order to understand the boundaries of existing international law in relation to maritime security. While some agree that the laws already existing so far has been how to resolve conflicts and gaps that exist between the various levels and types of international, domestic, human rights, and regional law; others argue the UNCLOS framework is inadequate in adjudicating crimes of piracy. Nevertheless, it remains the guiding framework for maritime security, but it is not perfect and there are still gaps and holes in the law that must be addressed.

There are legal barriers to prosecuting individuals captured in international waters. Some countries are struggling to apply existing maritime law, international law, and their own laws, which limit them to having jurisdiction over their own citizens. According to piracy experts, the goal is to ‘deter and disrupt’ private activity and pirates are often detained, interrogated, disarmed and released. In reality, prosecution of pirates are rare for several reasons. Modern laws against piracy are almost non-existent. The Dutch are using a 17th century law against sea armed robbery to prosecute pirates. Warships, which capture pirates on high seas, usually do not have the necessary jurisdiction to prosecute them. NATO does not have a confinement policy in place and prosecutors often have a hard time assembling witnesses and finding translators, and countries are reluctant to imprison pirates because they would be saddled
with them upon their release. By contrast the US has a decree that authorises it to sentence captured pirates to a life imprisonment for piracy not considering their nationality nor those of their victims.

ECOWAS has a number of protocols that resonate with the global post-Cold War emerging normative consensus with regards to managing contemporary threats to security and stability. The 1999 Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security; the principles of the 2000 OAU Solemn Declaration on Security, Stability, Development and Cooperation, among others, are credible legal platforms upon which ECOWAS and the other stake holders can build a comprehensive, robust, and human rights sensitive legal framework for the management of piracy, armed robbery at sea, and other related threats to maritime security. Although states in the region have signed most of the relevant conventions, most of the states are yet to ratify, institutionalise and operationlise these conventions nationally. It is only when the appropriate laws exist, as is the case in the developed world, that maritime crimes can be adjudicated efficiently and minimise discretionary powers and corruption among the law enforcement agencies.11

3.4 Maritime Situational Awareness (MSA)

An enduring panacea to contemporary international security challenges or transnational threats to maritime security entails cooperation and collaboration among all stakeholders. It requires an inclusive, increasing networked and multifaceted, as well as comprehensive governance approach to the menace of piracy. From maritime shipping and military perspectives it demands detailed and comprehensive maritime situational awareness as the key that ensures and prepares all stakeholders at all times and in all places equal to the threats
and tasks ahead. In simple terms, maritime situational awareness involves information sharing and collaboration among various stakeholders in maritime transport, trade, surveillance and security. Shipping lines, insurers, merchants, governments, coast guards, navies, air force and other seafarers should build up credible data on their multifarious activities, their experiences at sea, intelligence on security threats, routes of ships, the types of cargoes they are carrying, and their movement in terms of time and place.

It is the development of the culture, provision, availability, and sharing of credible maritime situational awareness that would ensure long-term maritime security efficiency. Consequently developing and boosting the capacity and competences that provide credible situational awareness should be given top propriety. Timely intelligence sharing and close coordination of activities are critical to effective maritime security and should be instituted at national regional and international levels. Shipping has a long tradition as an esoteric profession that hardly shares information with ‘outsiders’ with the view to protecting their own interests and resources. However, the exigencies of the times are such that, today, many (government agencies, private sector entities, and international organisations) sources of information are inevitable in creating a shared operational picture. This calls for an enhancement of inter-agency approach at the national level through several creative measures to maritime security.

At the regional and sub-regional stages states, private sector and international organisations need to work together and show greater transparency in information and intelligence sharing, and coordination and collaboration on maritime security.

Piracy outstrips any one state or regions capabilities. Besides, local information is priceless in the fight against piracy. Preferably, information and intelligence sharing among all states should necessarily be automatic. However, achieving cooperation, collaboration and
coordination among all countries, in reality, is very daunting. While, the challenges of interoperability of equipments pose challenge to collaboration among states, the lack of political will serves as the main obstacle. A sample of a successful internationally synchronized information and intelligence sharing maritime regime is the US Department of Transportation’s Volpe Centre’s Maritime Safety and Security Information System (MSSIS) that obtains information from ships via the Automatic Identification System (AIS).

The MSSIS serves as a credible source of information sharing among the international shipping and security fraternities, and also sensitizes maritime trade and shipping stakeholders on common sea challenges. The main players in the fight against piracy are the energy sector, insurance and commercial shipping conglomerates. Close cooperation, greater symbiotic understanding, and working towards mutual goals among governments, international regulatory organisations, private sector and naval constabularies hold the key as a long-term solution to piracy in the Gulf of Guinea.

3.5 Weak Gulf of Guinea States and the Role of Navies in Fighting Piracy

As stated earlier, West African states are weak states with mainly internal sources of threats to their security. Until recently security was conceptualised in terms of land-based threats. Maritime security threats are emerging threats. Hitherto little had been done by African governments to protect the maritime interests and resources through adequate investment in systems and resources for effective maritime security. To efficiently manage the emerging maritime threats, there is the need for re-conceptualising security that sees the totality of threats through understanding of situational awareness of the maritime environment. The maxim goes that ‘to patrol is to control.’ Attendant upon the sub-region’s new geo-strategic status is an unprecedented increase in the volume of sea-traffic and the emergence of
organised criminal gangs. Most West African states’ naval forces, however, are ill-equipped and ill-prepared to mount a serious counter-piracy challenge.

The scale of the challenges has become so enormous, and the capabilities of the national navies are so small that criminal gangs have the upper hand. Nigerian Navy spokesman admits: “This is a very serious concern for us. When we got out to sea off Lagos, there are well over 200 ships out there; a good number of them are carrying out activities that are not strictly legitimate. It is difficult to monitor all of those ships. The sea is very large but we are hopeful, and what we need to do is to build capacity so that when we know that something is happening we can make arrests.”

There non-availability of ships to patrol the Gulf of Guinea is compounded by NATO and other world powers committing their naval forces to fighting piracy in the Gulf of Aden and the Indian Ocean.

In the face of such overwhelming social, economic and political problems, the Nigerian Navy, the country’s key provider of maritime security, along with the Niger Delta Joint Task Force and marine police, continue to struggle to maintain law and order in the territorial waters. Nigerian navy in recent years added to its command structures in Abuja, Lagos Calabar, Warri and Port Harcourt five to seven forward operating in order to cope with piracy and the militant threats. The navy has done its utmost and lived up to expectation despite some constraints of limited resources such as platforms, and lack of planned and preventive maintenance, spare parts, and adequate training, fuel, and weapon systems. Its fleet consists of fifteen vessels, six helicopters, and a number of small inshore patrol crafts far too few for the frightening errands of stabilising the Niger Delta let alone perform constabulary functions in its littoral waters and high seas.
Since 2008 the Nigerian Navy has been re-equipping and restructured its naval forces to include creation of a special squad to control threats in the nation’s territorial waters. The Special Forces were trained counter-terrorism, special infantry and an accompanying special boat session strategies within and outside the country to put them in a position to respond effectively to challenges in the society. Those who have graduated from the anti-terrorism course had been deployed and were making a tremendous impact in patrol activities. Ninety-five men of the Nigerian Navy underwent training under the African Partnership Station involving the US Navy and the navies in the Gulf of Guinea. The collaboration between the US Navy and its counterparts in the Gulf of Guinea was designed to build the capacity to address the issue of threats to off-shore facilities and other security challenges along the coastline.\(^\text{14}\)

The new measures adopted to secure Nigeria’s ports and littoral waters also include the registration and issuance of biometric identity cards with security features to all registered dockworkers by the Nigerian Maritime Administration and Safety Agency (NIMASA) has registered and issued biometric identity cards with security features to all dockworkers registered by the agency to ensure that only authorised dockworkers gain access to the national seaports, terminals and private jetties. This is in compliance with the International Ships and Port Facility Security ISPS Code.\(^\text{15}\)

Luckily, both individual countries and regional, sub-regional and specialised organisations such as the African Union, ECOWAS, and the Maritime Organisation of West And central Africa (WOWCA) have demonstrated a growing understanding that maritime security, including the suppression of piracy and robberies at sea, is an imperative to derive the full benefit derivable from the seas to enhance development. Countries such as Cameroon,
Gabon, Nigeria, Sao Tome and Principe, Ghana and Equatorial Guinea are now refurbishing their navies and patrolling their own shores. Cameroon has also created a maritime team of special rapid intervention battalion, which boards suspicious vessels, acts as a deterrent, or arrests suspected pirates. Ghana, for example, took delivery of four new speed boats from China and Germany is re-equipping one of its warships for Ghana to boost its capacity to meet the emerging maritime security challenges.

Naval forces play important role in maritime security in general and in counter-piracy efforts, in particular. However, navies and military forces are not the most appropriate vehicles for addressing many of the issues of maritime insecurity on their own. In general, they are not long-term solutions to piracy and armed robbery at sea. Traditionally, apart from war-fighting, some original roles of navies are to protect merchant shipping, protect the economic interests of a country’s profitability and stability, served as deterrence, and provided presence in strategically important locales. In the unlikely event of West African navies fighting inter-state wars, antipiracy and other maritime security constabulary operations are essentially law enforcement missions might redefine their raison d’être.

Although I have made the point that navies can only perform counter-piracy functions on temporary basis and that navies should not be seen as the sole and long-term solution to piracy, in the Gulf of Guinea, however, in the short term navies may be the only solution available and they should be incorporated into long-term solutions. The question is, what types of platforms and capabilities maritime forces will need to meet the challenges of the future. The navies need to be expeditionary, trained, equipped and build capacity to fight the increase in maritime crime and violence, more constabulary in nature. Given limited state
capabilities, West African states are faced with the challenge of how to equip their forces to meet the types of law enforcement challenges posed by criminals and terrorists at sea.

3.6 African Initiatives to Enhance Maritime Security

The AU has perceived maritime security as a security challenge facing the continent and has instituted measures to ameliorate governance of the continent’s coastlines. In its prioritization of maritime security the AU has created maritime safety and security department to deal exclusively them. AU has also embarked upon a sensitization programme with the view to creating awareness among member states on the importance of maritime security for the continent’s economic prosperity and long-term stability. The essence is to galvanise the necessary political will and finding the resources that are key to the realisation of that conviction. These can be achieved through cooperation, coordination and collaboration among African states via regional and sub-regional organisation. It can also be achieved in consonance with international development partners’ assistance through training and capacity building exercises for maritime security forces of regional states, such as those provided by US Navy and Coast Guard through African Partnership Station initiative, or through other multilateral and bilateral assistance partnerships.

In March 2006, the US European Command, US Naval Forces in Europe and the African Centre for Strategic Studies, in a summit in Accra, held an experts’ training on maritime safety and security in the Gulf of Guinea. They analysed the broad range of threats that is confronting states and the Gulf of Guinea, the many-sided connotations of the continued instability in the region’s waters, and the roles of national, regional and other entities in worsening or mitigating the maritime challenges and weaknesses. They drew a broad, operational, comprehensive, coordinated and sustainable blueprint for the effective
management of the region’s maritime crises, and stressed the key individual and collective steps necessary to implement the objectives of the workshop.

Building upon its remarkable success in managing civil strife in the West African sub-region, ECOWAS West African Defence Chiefs have set up a sub-committee on maritime security, as part of its efforts to suppress and contain transnational security threats such as the escalating piracy, armed robberies at sea, drug and human trafficking, and other marine-based threats. In Abuja on 5 October 2011, the ECOWAS Committee of Chiefs of Defence Staff (CCDS) recommended an expansion of membership of its sub-committee on maritime security from five to ten members, as part of efforts to intensify and consolidate regional response to the above transnational security threats. Benin, Cote d’Ivoire, Sierra Leone and Togo joined Cape Verde, The Gambia, Ghana, Guinea Bissau, and Nigeria as new members of the expanded committee. They were assisted by three marine legal experts to make proposals to the CCDS within two months on issues relating to regional maritime security. The committee has since recommended the creation of maritime situational awareness among its member states through building data on known organised criminal gangs, inter-agency collaboration, and information and intelligence sharing.

The greater collaborative information sharing that has occasioned these initiatives has begun to yield positive results. On March 8 2011, Ghana Navy arrested Mt Madina alleged to be carrying stolen crude oil from Nigeria at Saltpond Oil Fields (Ghana). At the time of the arrest, Mt Madina was transferring the crude oil to Mt Varg Star, a tanker that was legitimately being used for operations in the Saltpond Oil Fields. The arrest was made based upon request from Nigerian authorities.17 There have also been collaborative initiatives at the regional level in Africa in the Gulf of Guinea. Two sub-regional organisations, ECOWAS
and Organisation of Central African States, have created the Maritime Organisation of West and Central Africa (MOWCA), regional security organisation focusing on maritime issues. MOWCA is promoting an agenda to create a regional coast guard that jointly addresses regional security challenges. In July 2006, at an IMO/MOWCA summit, they agreed on the establishment of an integrated sub-regional coast guard network; a centre for information and communication; a transit facilitation and ‘sealed grid;’ and a regional maritime fund to support the agreed objectives. The force would build and maintain capacity for surveillance and enforcement through a combined coast guard system. So far thirteen out of the twenty countries in the two sub-regions have signed a Memorandum of Understanding.

3.7 Bilateral and Multilateral Collaboration to enhance Maritime Security in the Gulf of Guinea

Despite the ‘great-awakening’ of West African states to the challenges facing the Gulf of Guinea, their enthusiasm is undermined by the enormity of the problems, lack of the necessary resources and capacity to stem the tide against the threats and vulnerabilities. It is therefore essential that donor countries prioritize the training and capacity building of the regions maritime constabulary forces. France has maintained a permanent maritime presence in Africa for several decades. The US navy has been working in the Gulf of Guinea to build capacity through its Africa Partnership station (APS) initiative. The IMO has also carried out a number of initiatives to promote more coordinated approaches to maritime security challenges in Africa, such as a July 2008 seminar for the development of an integrated coast guard network in West Africa. In November 2011, EU held an European Union Expect Mission on ‘Fighting Piracy and Armed Robbery against Ships in the Gulf of Guinea,’ in Accra with the aim of implementing measures to support the respective governments in the
Gulf of Guinea to develop capacity for regional cooperation in coast guard and maritime law enforcement functions to ensure maritime safety and security.

To these ends, the EU sought to set up a regional maritime security and safety training centre; facilitate a regional maritime information sharing; ameliorate coast guard functions (maritime law enforcement) ultimately work towards the development of joint operational coordination capacity. The beneficiaries are Ghana, Nigeria, Cameroon, Equatorial Guinea, Gabon, and Congo Brazzaville. The Accra workshop was a follow-up to the EU Indicative Programme 2009-2011 for the instrument for Stability in the Gulf of Guinea that supplies the EU with 13% and 6% of its petroleum and gas imports, respectively. This earlier initiative set up the ‘Critical Maritime Routes’ programme (CMR) to augment maritime security and safety. Thereby, helping to make safe shipping and trading lines of communication for both coastal and user countries in priority areas. EU member states’ experts have assessed measures (the main gaps in capacity building; equipment; and training) that could be supported by EU to advance maritime security and safety with focus on piracy and sea-based armed robbery against ships in the Gulf of Guinea.¹⁹

EU pilot project on piracy, maritime awareness, and risks (PMAR) has begun in 2010 as a global project that focused primarily on the Gulf of Aden and the Strait of Malacca and later extended to Gulf of Guinea region. Its objectives have a lot on common with the US Navy’s research centre programme, Space and Naval Warfare Systems Command (SPAWAR). SPAWAR carried out a maritime surveillance capacity building project in Ghana, which has many of the same elements as PMAR, with which good coordination has been achieved, especially in the aspects concerned with maritime surveillance data collection and fusion. The two programmes carried out a joint training workshop with Ghana’s naval forces under the
Seaport Cooperation Programme (SEACOP). SEACOP’s main concern and focus was axed on countering trafficking via sea at selected seaports in West Africa as part of Instrument for Stability Programmes. SEACOP aims to the set up of Joint Maritime Control Units, Maritime Intelligence Units and Maritime Information Systems.\textsuperscript{20}

The EU has allocated an indicative budget of €5 under the 10\textsuperscript{th} European Development Fund (EDF) Support to Maritime Transport Sector in Africa programme to support development in the specific area of maritime transport in terms of security, efficiency and regulatory harmonisation in Africa with a strong focus in Western and Central Africa. The 10\textsuperscript{th} EDF also supports the reinforcement of ECOWAS capabilities in the areas of peace and security, Crisis Management and Planning Directorate CMPD of the European External Action Service for Possible linkages with CSDP actions, African Maritime Transport Charter’s revised Plan of ACTION 2009-11 and Declaration on Maritime Safety and Security of the African Union (AU).

Other areas expected to benefit from the EU funding include the Peace and Security Mechanism of the Gulf of Guinea Commission, particularly the joint-framework of the Maritime Organisation of West and Central Africa MOWCA and the International Maritime Organisation IMO, and bilateral initiatives of EU Member States (France, Spain, UK, Portugal) and non-EU states in the region (China and US). The EU has agreed to establish a Maritime Trade Information Sharing Centre in Ghana funded by Oil Companies International Marine Forum (OCIMF), and establish a Piracy Reporting Centre in Nigeria, which is under discussion between the International Maritime Bureau and Nigerian Government.\textsuperscript{21} It is expected that the aforementioned initiatives would accelerate the pace of combating maritime insecurity in West Africa.
3.8 United States Engagements in the Gulf of Guinea

At the end of the Cold War, the US remains the main military superpower in the world. With the attendant hegemonic tendencies comes responsibility to make the world a safer place. But primarily, it follows that US vital national interests must be promoted worldwide. Since George W. Bush’s administration, the US has sought to diversify its energy sources given the instability in the Middle East, the anti-US rhetoric of Venezuela’s President Hugo Chavez, and the plausible projections that the Gulf of Guinea will in the near future bypass the Persian Gulf as the main source of the world energy. The US has conceptualised Africa’s stability and the region’s maritime security a US national security concern. Equally, transnational security threats that characterised the post 2001 9/11 attacks make Africa’s security American national security objectives. To these ends, the US created the US African Command, or AFRICOM in 2007 as a new unified combatant command to promote US national security objectives in Africa (without Egypt) and its contiguous seas.

The initial intention of the US was to have AFRICOM located on the African continent, where it can best interact with its partners. However, the US opted for Germany as its headquarters amid concerns in many African countries that the US was seeking to launch an imperial grip on Africa. It became clear that African countries were not ready to give up all their sovereignty in the cause and course of maritime security. Nigeria is the main oil producer in the Gulf of Guinea, the sub-regional leader and most probably the main source of insecurity to the Gulf of Guinea. As such Nigeria’s endorsement of AFRICOM would have given the programme the necessary boost. However, Nigeria with a large population of restive Muslims and sensitive to its accolade as a regional leader, it publicly announced in November 2007 that it would not host AFRICOM and that it was against the headquarters being cited elsewhere in West Africa. These apprehensions notwithstanding, cooperation with
the US on many levels in maritime security is desired, required, and is already being implemented in a number of areas by all states in the Gulf of Guinea.

And indeed there was the palpable need for assets and helping to develop the skills that are adapted to African maritime security threats. The US under the AFRICOM Programme added Africa to US Navy serving under US European Command (USEUCOM) in Germany with responsibility all American forces operating in Europe, and parts of Central Asia. The philosophy and strategy of AFRICOM issue from the White House’s Maritime Security Strategy that promotes the need to protect the oceans and international maritime commerce.23 The main objective of AFRICOM was the challenge to win the cooperation and willingness of African states bordering on the coast of the Gulf of Guinea to sea maritime security as a regional problem and to act on identified security concerns. According to Charles Snyder, Assistant Secretary for African Affairs, “improving African capabilities to monitor their coastlines is ... a critical part of our strategy. We will revive the old African coastal security programme, which helps African security forces protect their shores as well as their marine resources.”24

One of the main focuses of AFRICOM is maritime domain awareness (MDA). It constituted the centrepiece of the US Navy strategy in the Gulf of Guinea to create the situational awareness of everything in the Gulf of Guinea that could undermine the sub-region or countries’ security, safety, economy or ecology. Under the AFRICOM regime, the US is to help aid the coastal states with surveillance networks and coastal radars that might help the states react effectively to criminal activities in their littoral and international waters. An example of such MDA system is the Automatic Identification System ((AIS), commercial shipboard broadcast equipment, which works much similarly as the identification Friend or
Foe system. The AIS can transmit over 4,500 data reports per minute and updating data every 2 seconds. The US has helped trained and equipped the sub-region’s navies with the AIS system after their joint-training exercises. They could aid the Gulf of Guinea naval forces to sought legitimate maritime enterprises from illegal ones.

Another important surveillance tool the US has introduced West African naval forces to is the Regional Maritime Awareness Capability (RMAC) that enables joint-monitoring of the Gulf of Guinea by the various navies to arrest illegal activities. It is composed of an array of radar systems that allow the navies to detect and track vessels as far as 25 nautical miles from the location of the sensor in all weather conditions. AFRICOM is encouraging joint patrols by West African navies as a proactive and reactive force to interdict trespassers in the Gulf of Guinea. As stated earlier, West and Central African countries, WOWCA, are collaborating to form joint patrol team to secure their waters. The joint-operation objectives is to strengthen maritime safety and security by improving the Gulf of Guinea naval capabilities in maritime sphere, military professionalism, technical infrastructure, and operational response.

Ultimately, these bilateral and multilateral cooperation and collaborations are to make the Gulf of Guinea navies individually and collectively both self-reliant in safeguarding the Gulf of Guinea and positively allied with the US, as a result of the liaison cultivated. The establishment of these collaborative partnerships could critically aid the joint-partnership with the US and relieve pressure on the US’s overextended navies. The US Navy has through the African Partnership Station (APS) in the region trained, and equipped the Gulf Guinea navies to help African governments build capacity to defend their own territories more effectively, and to combat militant activity. All the coastal naval forces have benefited from these training and other joint exercises with US Navy; and benefited from small boat drills,
riverine operations, live-fire exercises, amphibious raids, leadership development, natural disaster response, medical awareness, and disease prevention.

The APS also included French, German, Portuguese, British, and Spanish officers who were among the APS staff on the inaugural tour. Visiting US Naval ships, such as USS Fort McHenry, USS Annapolis, among others, trained over 1500 naval personnel from the Gulf of Guinea states in over fifteen courses in conjunction with the US Coast Guards, National Oceanographic and Atmospheric Administration and teams from EU Navies. The students also spent considerable time aboard the US Naval Ships. For example, the Maritime Safari-Lagos 2008, a joint maritime surveillance training exercise involving Nigerian Navy and Air force and US Navy focused on search and rescue procedures, aircraft maintenance, and best practices in improving maritime safety.

Despite the good intentions and obvious mutual benefits inherent in the APS, apprehensions and perceptions persist as to the true intentions of the US and if the APS was not another ‘Trojan Horse’ in the arsenals of the US to colonise Africa militarily and ideologically. To disabuse the minds of African and win the hearts-and minds of African governments and its people, the US introduced a number of socio-cultural studies and provided social amenities to deprived and needy communities in the Gulf of Guinea as an integral part of the APS. The US Navy worked closely with the USAID, Catholic Relief Services, and the Wildlife Conservation Society to provide social amenities to a number of communities in the countries they visited and collaborated with. In March 2010 the US upped its pacification and socialisation programme by employing anthropologists and sociologists to gain better understanding of the Gulf Guinea’s rural communities’ socio-cultural factors important to the US’s military presence in the region. The Socio-Cultural Research and Advisory teams
(SCRAT) will help the US military speak local languages and keep modest and only professional presence in the region.

It is clear from US over to send troops to the Strait of Malacca and its initial intentions to locate its Navy on West African soil and the lukewarm response or outright refusal it received from the regions coastal states that no state with sufficient nationhood can be expected to surrender its sovereignty over its territorial waters and land. It is obvious that while all nations are concerned with piracy and its adverse ramifications, the US national interests are unique and ones that may necessarily conflict with those of the hosting and partner nations. As such any realistic future role in counter-piracy that superpowers and collective security organisations like NATO can offer is consequently more likely to be of supportive bilateral and multilateral kind to individual states and sub-regional organisations such as ECOWAS. Their partnership is inevitable in providing the necessary equipment and training to states that lack the institutional capability to secure their own seas.

3.9 The Way Forward

An efficient counter-piracy strategy for the Gulf of Guinea requires consistency between domestic, regional and international partner-related programmes, and significant collaboration given the transnational nature of most challenges and vulnerabilities. An effective strategy must include national, regional and global realities. Though the exact arrangement would mainly be country-specific, successful strategies would generally stick to a four-way structure, involving: self-evident political assurance, amplified operational competence, transparent regulatory system and heightened public awareness.
A robust political will is a *sine qua non* in building a credible counter-piracy framework since it affords a domestic ownership. Government needs to educate and sensitize its citizens to support the fight against pirates both on land and at sea. The unflinching political will is necessary because some political interest and sub-national interests are complicit or indifferent to the cause of securing the seas. Likewise, the Gulf of Guinea regional partners must cooperate and collaborate in their efforts to improve maritime security along their coast. It means continuing conflicts over maritime borders could precipitate armed conflict, particularly in disputed areas that have significant economic resources or are strategic transportation hubs. Good neighbourliness will in turn promote information and intelligence sharing, permit joint operations in pursuit of criminals into neighbouring waters, and use regional facilities to train partner navies such as US and participating European Navies. Such friendliness will also help fight pollution and environmental degradation in the Gulf of Guinea.

It must be recognised that in Africa piracy and other transnational security threats emerge and acutely threaten the region largely because of the dynamics of state-weakness. It follows that piracy and the other related threats can hardly be contained via equipping, training, and capacity-building naval forces to secure the seas. At the end of the day, piracy is a problem that starts ashore and requires national, regional and international collaborative solutions ashore. It has, therefore, to be acknowledged that a true solution to the problem can be achieved only on shore through the provision of conducive structural conditions that promote actualisation of the population, ameliorate their living standards, and assuage their grievances. In real terms, good governance, provision and availability of legitimate employment avenues, social amenities, equitable distribution of resources, and promotion of human rights will plausibly reduce not only piracy but other forms of organised crime.
Stakeholders in the securitization of piracy are many and include insurers, private security companies, naives and diplomats, among others. Counter-piracy comes at a substantial cost. It is only fair to ask the industries profiting from the engagement to accept their share of responsibility for governments cannot shoulder the costs alone. Besides, any endurable framework must be inter-agency and inter-industry in design and operation. All ships must be enlist with anti-piracy operation administrations, adopt the best management practices, and be equipped with passive defence systems. This is critical for reporting and identifying their locations.
End Notes

5 International Maritime Bureau, op. cit.
7 Peter M. Swift, ibid.
8 O. S. Ibrahim, ‘To patrol is to control: Ensuring situational awareness in Africa’s maritime exclusive economic zones,’ Nigerian Navy, Western Command, unpublished paper.
16 Alessandro Scheffler, ‘Piracy- Threat or Nuisance,’ NATO OTAN, Research Division, NATO Defence College Rome, no. 56 (February 2010), pp. 8-9.
20 Ibid.
21 Op. cit., pp. 5-6
22 Bergen Risk Solutions, op. cit., p. 21.
24 Charles Synder quoted in Patrick J. Paterson, Maritime Security in the Gulf of Guinea, J. Q. Forum, Issue 45, (2ND Quarter 2007), p. 31. This African Coastal Security programme was established by the Office of the Secretary of Defence for Policy, International Security Affairs Division, in 1985. Although the programme provided necessary equipment, training, and technical advice, it was discontinued in 1995 because of inadequate funding.
CHAPTER FOUR
SUMMARY OF FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

4.1 Introduction
A growing awareness that piracy and other organised (maritime) criminal activities are undermining the Gulf of Guinea’s vast resources and potential as the world’s next geostrategic hub of energy forms the nexus of the study. Threats such as piracy and sea-based armed robbery, arms trafficking, human and trafficking, illegal fishing, and dumping of toxic wastes and pollution of the sea threaten to undermine maritime livelihood, travel, trade, and exploitation of resources of the region. These threats engendered a paradigmatic shift in the conceptualisation of threats to the sub-region from ‘land-centered’ to ‘marine-centered’ paradigm. A phenomenon and its dynamics that bring to the fore, the currency that non-state actors and organised crime have gained in contemporary international relations. The threats piracy poses to the Gulf of Guinea have the potential to undermine the political stability and economic development of the region if they persist.

Most Gulf of Guinea states are weak states lacking the essential naval platforms for securing the Gulf of Guinea in terms of maritime security and safety. In the Gulf of Guinea can be secured. The study answered the question how can the security of the Gulf of Guinea be secured. In so doing, the study examined the emerging threat of piracy and smuggling in Ghana’s Territorial Waters; national, regional and international mechanisms, put in place to manage these threats; and, based on the findings, suggested the way forward in securing the Gulf of Guinea.
4.2 Summary of Findings and Conclusions

The study has discovered that the Gulf of Guinea abounds in natural resources and opportunities, which, when properly harnessed, will help jumpstart the sub-region’s development. However, most of the populations of the sub-region are unaware of these resources and opportunities. However, this ignorance has, largely, resulted in the underdevelopment of the marine infrastructure and security. Contemporarily, the sub-region is bedevilled with increasing activities of human and drug-trafficking, poaching, smuggling of arms and contraband goods, environmental degradation and marine pollution. The study focused on piracy. The evidence shows that since 2007 piracy has been on the increase along the Gulf of Guinea. Piracy in the Gulf of Guinea largely entails the looting of the cargo (crude oil), logistics, stores, and other valuable of ships. Ships loaded with crude oil are hijacked, diverted and its content of crude oil is siphoned and off-loaded unto other vessels.

While tinges of piracy bordering on petty crime is common to all states in the sub-region, oil exploration, and its attendant grievances, politics and organised crime in the Niger Delta appear to be the engine of growth in the new wave of piracy across the region. Since Nigeria dominates the oil and marine industry in the sub-region, evidence has shown that some agencies in the oil industry in Nigeria are complicit. Since the grievances in Nigeria are common to all states in the region, and the difference between grievance and greed as motivation for crime is blurred, the fear is that piracy and other related marine crimes will snow-ball as more states in the sub-region become oil producers. It is apparent that economic costs of piracy are mainly conceptualised in terms of international trade, the danger it poses ships (and crew) and the shipping industry, rising costs in terms of security and insurance, potential environmental disaster, and engagement of international maritime forces. Within the West African context, the scourge of piracy adversely affects other sectors of the economy.
such as the fishing industry, increased cost of sea food and protein intake, loss in government revenue and provision of social infrastructure, loss of foreign direct investment and protraction of unemployment and underdevelopment.

That piracy highlights the contemporary significant roles non-state actors play in national, regional and global political economy. Piracy combines all the qualities of today’s transnational security threat: non-state actors engaged in asymmetry attacks, who could potentially cooperate with terrorists, profit from globalisation and legal grey spheres, and other key transnational challenges such as climate-change, ecological degradation and organised crime. That there is the need for a more comprehensive definition of ‘piracy,’ since UNCLOS’s definition limits piracy to unlawful acts of coercion or incarceration carried out on the high seas that does not include similar acts carried out in littoral waters of a state. This poses a problem since, in the Gulf of Guinea, most ‘piracy’ acts are committed in the littoral waters. There is also the need for a comprehensive legislation on the adjudication of piracy related crimes. On the management of piracy and securing the Gulf of Guinea, an enduring panacea entails cooperation and collaboration among all its national, regional and international stakeholders.

An enduring panacea to contemporary international security challenges or transnational threats to maritime security entails cooperation and collaboration among all stakeholders. It demands detailed and comprehensive maritime situational awareness that entails educating the populace and all stakeholders on the menace, implementing the necessary regulations and measures, adopting the best practices and equipment, and provision and sharing of data on all dealings and movements in the marine industry. Timely intelligence sharing and close coordination of activities are critical to effective maritime security at all levels. Since 2008,
states in the Gulf of Guinea, especially the oil-producing ones such as Ghana, Nigeria, Cameroon and Equatorial Guinea, have upped the tempo in strengthening the maritime security agencies to secure their littoral waters. Regional, sub-regional, and specialised organisations such as the African Union, ECOWAS, and the Maritime Organisation of West And central Africa (WOWCA) have demonstrated a growing understanding that maritime security is imperative and have adopted collaborative constabulary measures to enhance maritime security in the sub-region.

A number of international organisations such the IMO, NATO, US and EU have partnered the Gulf of States individually and collectively to train and build capacity for the sub-region’s naval forces. These bilateral and multilateral supports for the sub-region has culminated in building an integrated sub-regional coast guard network; a centre for information and communication; a transit facilitation and ‘sealed grid;’ and a regional maritime fund to support the agreed objectives. The US, through its African Command, has been the most active in working to strengthen Africa’s security preparedness towards greater stability. The US has helped trained and equipped the sub-region’s naval and other forces and built their capacity and readiness to secure maritime security. The main problems, however, remains the differences between US foreign interests (upon which the objectives are built) and the apprehension of the sub-region’s states about the true intentions of the US and the fear that they will be tied to the US controversial imperial and hegemonic foreign policies.

The US has since decided to keep the headquarters of AFRICOM in Germany, invested in a number of social programmes to win the hearts and minds of the people, and reiterated the fact that ownership of the structures being created belongs to ‘Africans’ but the perceptions persist. In 2010 the US employed anthropologists and sociologists to gain better
understanding of the Gulf Guinea’s rural communities’ socio-cultural mindset that is important to the US’s military presence in the region. The process of empowering and capacity building of the security agencies in the Gulf of Guinea to defend their own territories more effectively is in progress and improving.

### 4.3 Recommendations

As stated earlier, there is inter-agency, sub-regional and international stakeholders’ cooperation and collaboration to develop a comprehensive legal system to cover definition of issues to adjudication of crimes and punishment. It is only when the legal framework for managing the piracy menace is transparent that all stakeholders will be encouraged to participate without apprehensions and frustrations. An efficient counter-piracy strategy for the Gulf of Guinea requires consistency between domestic, regional and international partner-related programmes, and significant collaboration given the transnational nature of most challenges and vulnerabilities. An effective strategy must include national, regional and global realities. Though the exact arrangement would remain country-specific, successful strategies would generally stick to a four-way structure, involving: self-evident political assurance, amplified operational competence, transparent regulatory system and heightened public awareness.

A robust political will is a *sine qua non* in building a credible counter-piracy framework since it affords a domestic ownership. It entails the mobilisation of all sectors of society through education and sensitization to enlist their support in the fight against pirates both on land and at sea. An unflinching political will is necessary because some political interest and sub-national interests are sometimes complicit or indifferent to the cause of securing the seas.
Many laudable programmes fail not because of the want of trying but the failure to stay the
course and a diligent political will is what it takes.

Likewise, the regional partners must cooperate and collaborate in their efforts to improve
maritime security. It means all conflicts over maritime and land borders must be peacefully
mediated to avoid their precipitation towards armed conflicts. This applies to even disputed
areas that have significant economic resources. Good neighbourliness will in turn promote
better information and intelligence sharing, permit joint operations in pursuit of criminals into
neighbouring waters, and use regional facilities to train partner navies such as US and
participating European Navies. Such friendliness will also help fight pollution and
environmental degradation in the Gulf of Guinea.

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acutely threaten the region largely because of the dynamics of state-weakness. It follows that
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