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PIRACY IN THE GULF OF GUINEA

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Abstract

The foundation of the world economy is the shipping sector. It is one of the most significant transportation sectors, making up most of the global trade[1]. Numerous issues have threatened to undermine this complex system, with "Piracy" taking center stage. Important trade routes, including the Suez Canal, the Gulf of Guinea, and the Gulf of Aden, are at risk due to piracy. Today, piracy in West Africa is on a catastrophic rise[2]. During 2020-2021 alone, 180 seafarers were kidnaped as they passed through what has now become known as 'pirate alley'[3]. This paper aims to identify the challenges and threats posed by piracy in the West African waters and draw potential public policy changes that can help curb it.

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[1] Placek, Martin. "Worldwide Maritime Trade - Transport Volume 2020." Statista, November 22, 2021. https://www.statista.com/statistics/264117/tonnage-of-worldwide-maritime-trade-since-1990/.

[2] Reality Check Team. "Piracy in West Africa: The World's Most Dangerous Seas?" BBC News. BBC, June 18, 2019. https://www.bbc.com/news/world-africa-48581197.

[3] "How to Address Piracy and Protect Seafarers." World Economic Forum. Accessed July 14, 2022. https://www.weforum.org/agenda/2021/05/unsung-heroes-piracy-in-the-gulf-of-guinea-and-the-need-to-protect-seafarers/.

Introduction

Fictional pirates of popular culture are mostly modelled after real pirates from the so-called "Golden Age of Piracy"[4]. The earliest instances of piracy were found in the 14th century BCE[5]. These occurred mostly in the Aegean and Mediterranean civilizations, being crucial for establishing dominance in trade and clout in the waters of the region. Around the time, piracy was legitimised by the backing of states that authorised the raiding of trade vessels belonging to another entity, or the enemy. This made piracy a war-like activity, conducted by non-state actors, with state backing[6].

Today's pirates however operate a carefully planned, well-executed business, with investors, a stock market, chain of command, and experienced negotiators. And with profit margins of over 30 percent, it's certainly alluring[7]. Unlike the Middle-Ages, piracy now has been codified under multiple international legally binding documents and agreements, that deem it a criminal act, and illegitimate despite state-backing. It has been exemplified in the United Nations convention on the Law of the Sea (UNCLOS), the Customary International Law, and others. Piracy today is a major threat to maritime security and makes it difficult for states to ensure stability in sensitive trade routes, particularly checkpoints like the Strait of Hormuz, Malacca Strait, and the Gulf of Aden.

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[4] "Golden Age of Piracy: A Resource Guide: Introduction." Research Guides. Accessed July 14, 2022. https://guides.loc.gov/golden-age-of-piracy.

[5] "History of Famous Pirates and Piracy." History of pirates - Piracy: History and ancient origins. Accessed July 14, 2022. http://www.famous-pirates.com/pirates-history/history-of-pirates/.

[6] Doster, Stephen. "A Brief History of Piracy in the Caribbean: 1500-1730." (2007).

[7] YouTube. YouTube, 2019. https://www.youtube.com/watch?v=dZh0B8AYxac.

The rise of piracy in the following areas has been met with severe contention and force by the international community that has significantly brought down the number of such incidents, making them almost negligible. However, a new region, West Africa, has emerged as a global piracy hotspot, with a truly exponential rise in the last decade[8].

To address the vulnerabilities addressing the states around the Gulf of Guinea, we must identify similar regional piracy hotspots, and analyse public policy implemented that has led to a reduction in such activities. The paper would consider Somalia and the region of the Gulf of Aden as a case study to better understand prospective actions nations states and other entities in West Africa can implement to make waters safer, and logistical supply-chain networks reliable.

Piracy in Somalia

The Somali Sea, Guardafui Channel, and Gulf of Aden are notoriously known for piracy (and similar activities). Since the start of the civil war in 1999[9], Somalia has struggled with instability, making monitoring, and patrolling of its territorial seas challenging and of much lower priority.

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[8] Deutsche Welle. "Why Is Piracy Increasing on the Gulf of Guinea?: DW: 21.02.2021." DW.COM. Accessed July 15, 2022. https://www.dw.com/en/why-is-piracy-increasing-on-the-gulf-of-guinea/a-56637925.

[9] "UN News | Global Perspective, Human Stories." United Nations. United Nations. Accessed July 15, 2022. From https://web.archive.org/web/20151004045621/http://www.un.org/News/dh/pdf/english/2013/09052013.pdf

Eventually, Somali reserves were exhausted[10] because of international fishing vessels with lax authority over Somalia's territorial jurisdiction. The local Somali fishing villages were devastated as a result, and they made the decision to form armed organisations to stop illicit fishing. Because of this, Somalian piracy began by attacking small fishing boats before eventually expanding to include huge multinational containerships. The adoption of UNSC Resolution 1816[11], which for the first time since the Council's inception united all P5 members together without resistance and provided a response not seen since the end of World War II, put an end to these armed groups' activities despite their momentum.

An international coalition known as the "Combined Task Force 150"[12] was then formed to pursue "Operation Ocean Shield" in the area, allowing for the massive use of force. The international community understood that restoring law and order in Somalia, particularly in its waterways, through outside involvement was the only long-term feasible solution to the problem of Somali maritime piracy. The operation (which ran from August 17, 2009, to November 24, 2016), eradicated Somali piracy operations and reduced similar incidences in the Horn of Africa by 80%[13], although a new pirate group has appeared on the continent's opposite coast.

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[10] "Rough Seas - Secure Fisheries." Accessed July 15, 2022.
https://securefisheries.org/sites/default/files/Rough%20Seas-fisheries-conflict-somali-waters.pdf.

[11] "United Nations Security Council Resolution 1816 Resolution." S/res/1816(2008). Accessed July 15, 2022. https://undocs.org/S/RES/1816(2008).

[12] "Combined Maritime Forces (CMF)." Combined Maritime Forces (CMF). Accessed July 15, 2022. https://combinedmaritimeforces.com/.

[13] "Foresight Piracy Somalia Felbab Brown - Brookings." Accessed July 15, 2022.
https://www.brookings.edu/wp-content/uploads/2016/07/02-foresight-piracy-somalia-felbab-brown-1.pdf.

Piracy in West Africa

There has recently been an uptick in piracy incidents off the coast of West Africa. A 2012 report[14] from the New York Times, claimed that Piracy incidents in West Africa were more in number than Somali. Piracy is common in West Africa even if it is declining off the Horn of Africa. Typically, these attacks occur in the Niger Delta of Nigeria, off the coasts of Benin, Côte D'Ivoire, Ghana, Guinea, and Togo. Pirates are armed with sophisticated weapons, some of which the security operatives are not equipped to deal with. It's interesting to note that the goals of pirates from West Africa differ. They intend to steal cargo, as opposed to Somali pirates who exclusively hijack ships and kidnap crews for ransom (particularly oil)[15].

Locals in West Africa view big businesses and "Big Oil" as forces committed to the exploitation of their natural resources. Contrary to expectations, the abundance of offshore hydrocarbons has paradoxically led to poverty rather than affluence. Social conflicts have collapsed, and environmental contamination has increased. Oil production has only benefited the local elite, the government, and the oil industry. Those who are not eligible for the benefits have turned to organised crime, specifically "petro piracy."[16] This type of piracy aims to steal crude oil from tankers and pipelines so that the gains can be processed in unauthorised refineries. Consequently, there is a perception that they are losing what is properly theirs. Pirate activity off the Horn of

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[14] Cowell, Alan. "West African Piracy Exceeds Somali Attacks, Report Says." The New York Times. The New York Times, June 18, 2013. https://www.nytimes.com/2013/06/19/world/africa/west-african-piracy-exceeds-somali-attacks-report-says.html.

[15] "Piracy in West Africa | Africa Renewal." United Nations. United Nations. Accessed July 15, 2022. https://www.un.org/africarenewal/magazine/december-2013/piracy-west-africa.

[16] News, World Maritime. "Petro-Piracy Returns to Gulf of Guinea." Offshore Energy, August 3, 2018. https://worldmaritimenews.com/archives/258245/petro-piracy-returns-to-gulf-of-guinea/.

Africa and in West Africa can be compared. Both created armed organisations out of a sense of vengeance for "invaders" who attempted to take advantage of their riches. Concerningly, in 2016, when the price of crude oil plummeted, a growing number began kidnapping foreign crew members for ransom. Today these piracy groups are not short on new recruits. Poverty in the Niger Delta is persistent.

To make matters worse, foreign fishing vessels, from the likes of China, and from the European Union are plundering the seas of West Africa. As with oil, the demand for the region's fish is high. But locals, once again, didn't seem to gain any profits. Piracy in the region is thought to be far worse than official numbers suggest. Vessels are often reluctant to call local authorities for help, as they themselves are known for breaking the law, instead of enforcing it. Along with piracy, other crimes such as illegal fishing and summary executions can take place with little risk of prosecution.

Why Piracy Thrives in West Africa

As was previously said, corruption in various areas contributes to a lax enforcement of the law. This makes it simple for criminal companies to carry stolen and refined products to legal markets, especially when combined with an unregulated oil market. The numerous creeks, mangroves, and waterways of the Nigerian Niger Delta make it simple for pirates to transport stolen goods. According to statistics, scarcely a week goes by without a report of a piracy occurrence. Additionally, in 2020 there were 97[17] kidnappings at sea, making the area (which stretches from

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[17] "97 Incidents of Piracy Reported in Gulf of Guinea during 2020." SAFETY4SEA, January 12, 2021. https://safety4sea.com/97-incidents-of-piracy-reported-in-gulf-of-guinea-during-2020/?__cf_chl_jschl_tk__=pmd_D5XUwdLqfhf7uVhuJC2qlO.3hmKWa6rwrRgf6whkJic-1631093059-0-gqNtZGzNAiWjcnBszQil.

Gabon to Liberia) a "Global Piracy Hotspot."[18] The UNODC cited causes contributing to this increase in piracy[19], including a lack of resilience in the infrastructure of port security and a reduced capacity to respond to unforeseen occurrences like the spread of Covid-19. The UNODC further states that this rise in attacks is a result of the quarantining-related halt in dock activities as well as a dramatic decline in revenues for shore populations that are already vulnerable due to extreme income inequality.

Regional Response

Multiple local initiatives and policies have been proposed, introduced, and implemented, but their effectiveness and efficiency are questionable. Only a few responses have been able to sufficiently address threats. Among these are:

1. Operation Prosperity[20], launched in 2011 jointly by Benin and Nigeria, saw a reduction in attempted and actual attacks, due to the dedicated presence of naval forces in regional waters, and the collaboration of naval intelligence and information sharing.

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[18]McCarthy, Niall. "West Africa Is Becoming the World's New Piracy Hotspot [Infographic]." Forbes. Forbes Magazine, June 21, 2019. https://www.forbes.com/sites/niallmccarthy/2019/06/21/west-africa-is-becoming-the-worlds-new-piracy-hotspot-infographic/?sh=7dda440d44ac.

[19] "Global Response Needed to Counter Rising Security Threats at Sea || UN News." United Nations. United Nations. Accessed July 15, 2022. https://news.un.org/en/story/2021/08/1097432.

[20] Osei-Tutu, Joana Ama. "The Wealth Within, The Wealth Unseen: Reflections on the Gulf of Guinea's Maritime Domain." (2016).

2. Yaoundé Code of Conduct[21], launched in 2013, by states in and around the Gulf of Guinea, where they signed what is officially known as "Code of Conduct concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in West and Central Africa", with the objective of promoting regional cooperation in maritime security, and setting up centres for information sharing and coordination.

3. The Deep Blue Project, launched in 2021, by Nigerian President, Muhammadu Buhari, it is officially known as "The Integrated National Security and Waterways Protection Infrastructure", initiated by the Federal Ministry of Transportation and the Ministry of Defence, the project will be crucial in equipping the Nigerian armed forces, by land assets such as Command Control Communication Computer Intelligence (C4i) facilities, the backbone of intelligence gathering and data collection, in addition to military equipment, 16 armed vehicles, 600 troops for interdiction, 17 fast interceptor speed boats, and air assets comprising of 2 special mission aircraft for surveillance of the Exclusive Economic Zone (EEZ), and 3 special mission helicopters for search and rescue operations, and 4 unmanned aerial vehicles[22].

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[21] Nwangwu, Ken Ifesinachi Chikodiri. "Implementation of the Yaoundé Code of Conduct and Maritime Insecurity in the Gulf of Guinea."

[22] "President Buhari Launches Deep Blue Project in Lagos." NIMASA. Accessed July 15, 2022. https://nimasa.gov.ng/president-buhari-launches-deep-blue-project-in-lagos/.

International Response

The region over the years has managed to attract some attention from the international community, although not nearly ideal. The United Nations' two resolutions[23], in 2011, and 2012, called for the need to promote and maintain peace and stability in general in West Africa, and encourage international partners to stress on counter-piracy capabilities in the region. These resolutions, accompanied by press releases, were vague, and very diplomatic to have any serious impacts on the ground in the region. Same as the case with the International Maritime Organisation, wherein the organisation outlined its strategy to enhance maritime security in West and Central Africa but fails to offer anything concrete which results in action. Even the European Union and Interpol seem to follow a similar track of bare acknowledgment and consulting-style propositions, with little implementation, ships in the waters, or responsibility.

Prospective Changes in Public Policy

West Africa does not contain countries that are engulfed in separatist movements and rebel-infested regions. Additionally, they don't include failing nations like Somalia or Yemen. Even though the Security Council has not yet taken any action, West Africa already has a system in place to fight piracy, unlike the Gulf of Aden. The Marine Organization of West and Central Africa, founded in the 1970s, holds member nations to a similar agreement. The Economic

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[23] "Gulf of Guinea Piracy 'Clear Threat' to Security, Economic Development of Region; Countries Need United Front in Response, Top UN Official Tells Security Council | UN Press." United Nations. United Nations. Accessed July 15, 2022. https://press.un.org/en/2012/sc10558.doc.htm.

Community for West African States (ECOWAS)[24] has a maritime component in its treaty of 1993[25] aimed to harmonise all maritime issues across the area. West Africa does not contain countries that are engulfed in separatist movements and rebel-infested regions. Additionally, they don't include failing nations like Somalia or Yemen. Even though the Security Council has not yet taken any action, West Africa already has a system in place to fight piracy, unlike the Gulf of Aden. The Marine Organisation of West and Central Africa, founded in the 1970s, holds member nations to a similar agreement.

The Economic Community for West African States (ECOWAS) has a maritime component in its treaty of 1993 aimed to harmonise all maritime issues across the area. The oil-rich countries of West Africa are not nearly as resourceful as the Middle East, so issues affecting supply chain logistics would only hurt local exports because any decrease in supply or increase in price would force Europe and China (where most exports are bound) to consider replacing exports with imports from elsewhere. As a result, the area is in a sense "on its own." It is crucial to move across the area without serious dangers since the seas are strategically essential for Africa's two largest oil-rich countries, Nigeria, and Angola, and they account for more than 25% of the continent's maritime trade[26]. But this is unrealistic and only seems to get worse in the future as oil production volumes and prices rise yearly.

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[24] MAYAKI, Harouna. "Economic Community of West African States(Ecowas)." Economic Community of West African States ECOWAS. Accessed July 15, 2022. https://ecowas.int/.

[25] "Revised Treaty - Economic Community of West African States." Accessed July 15, 2022. https://www.ecowas.int/wp-content/uploads/2015/01/Revised-treaty.pdf.

[26] "A Transatlantic Approach to Address Growing Maritime Insecurity in the Gulf of Guinea." A Transatlantic Approach to Address Growing Maritime Insecurity in the Gulf of Guinea | Center for Strategic and International Studies, July 7, 2022. https://www.csis.org/analysis/transatlantic-approach-address-growing-maritime-insecurity-gulf-guinea

Several actions must be performed to improve regional security. To properly monitor and surveil these unregulated waterways, it is crucial that the West African intelligence community and defence forces be integrated. This is because there is a lack of international collaboration, and the military are largely underdeveloped and under-resourced. Second, states with maritime and pirate issues should work to create robust criminal justice policies. Thirdly, interoperability can only be achieved through joint training exercises and military drills. Finally, states must prioritise boosting their defence spending and acquiring cutting-edge weapons. It is obvious that capacity problems hinder both marine security and governmental competence. As a result, it is crucial for African states to work toward bridging the gap between operational competence and political will and readiness.

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