

# MARITIME CRIMINALITY IN WEST AFRICA: SETTING THE PERISCOPE ON MARITIME ZONES E AND F

A Maritime Security Capacity Development for Safety  
and Security in the Gulf of Guinea Project Paper

by

*Kofi Annan International Peacekeeping Training Centre  
and Japan/United Nations Development Programme*



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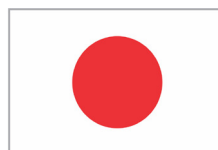
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## **List of Acronyms**

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**2050 AIM Strategy**, 2050 Africa's Integrated Maritime Strategy  
**AU**, African Union  
**COVID-19**, Coronavirus disease  
**CRESMAC**, Centre Régional de Sécurité Maritime de l'Afrique Centrale/ Regional Centre of Maritime Security in Central Africa  
**CRESMAO**, Centre Régional de Sécurité Maritime de l'Afrique de l'Ouest/ Regional Centre for Maritime Security in West Africa  
**CSO**, Civil Society Organisation  
**DRC**, Democratic Republic of Congo  
**ECCAS**, Economic Community of Central African States  
**ECOWAS**, Economic Community of West African States  
**EEZ**, Exclusive Economic Zone  
**EIMS**, ECOWAS Integrated Maritime Strategy  
**FCWC**, Fisheries Committee for the West Central Gulf of Guinea  
**GDP**, Gross Domestic Product  
**GGC**, Gulf of Guinea Commission  
**GITA**, Ghana Industrial Trawlers Association  
**GMA**, Ghana Maritime Authority  
**GoG**, Gulf of Guinea  
**HSOP**, Harmonized Standard Operating Procedures  
**ICCa**, International Chamber of Commerce  
**ICCb**, Inter-Regional Coordination Centre  
**IGO**, Inter-Governmental Organisation  
**IMB**, International Maritime Bureau  
**IMB PRC**, IMB Piracy Reporting Centre  
**IMO**, International Maritime Organization  
**INTERPOL**, International Criminal Police Organization  
**IUU Fishing**, Illegal, Unreported and Unregulated Fishing  
**KAIPTC**, Kofi Annan International Peacekeeping Training Centre  
**MDAT-GoG**, Maritime Domain Awareness for Trade-Gulf of Guinea  
**MEND**, Movement for the Emancipation of the Niger Delta  
**MMCC**, Multinational Maritime Coordination Centre  
**MOC**, Maritime Operations Centre  
**MOU**, Memorandum of Understanding  
**MTISC-GoG**, Maritime Trade Information Sharing Centre – Gulf of Guinea  
**NDA**, Niger Delta Avengers  
**NGO**, Non-Governmental Organisation  
**NIMASA**, Nigerian Maritime Administration and Safety Agency  
**NIMS**, National Integrated Maritime Strategy  
**NMSC**, National Maritime Security Committee  
**NNPC**, Nigerian National Petroleum Corporation  
**NOSDRA**, National Oil Spill Detection and Response Agency  
**PMSC**, Private Maritime Security Company  
**PPE**, Personal Protective Equipment  
**RFMO**, Regional Fisheries Management Organizations  
**RPG**, Rocket-Propelled Grenades  
**SEPCIM-AEM**, Secrétariat Permanent du Comité Interministériel de l'Action de l'Etat en Mer/ Permanent Inter-Ministerial Commission for State Action at Sea  
**SUA Convention**, Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation  
**UN**, United Nations  
**UNCLOS**, United Nations Convention on the Law of the Sea  
**UNDP**, United Nations Development Programme  
**UNODC**, United Nations Office on Drugs and Crime  
**UNTOC**, United Nations Convention against Transnational Organized Crime  
**US**, United States  
**VMS**, Vessel Monitoring System  
**YAMSS**, Yaoundé Architecture for Maritime Safety and Security  
**YCC**, Yaoundé Code of Conduct

## **Acknowledgement**

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This paper is part of a one year project titled Maritime Security Capacity Development for Safety and Security in the Gulf of Guinea (2020-2021) which seeks to build the capacities of maritime crime response personnel in ECOWAS Zones E and F. the KAIPTC is grateful to the government of Japan for their continuous support and over a decade of close collaboration and funding support as well as to the UNDP – Ghana for their technical assistance.



## **MARITIME CRIMINALITY IN WEST AFRICA: SETTING THE PERISCOPE ON MARITIME ZONES E AND F**

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### **Introduction**

The Gulf of Guinea (GoG) region stretches from Senegal in West Africa to Angola on the west coast of Southern Africa.<sup>2</sup> The region is the leading hotspot for piracy and armed robbery in the world.<sup>3</sup> It also records the highest levels of illegal, unreported and unregulated fishing and is a major transit hub for illicit drugs and human trafficking.<sup>4</sup> It is believed to possess one of the largest oil reserves in Africa.<sup>5</sup> Consequently, the actual and potential output has attracted rising crime levels in the region, as pirates, armed robbers, transnational criminal networks and similar groups struggle with the state over the rights to these resources. Furthermore, the GoG is a transit point through which, according to experts, 40 percent of Europe's oil imports and close to 30 percent of the United States' imports of petroleum products are transported each year.<sup>6</sup> Moreover, the security concerns in the GoG region, could also affect exports of crude oil by the continent's biggest exporters—Nigeria and Angola.

The 2019 Annual Report of the International Chamber of Commerce International Maritime

Bureau (ICC-IMB) on “Piracy and Armed Robbery Against Ships”, shows that although the number of incidents that took place in the GoG decreased by 14, down from 81 incidents in 2018 to 67 in 2019, the number of incidents involving kidnapping and missing crew in the region increased from 11 in 2018 to 20 in 2019.<sup>7</sup> A total of 151 crew members were reported kidnapped or missing, making it the highest number on record so far. The data also reveals an almost equal number of incidents occurring in international waters, territorial waters and in the port areas of the region. Additionally, the ICC-IMB's second quarter report for 2020 on “Piracy and Armed Robbery against Ships” covering January to June 2020, indicates a rise in maritime criminality in the GoG region, with 35 incidents reported so far.<sup>8</sup> Moreover, before oil futures dipped in April 2020, there had been a noticeable shift in focus of piracy incidents in the region; away from oil theft and towards kidnapping for ransom. In both 2019 and 2020, there has been a big jump in the number of kidnapping incidents in the region and an increase in the number of hostages taken.

1 The project acknowledges the contribution of the lead consultant Captain. Derrick Attachie with technical input from Professor Kwesi Aning, Mrs. Afua Lamptey, Mr. Frank Okvere and Mrs. Serwaa Allotey-Pannoe in the development of this paper.

2 The countries in this region are Angola, Benin, Cameroon, Republic of Congo, Côte d'Ivoire, Democratic Republic of Congo, Equatorial Guinea, Gabon, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Nigeria, Senegal and Sierra Leone.

3 ICC International Maritime Bureau, “Piracy and Armed Robbery Against Ships” (ICC International Maritime Bureau Report for the Period 1 January – 30 June 2020). [https://icc-ccs.org/reports/2020\\_Q2\\_IMB\\_Piracy\\_Report.pdf](https://icc-ccs.org/reports/2020_Q2_IMB_Piracy_Report.pdf)

4 Ifesinachi Okafor-Yarwood et al., “Stable Seas: Gulf of Guinea” (Report, One Earth Institute, 2020), <https://www.stableseas.org/publications/violence-gulf-guinea>

5 Yoslán Silverio González, “The Gulf of Guinea: the future African Persian Gulf?” *Brazilian Journal of African Studies* 1, no.1 (January/June 2016): 85-105

6 Adioa Anvimadu, “Maritime Security in the Gulf of Guinea: Lessons I learned from the Indian Ocean” (Africa 2013/02, Chatham House, July 2013).

7 ICC International Maritime Bureau, “Piracy and Armed Robbery Against Ships” (ICC International Maritime Bureau Report for the Period 1 January – 31 December 2019). [https://www.icc-ccs.org/reports/2019\\_Annual\\_Piracy\\_Report.pdf](https://www.icc-ccs.org/reports/2019_Annual_Piracy_Report.pdf) Accessed 12 June 2020

8 ICC International Maritime Bureau, “Piracy and Armed Robbery Against Ships” (2020).

Figure 1



**Total attacks West Africa (Gulf of Guinea) – 35**

Source: ICC-IMB's Second Quarter Report for 2020

The ICC-IMB's 2020 second quarter report also indicates that 49 crew members were kidnapped for ransom in the GoG and were held for up to six weeks.<sup>9</sup> Assaults are also happening further out at sea with two-thirds of the attacks being between 20 and 130 nautical miles from the GoG coastline. This has raised concerns about oil installations, container traffic and tanker movements through the region.<sup>10</sup> These attacks worsen the hardships faced by seafarers; many of whom are working beyond their contract periods as they are unable to return home due to travel restrictions in response to the Coronavirus disease (COVID-19) pandemic.<sup>11</sup>

Maritime zones E and F in West Africa, covering the Multinational Maritime Coordination

Centres from Nigeria to Guinea, represent the most volatile enclave for maritime criminality, particularly piracy and illegal fishing, in the world.<sup>12</sup> Together, these zones account for about 86 percent of maritime piracy in the GoG.<sup>13</sup> The increasing trend of criminal activity and the rapidly changing operational sophistication in recent years has given cause for serious concern within the global shipping community, and among regional actors, governments, private stakeholders and coastal communities that depend on the Blue Economy<sup>14</sup> for their livelihoods.

The response to maritime crime in the GoG, as has often been noted by maritime scholars and analysts, is at a nascent stage. Although there are frameworks on maritime security

9 ICC. International Maritime Bureau. "Piracy and Armed Robbery Against Ships" (2020).

10 Ian M. Ralby. "Nigerian Navy Thwarts Hijacking of Chinese Fishing Vessel," *The Maritime Executive*, May 17, 2020, <https://www.maritime-executive.com/article/nigerian-navy-successfully-interdicts-maritime-kidnapping-attempt>

11 Ralby. "Nigerian Navy."

12 ICC. International Maritime Bureau. "Piracy and Armed Robbery Against Ships" (2020).

13 ICC. International Maritime Bureau. "Piracy and Armed Robbery Against Ships" (2019).

14 The 'Blue Economy' refers to the sustainable use of ocean resources for economic growth, improved livelihoods, jobs and marine ecosystem health.

ranging from the African Union (AU) 2050 Africa's Integrated Maritime Strategy (2050 AIM Strategy) to the Economic Community of Central African States (ECCAS) Protocol Relating to the Strategy to Secure ECCAS' Gulf of Guinea Vital Interests as well as the Economic Community of West African States (ECOWAS) Integrated Maritime Strategy, and the fairly recent Yaoundé processes among others, much remains to be done to reduce maritime criminality in the GoG. In order to fully and effectively implement these frameworks trust among the various actors must be built as a basis for common maritime security. The AU's top down visions of maritime integration will need to be reconciled with the regional economic communities' bottom-up realities. Issues such as boundary demarcation, joint resource extraction and information sharing (particularly relating to sensitive information concerning naval capability) needs to be addressed.<sup>15</sup> Thus there is the need for reconciliation between these visions espoused by these frameworks and the realities faced on the ground. This also affects states willingness to pool or share sovereignty at the initial stage of maritime strategy implementation.<sup>16</sup> It must

also be noted, that one of the major factors contributing to the slow pace of regional and national responses to maritime insecurity relates to weak law enforcement measures comprising forensics, investigations and prosecution of maritime offenders. In addition, despite the normative frameworks which call for national maritime security laws to be established in GoG countries, not much has been done in this regard. Thus, the lack of effective national laws to prosecute maritime offenders, has given way to impunity, which further exacerbates insecurity in the maritime domain.

This paper highlights the nature and extent of maritime criminality in maritime zones E and F and analyses the effectiveness of current approaches towards responding to these threats. The paper makes policy recommendations and practical suggestions for improving current and future responses to maritime criminality in this volatile enclave through a review of relevant literature, maritime reports and data, other field notes and interviews with maritime experts.

## **The Gulf of Guinea as a Strategic Maritime Space**

The GoG spans two geopolitical and economic communities: ECOWAS and ECCAS. With a coastline stretching 6,000 kilometres, the region's maritime domain is endowed with a vast wealth of minerals, hydrocarbon deposits, fisheries and varied species of marine life.<sup>17</sup> The GoG's waters serve as a critical route for international commerce and as a shipping choke point.<sup>18</sup> These waters form one of the world's most important shipping routes for both oil exports from the Niger Delta and

consumer goods to and from Central and West Africa<sup>19</sup> and therefore, they form a strategic shipping route and a crucial part of the regional economy.

Ninety percent of trade to West Africa comes by sea. The Niger and Congo rivers, two of the sub-regions' largest fluvial systems also flow into the GoG facilitating internal trade to countries located in their basins.<sup>20</sup> Additionally, the western coast also handles large volumes of goods from landlocked African countries.

<sup>15</sup> Wilton Park. Implementing Africa's maritime security strategies. May 2015.

<sup>16</sup> Ibid.

<sup>17</sup> Okafor-Yarwood et al. "Stable Seas."

<sup>18</sup> Ibid.

<sup>19</sup> Eromo Egbejule, "Maritime Piracy Increases Business Costs in the Gulf of Guinea. *Aljazeera*, December 27, 2019, <https://www.aljazeera.com/ajimpact/maritime-piracy-increases-business-costs-gulf-guinea-191226201749040.html>. Accessed 20<sup>th</sup> June 2020.

<sup>20</sup> González, "The Gulf of Guinea."



**Figure 2: Gulf of Guinea Area<sup>21</sup>**



Oil is one of the GoG region's main resources, located deep within its waters and the coastal areas of Nigeria's Niger Delta.<sup>22</sup> Angola, Nigeria and the Republic of Congo have been producing oil since the 1970s with Nigeria being the largest producer-exporter.<sup>23</sup> Other countries such as Equatorial Guinea, Gabon, Ghana, Cameroon and Côte d'Ivoire have also joined the group of oil-producing nations in the last two decades and prospecting for oil is currently being carried out in Senegal, Sierra Leone and Benin.

In Nigeria, crude oil accounts for 95 percent of foreign exchange earnings and 80 percent of total revenue accruable to the federal account.<sup>24</sup> The country's offshore output in 2019 was an estimated 780,000 barrels per day representing 39 percent of the country's two million barrel per day total production.<sup>25</sup>

Further, Ghana's discovery of 1.2 billion barrels in proven offshore reserves is set to double its oil and gas production, 30 to 35 percent of this reserve is recoverable making the discovery more productive than Ghana's current biggest oil field, the Jubilee Field.<sup>26</sup> Globally, energy supply for all countries especially those with high levels of consumption and industrial development has become a matter of national security. Meanwhile, projections into alternative energy sources indicate that there are no viable substitutes for hydrocarbons as the main energy source.<sup>27</sup> This means that oil will continue to be the centre of the whole industrial productive base and with it a scramble and competition for oil-producing regions. Given the tumultuous context of political instability in the historic oil-producing zone in the Middle East, the GoG is increasingly becoming attractive to the interests of the great transnational capital due to its economic, geographical and political

<sup>21</sup> Retrieved from: "GOGIN is Go" I SS. June 9, 2017, accessed: June 9, 2020. <http://iss-sanu.com/2017/06/09/gogin-is-go/>

<sup>22</sup> González, "The Gulf of Guinea."

<sup>23</sup> Ibid.

<sup>24</sup> Ifesinachi Okafor-Yarwood, "The Effects of Oil Pollution on the Marine Environment in the Gulf of Guinea—the Bonga Oil Field Example. *Transnational Legal Theory* 9, nos. 3-4 (2018): 254-271. <https://doi.org/10.1080/20414005.2018.1562287>

<sup>25</sup> Libby George, "RPT-Nigeria's Revenue Quest Could Crush Offshore Oil Golden Egg—Industry Group," *Reuters*, October 31, 2019, <https://www.reuters.com/article/nigeria-oil/rpt-nigerias-revenue-quest-could-crush-offshore-oil-golden-egg-industry-group-idUSI8N27F844>

<sup>26</sup> David Pilling, "Independent African Energy Company Finds Oil off Ghana Coast," *Financial Times*, November 17, 2019, <https://www.ft.com/content/59ef856e-088d-11ea-b2d6-9bf4d1957a67>

<sup>27</sup> González, "The Gulf of Guinea."

characteristics.<sup>28</sup> This has implications for oil-producing countries in the GoG, as they could play a strategic role in this game if they are able to secure the maritime domain.

Marine resources in the GoG are varied and have enormous economic potential. Some of the most sought-after fish species internationally such as tuna, shrimp, sardinella, bonga, grouper, sole and octopus can be found in the region.<sup>29</sup> Marine species are also critical to food security in the region as they serve as the main source of animal protein in coastal communities.<sup>30</sup> Some countries in the region are among the top 10 in fish production in Africa and the top 50 worldwide.<sup>31</sup> GoG fisheries also sustain livelihoods of small-scale fishers as they depend on local species for economic and food security.<sup>32</sup> Fish sourced from the seas of many GoG countries is high and the fisheries sector is an important source of employment for millions of people. In West Africa, up to a quarter of jobs are linked to the fisheries sector, with women dominating jobs in post-harvest distribution and processing.<sup>33</sup> For instance, 73 percent of people involved in Nigerian fisheries are women<sup>34</sup>, over 60 percent in Ghana<sup>35</sup>, 59 percent in Côte d'Ivoire<sup>36</sup> and 51 percent in the Democratic Republic of Congo.<sup>37</sup>

Sixty percent of seafood is also marketed by women.<sup>38</sup>

The fishing sector additionally contributes to national economies through foreign direct investment, exports, license fees and income from fishing agreements.<sup>39</sup> For example, the following countries earn the corresponding percentages of their gross domestic product (GDP) from the fisheries sector: Benin (three percent), Cape Verde 3.9 percent), The Gambia (5.7 percent), Sao Tome and Principe (5.8 percent) and Senegal (13.5 percent).<sup>40</sup> In addition, Ghana generates over \$1 billion in income annually from its fishery sector<sup>41</sup>, which comprises 1.2 per cent of its overall GDP and 5.6 per cent of its agricultural production.<sup>42</sup> Fish accounts for 60 percent of animal protein consumed in the country<sup>43</sup> and the fisheries sector employs an estimated 10 percent of the population.<sup>44</sup>

With its rich forests, historical sites and archipelagos, the GoG holds enormous potential for economic growth and job creation from increased tourism. With 6,000 kilometres of running coastline, lagoons and other fluvial resources, the region has great potential to become among the world's favourite tourist destinations.<sup>45</sup>

28 Ibid.

29 Ifesinachi Okafor-Yarwood, "Illegal, Unreported and Unregulated Fishing, and the Complexities of the Sustainable Development Goals (SDGs) for Countries in the Gulf of Guinea" *Marine Policy* 99 (January 2019): 414-422. <https://doi.org/10.1016/j.marpol.2017.09.016>

30 Okafor-Yarwood. "The Effects of Oil Pollution"

31 "Statistics on Capture Fisheries Production (Metric Tons)" FAO. World Bank. accessed 22 August 2020. <https://data.worldbank.org/indicator/FR.FSH.CAPT.MT>

32 FAO, "Review of the State of the World Marine Fishery Resources" (FAO Fisheries and Aquaculture Technical Paper 569, FAO, 2011). <http://www.fao.org/3/i2389e/i2389e.pdf>

33 "Fishery and Aquaculture Country Profiles: The Republic of Ghana" FAO <http://www.fao.org/fishery/facp/GHA/en>

34 UNCTAD, "Fishery Exports and the Economic Development of Least Developed Countries: Bangladesh, Cambodia, The Comoros, Mozambique, Myanmar and Uganda" (UN. 2017) [https://unctad.org/en/PublicationsLibrary/aldc2017d2\\_en.pdf](https://unctad.org/en/PublicationsLibrary/aldc2017d2_en.pdf)

35 "Fishery and Aquaculture Country Profiles."

36 "Challenges to Coastal Fisheries Communities in Abidjan, Côte d'Ivoire," FAO Blue Growth Blog, [www.fao.org/blogs/blue-growth-blog/challenges-to-coastal-fisheries-communities-in-abidjan-cote-divoire/en/](http://www.fao.org/blogs/blue-growth-blog/challenges-to-coastal-fisheries-communities-in-abidjan-cote-divoire/en/)

37 Gertjan de Graaf and Luca Garibaldi. "The Value of African Fisheries" (FAO Fisheries and Aquaculture Circular No. 1093, 2014). <http://www.fao.org/3/a-i3917e.pdf>

38 Angela Lentisco and Robert U. Lee, "A Review of Women's Access to Fish in Small-Scale Fisheries" (FAO Fisheries and Aquaculture Circular No.1098, 2015). <http://www.fao.org/3/a-i4884e.pdf>

39 de Graaf and Garibaldi. "The Value of African Fisheries."

40 Ibid.

41 Pierre Failler, Yolaine Beyens, and Berchie Asiedu, "Value Chain Analysis of the Fishery Sector in Ghana with Focus on Quality, Environmental, Social, Sustainable, Food Safety, Organic Requirements and Its Compliance Infrastructure" (UNIDO/MOTI TCB Project Trade Capacity Building Programme for Ghana Draft Final Report. 2014). <http://doi.org/10.13140/RG.2.1.2421.5201>

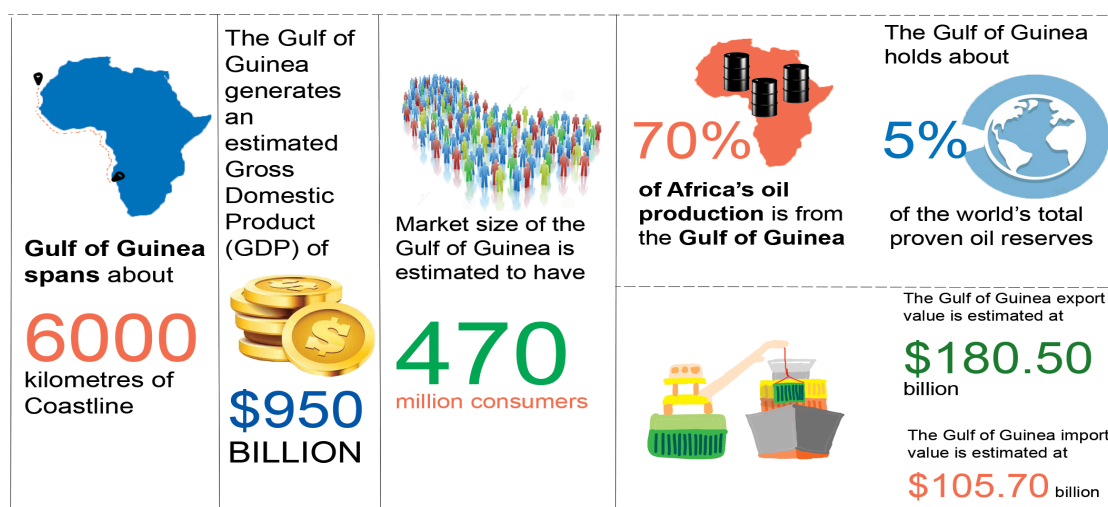
42 Kwamena K. Quagraine and Jingjie Chu, "Determinant of Catch Sales in Ghanaian Artisanal Fisheries," *Sustainability* 11, no. 298 (2019): 10, <https://doi.org/doi:10.3390/su11020298>.

43 Francis K.E. Nunoo et al., "Marine Fisheries Catches in Ghana: Historic Reconstruction for 1950 to 2010 and Current Economic Impacts," *Reviews in Fisheries Science & Aquaculture* 22, no. 4 (2014): 274-283. <https://doi.org/10.1080/23308249.2014.962687>

44 "Fishery and Aquaculture Country Profiles."

45 Okafor-Yarwood et al., "Stable Seas."

**Figure 3: Highlights of the Geo-Maritime and Economic Importance of the Gulf of Guinea<sup>46</sup>**



Source: International Maritime Bureau.

## The Nature and Causes of Maritime Criminality in the Gulf of Guinea.

### Piracy and Armed Robbery at Sea

Despite the strategic importance and resources of the GoG region, it continues to be plagued with a litany of maritime threats. As a combination of international patrols, privately contracted security personnel and reformed regional judicial systems helped reduce pirate activities in the Gulf of Aden and off the Somalia Coast, a corresponding increase occurred in GoG, incentivised by the discovery of oil in a number of states in the region. This led to increased criminal activity in the GoG, a high percentage of which falls under piracy, kidnapping for ransom and armed robbery at sea.

ICC-IMB reports for the past decade have highlighted piracy as the most pervasive crime in the GoG. Most pirate attacks occur in Nigerian territorial waters, especially in the Niger Delta area and, at times, in the shipping hub of Lagos

Port. In the first quarter of 2020, piracy shot up to 47 attacks globally from 38 in the same period in 2019.<sup>47</sup> The region accounted for 21 attacks in the period, of which 12 vessels were underway at an average distance from shore of 70 nautical miles (130 kilometres).<sup>48</sup> In addition to local attacks on tankers, oil industry support vessels and fishing vessels, armed criminals are also targeting a wider variety of ships: bulk carriers, container vessels and general cargo vessels.<sup>49</sup> Further, the total economic cost of piracy in West Africa was estimated to have been US\$777.1 million annually between 2015 and 2017 in addition to the human costs.<sup>50</sup> The economic effects on its trading partners are especially burdensome.<sup>51</sup>

It is significant to observe the evolution of piracy in the GoG, as pirates have revised their mode of operations in response to industry

<sup>46</sup> Retrieved from Amaka Anagor, "Countries in Gulf of Guinea Region Bleed as Fuel Smuggling, Fish Poaching Threaten Economy," *Business Day*, October 23, 2019. <https://businessday.ng/maritime/article/countries-in-gulf-of-guinea-region-bleed-as-fuel-smuggling-fish-poaching-threaten-economy/>

<sup>47</sup> ICC: International Maritime Bureau. "Piracy and Armed Robbery Against Ships" (2020).

<sup>48</sup> Ed Reed, "Piracy on the Rise in Gulf of Guinea," *Energy Voice*, April 15, 2020, <https://www.energyvoice.com/oilandgas/africa/234982/piracy-on-the-rise-in-gulf-of-guinea/>

<sup>49</sup> "From Sea to Land: Tackling Maritime Crime in the Gulf of Guinea," UNODC, <https://www.unodc.org/nigeria/en/from-sea-to-land--tackling-maritime-crime-in-the-gulf-of-guinea.html>

<sup>50</sup> "From Sea to Land."

<sup>51</sup> Ibid.

behaviour and the responses of coastal states.<sup>52</sup> Before 2010, piracy in the GoG was limited to coastal areas less than 30 nautical miles from shore. However, as ships avoided the shore, pirates improved their range of operations with the use of mother vessels out to 100-120 nautical miles from shore. They improved their endurance, safe sailing ability and communication to connect with their targets.<sup>53</sup> Moreover, the use of knives, machetes and pistols has evolved to the use of (AK47 and M16 rifles, grenades and rocket-propelled grenades (RPGs). The same can be said for the targeting of the pirates which has grown in sophistication from mugging and oil thefts to mostly maritime kidnapping for ransom. For instance, in 2019, 151 expatriate crew members were abducted as compared to 116 in 2018, 69 in 2017 and 38 in 2016.<sup>54</sup>

Armed robbery at sea is also an increasing

threat in the GoG domain. It involves illegal acts of violence or detention committed for private gain against ships or persons or property on board a ship within a state's territorial waters, archipelagic waters and territorial sea.<sup>55</sup> Acts of armed robbery are distinct from piracy as the latter, per definition occurs on the high seas, while the former occurs in territorial waters.<sup>56</sup> The *modus operandi* of armed robbers at sea is to use knives, machetes and so on to attack and rob ships along the coasts, rivers, anchorages, ports and surrounding waters. Although a large percentage of incidents at ports and anchorages in the region can be classified under small-scale theft, violent robberies, hijackings and kidnappings have also been reported. Vessels were hijacked and/or crew members kidnapped from anchorages at Bonny, Nigeria; Lomé, Togo; Cotonou, Benin; Tema, Ghana and Doula, Cameroon<sup>57</sup>.

### Transnational Organised Crimes

Organised criminal gangs have also been involved in illicit oil transactions such as illegal oil bunkering. Oil theft or illegal oil bunkering is largely seen in Nigeria.<sup>58</sup> It refers to the fraudulent selling of fuel from specialised ships or the practice of transferring fuel from one ship to another; also known as ship to ship transfer. It is a process whereby some individuals, a company or group fill(s) ships or vessels with crude oil, either obtained fraudulently from jetties belonging to national oil companies or from other oil corporations; tapping them directly from wellheads or pipelines.<sup>59</sup> Illegal oil bunkering is a hazardous process that is

highly prevalent in the creeks of the Niger Delta where oil pipelines criss-cross the region like a grid.<sup>60</sup> The Nigerian National Petroleum Corporation, for instance, states that the country lost as much as 22 million barrels of oil to theft in the first half of 2019.<sup>61</sup> This amounts to more than 120,000 barrels per day or roughly 6 percent of Nigeria's nearly two million barrels per day output. Stolen oil is sold in some towns in Nigeria at N100 a litre (roughly \$0.26) to traders and filling station owners, or to other middlemen with big vessels at N15, 000 to N18, 000 (approximately \$39.35 to 47.22) per drum (200 litres).<sup>62</sup> A large distributor makes up to

52 Francis Morizur, "Sea Piracy in 2025: Piracy 2.0?," *The Maritime Executive*, April 22, 2020 <https://www.maritime-executive.com/blog/sea-piracy-in-2025-piracy-2-0>

53 Morizur, "Sea Piracy."

54 Ibid.

55 See IMO, "Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery Against Ships" (Resolution A. 1025 (26), IMO, 2009), Annex paragraph 2.2.

56 Thus, some attacks referred to as piracy in the region are at best armed robbery against ships, because the attacks occur inside the 12-mile boundary that lies within a state's coastal area of responsibility.

57 Okafor-Yarwood et al., "Stable Seas."

58 Ibid.

59 Freedom C. Onuoha, "Oil Pipeline Sabotage in Nigeria: Dimensions, Actors and Implications for National Security," *African Security Review* 17, no.3 (2008): 99-115. <https://doi.org/10.1080/10246029.2008.9627487>

60 Onuoha, "Oil Pipeline Sabotage."

61 "Nigeria's Oil: A Theft Without End," *This Day*, February 23, 2020. <https://www.thisdaylive.com/index.php/2020/02/23/nigerias-oil-a-theft-without-end/>

62 Ogala Emmanuel, "How Crude Oil is Stolen, Refined, Sold in Niger Delta," *Premium Times*, November 22, 2013, <https://www.premiumtimesng.com/news/150075-crude-oil-stolen-refined-sold-niger-delta.html>



N13.1 million (\$34, 365) monthly.<sup>63</sup>

Money gained from oil theft helps fund militant groups like the Movement for the Emancipation of the Niger Delta and the Niger Delta Avengers in addition to lining the pockets of corrupt government officials.<sup>64</sup> Further, the environmental costs of oil theft and artisanal refining in the form of pollution, contamination of water and land bodies in Nigeria is quite alarming.<sup>65</sup> For instance, over 80 illegal refining locations were discovered

in Delta and Rivers States in 2019 in a joint operation by the National Oil Spill Detection and Response Agency and the International Criminal Police Organisation (INTERPOL) Nigeria.<sup>66</sup> Subsequently, a database for illegal refining hotspots has been collated by the agency and its stakeholders in efforts to address the menace.<sup>67</sup> Nonetheless, as the image below from the Delta State depicts, large swathes of land have been severely affected by the activities of illegal artisanal refineries.

**Figure 4:** Vegetation Around an Artisanal Refining Site Devastated by Fire in Delta State – July 25, 2019



*Source: National Oil Spill Detection and Response Agency, Nigeria, 2020*

Additionally, there is also the challenge of illegal, unreported and unregulated (IUU) fishing, which involves fishing-related activities often done in contravention of national, regional and international laws. These include fishing by unlicensed foreign vessels, fishing in prohibited areas including in-shore waters,

fishing with illegal nets and without a turtle-excluding extractor for shrimping vessels, illegal fishing by small-scale fishers including fishing in restricted areas or with illegal nets or explosives, and illegal transshipment at sea by large-scale industrial vessels.<sup>68</sup> Each state has the right to regulate fishing within

<sup>63</sup> Oqala Emmanuel. "How Crude Oil is Stolen."

<sup>64</sup> Okafor-Yarwood et al. "Stable Seas."

<sup>65</sup> Interview with NOSDRA Official. Abuja. February 2020.

<sup>66</sup> Interview with National Oil Spill Detection and Response Agency Official. Abuja. February 2020.

<sup>67</sup> Ibid.

<sup>68</sup> Okafor-Yarwood et al., "Stable Seas."

its Exclusive Economic Zone, and to impose quotas or licensing requirements on fishing vessels. Selling fishing licences provides a steady income to many countries in the GoG. However, without the necessary enforcement, such documents quickly become worthless.<sup>69</sup> In Ghana, the phenomenon of what is known as ‘saiko’<sup>70</sup> fishing’ has reached alarming proportions threatening the livelihoods of fishers. In November 2019, an average of 11 landings a week were sighted at Elmina, a coastal town in Ghana, usually in broad daylight, despite attempts by government and the Ghana Industrial Trawlers Association to clamp down on the illegal practice.<sup>71</sup>

It is estimated that some US\$23.5 billion is lost annually from illegal fishing globally. An estimated 40 percent of all fish caught in west African waters were caught illegally and around 54 percent of the region’s fish stocks are over-fished. The region loses about US\$2.3 billion annually to illegal fishing.<sup>72</sup> The persistence of IUU fishing has undermined local livelihoods of many small fishing communities, corrupted many state officials when foreign trawlers bribe government officials with proceeds from the illegal business, and underpinned human rights violations. The livelihoods of local fishers off the GoG are increasingly threatened following the pillaging of more than US\$100 million worth of fish each year, mainly by illegal industrial trawlers from Europe, China, Korea and Russia.<sup>73</sup>

Transnational organised criminal networks

are also engaged in smuggling a variety of drugs, arms, human and material cargo in the GoG. Drugs such as amphetamine, cannabis, cocaine, ephedrine, heroin and psychotropic substances are in high circulation and demand in the region. The two main areas for cocaine trafficking in the region are comprised of the northern hub made up of Guinea-Bissau, Guinea, The Gambia, and Senegal and the southern hub made up of Benin, Togo, Ghana and Nigeria. The primary actors in this trade are Colombian and Mexican cartels who appear to be driven by rising profits in Europe.<sup>74</sup> The detection of maritime shipments of cocaine in the region is common. Originally, small fishing vessels from Togo, Ghana, Benin and Nigeria were used as ‘mules’ for Latin American cocaine traffickers. Thereafter, the mules reportedly set up their own transport and distribution systems as safer alternatives to high-risk smuggling on commercial planes; more easily interdicted by police.<sup>75</sup>

In November 2018, 581 million Tramadol tablets were seized at Nigeria’s Lagos Port; underlining the scale of opioid trafficking.<sup>76</sup> Benin is renowned for being the second largest recipient of Indian Tramadol after the US; further raising the bar on drug trafficking via the maritime space of the GoG.<sup>77</sup> Methamphetamine tablets are also being produced in West Africa, particularly in Nigeria, while established global networks usually distribute the finished products.<sup>78</sup>

Small arms and light weapons are also

69 Dirk Siebels, “Maritime Security in Africa: Potential for the Private Sector?,” *Maritime Security Review*, originally published in *Conflict Trends* 2014:4, <http://www.marsecreview.com/2015/02/maritime-security-in-africa-2/>

70 Saiko is a destructive form of illegal fishing, whereby industrial trawlers target the staple catch of small-scale canoe fishers and transfer it to specially adapted boats at sea to be sold at local markets.

71 Peacefmonline, “Saiko Fishing Continues in Ghana despite Government Assurance to end it”, *Peacefmonline*, July 15, 2020, [Saiko Fishing Continues in Ghana Despite Government Assurance to End It | Social | Peacefmonline.com](https://www.peacefmonline.com/saiko-fishing-continues-in-ghana-despite-government-assurance-to-end-it/)

72 The Maritime Executive, “Illegal Fishing Harming West Africa, Says Greenpeace,” *The Maritime Executive*, November 21, 2017, <https://www.maritime-executive.com/article/illegal-fishing-harming-west-africa-says-greenpeace>

73 IRIN News, “Illegal International Fishing Impoverishes Local Fishermen”, *IRIN News*, February 13, 2008, <http://www.irinnews.org/Report.aspx?ReportId=76723>

74 Sean Duncan, “Narcotics Trafficking through West African Waters,” *Stable Seas*, February 11, 2018, <https://stableseas.org/illicit-trades/narcotics-trafficking-west-africa>

75 Agnes Ebo’o, “The Challenge of Governance in the Gulf of Guinea,” *Enact Observer*, February 6, 2019, <https://enactafrica.org/enact-observer/the-challenge-of-governance-in-the-gulf-of-guinea>

76 Wale Odunsi, “NDLEA Intercepts 581 Million Tramadol Tablets in 2 Days,” *Daily Post*, November 18, 2018, <https://dailypost.ng/2018/11/18/ndlea-intercepts-581-million-tramadol-tablets-2-days/>

77 Philip Obaji Jr., “If You Take Tramadol Away, You make Boko Haram Weak,” *African Arguments*, March 15, 2019, <https://africanarguments.org/2019/03/15/if-you-take-tramadol-away-you-make-boko-haram-weak/>

78 David Lewis, “Special Report: West Africa’s Alarming Growth Industry – Meth,” *Reuters*, July 24, 2015, <https://www.reuters.com/article/us-africa-drugs-meth-special-report-idUSKCN0PY0WS20150724>

smuggled through waterways in the GoG and are used by criminal elements to cause further insecurity in the region. The extensiveness of maritime arms trafficking has contributed to alarming levels of armed conflict, militancy, piracy and armed robbery at sea.<sup>79</sup> In Nigeria, large shipments of arms were intercepted, comprising 13 containers loaded with rocket launchers, grenades and other ammunition from Iran en route to The Gambia in 2010.<sup>80</sup> Additionally 2,761 as well as 661 pump-action guns from Turkey were seized in 2017 and 2018 respectively.<sup>81</sup> There is also the fear that terrorist groups might exploit the opportunities created by lax maritime, land and air security to launch attacks on key maritime infrastructure such as seaports, ships and oil facilities in the GoG. It has been noted that “successful forays of pirates also reveal to terrorists that maritime infrastructure in the region is vulnerable to attack, should they turn their attention to this area of strategic interest”.<sup>82</sup> Indeed, the growing numbers of Western interests in the maritime domain of the GoG—foreign investments and expatriates—mean that oil platforms, shipping lines and sea ports, among others, could potentially become attractive and vulnerable to terrorist attack.

Human trafficking and migrant smuggling flows are prevalent in the GoG. Considered as

forms of modern-day slavery, these are often conducted within and outside borders. Human trafficking has become one of the growing crimes committed at sea in the GoG, as several victims are trafficked either internally or externally utilising the maritime routes. The region is host to countries that are the origin, transit route or destination of human trafficking. In terms of external trafficking, most of the women trafficked to Europe for sexual exploitation come from Edo State in Nigeria, and many are shipped through Benin or Togo. Trafficking within the region is pervasive. In April 2019, for instance, over 200 victims of human trafficking, including 157 children, were rescued by police in Benin and Nigeria in an operation led by INTERPOL. The victims rescued were from Benin, Burkina Faso, Niger, Nigeria and Togo.<sup>83</sup>

There appears to be a deterioration in maritime security in the GoG. Although the GoG is endowed with strategic resources, the illegal activities of criminal and militant groups continue to have devastating humanitarian, economic and social impacts on human security and development in the region. If left unchecked, these maritime crimes have the potential to further endanger some states in the GoG.

## Tackling Maritime Criminality: What is Being Done?

Historically, states in the GoG have not put much priority to issues emanating from the sea. This is buttressed by the fact that, especially in West Africa, only a few states have developed national border management strategies

encompassing a holistic management of their land, air and sea borders.<sup>84</sup> Furthermore, states are now at various stages of elaborating national maritime strategies leading to a lacuna in managing maritime borders demonstrated

79 Anthony Maliki, Ronald Mutum, and Simon Echewofun Sunday, “Munition Nation: In Nigeria, It Looks Like Guns, Guns Everywhere!” *Daily Trust*, August 10, 2019, <https://dailytrust.com/munition-nation-in-nigeria-it-looks-like-guns-guns-everywhere>. “High Seas Crime Becoming More Sophisticated, Endangering Lives, International Security, Speakers Tell Security Council,” UN Security Council, February 5, 2019 Meeting Coverage SC/13691 8457<sup>th</sup> Meeting. <https://www.un.org/press/en/2019/sc13691.doc.htm>

80 Anthony Maliki, Ronald Mutum, and Simon Echewofun Sunday, “Munition Nation.”  
81 Ibid.

82 Freedom C. Onuoha, “Piracy and Maritime Security in the Gulf of Guinea: Trends, Concerns, and Propositions,” *Journal of the Middle East and Africa* 4 no. 3 (2013): 267–293. <https://doi.org/10.1080/21520844.2013.862767>

83 Lynne Finney, “Scores of Human Trafficking Victims Rescued in West Africa Interpol Crackdown,” *Illicit Trade News Network*, August 7, 2019, <https://www.illicit-trade.com/2019/08/scores-of-human-trafficking-victims-rescued-in-west-africa-interpol-crackdown/>

84 Afua Agyeiwaa Lamptey, “Rethinking Border Management Strategies in West Africa: Experiences from the Sahel,” *KAIPC Policy Brief*, 2013/12, <https://www.kaipc.org/kaipc-publication/rethinking-border-management-strategies-in-west-africa-experiences-from-the-sahel/>

by the boundary dispute that occurred between Ghana and Côte d'Ivoire when the latter discovered oil offshore.<sup>85</sup>

In separate responses to maritime security in their respective domains, the AU, ECOWAS and ECCAS had different initiatives on maritime security. Faced with heightened incidences of piracy that crippled its free-port economy, the then President of Benin, Thomas Boni Yayi, with the support of France and the United States, pursued the United Nations Security Council to adopt Resolution 2018<sup>86</sup> in 2011. The Resolution urged ECOWAS, ECCAS and the Gulf of Guinea Commission (GGC) to fight against acts of piracy and armed theft at sea through concerted action; particularly, by setting up bilateral or regional maritime patrols. Again, in 2012, the United Nations Security Council adopted Resolution 2039<sup>87</sup>, which urging GoG states to work through multilateral channels established under Resolution 2018 towards convening a summit to draft a regional strategy in the fight against piracy in collaboration with the AU.

Both resolutions have led to what is now referred to as the Yaoundé Process - a complex arrangement underpinned by the Yaoundé Declaration<sup>88</sup> and the Yaoundé Code of Conduct (YCC), the maritime strategies of the participating actors—ECOWAS, ECCAS, the AU and the GGC—and the creation of the Inter-Regional Coordination Centre and of two regional centres—*Centre Régional de Sécurité Maritime de l'Afrique Centrale*/Regional Centre of Maritime Security in Central Africa (CRESMAC) and *Centre Régional de Sécurité Maritime de l'Afrique de l'Ouest*/Regional Centre for Maritime Security in West Africa (CREMAO). States are to collaborate, share information and generally cooperate to

reduce maritime insecurity in the GoG under the aforementioned arrangements. Further, states have signed into international frameworks such as the United Nations Convention on the Law of the Sea, the United Nations Convention against Transnational Organised Crime (UNTOC) and the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention), which contain provisions for maritime crime. For instance, the UNTOC has three protocols which encourage Member States to enact laws against transnational organised crime to prevent the commission of organised crime within their territories as well as to investigate and prosecute perpetrators of organised crime.<sup>89</sup> It recommends the identification and confiscation of proceeds from such crimes and mechanisms for initiating and responding to the extradition of suspects cooperatively.<sup>90</sup> However, though most countries in the Gulf of Guinea have domesticated some aspects of the UNTOC through their penal code and special laws, not a single country has domesticated all the provisions.<sup>91</sup>

States in maritime zones E and F at the ECOWAS regional level collaborate through the YCC which has led to the setting-up of Multinational Maritime Coordination Centres MMCCs headquartered for Zone E in Benin and for Zone F in Ghana. Representatives of the various clusters under this arrangement are supposed to send seconded officers to the MMCCs for a period of two years. The positions are fixed in such a way that a citizen from the host country cannot head a centre. This is to ensure equity and sharing of tasks among states. Accordingly, a Nigerian national heads the MMCC in Zone E with a Beninese as deputy. Four out of five countries with MMCCs—Benin,

85 When Ghana discovered oil off shore in 2000, Côte d'Ivoire alleged that part of the oil fields were in the territory of their country hence they contested Ghana in a boundary dispute which was eventually settled by the International Tribunal for the Law of the Sea in favour of Ghana., for more information see: [www.itlos.org/Case No. 23](http://www.itlos.org/Case%20No.%2023)

86 See: [S/RES/2018\(2011\) - F - S/RES/2018\(2011\) -Deskton \(undocs.org\)](https://www.un.org/News/Press/docs/2011/Jan/20110118.unsc.res.2011.18.html)

87 See: [Resolution 2039 \(unscr.com\)](https://www.un.org/News/Press/docs/2012/Jan/20120118.unsc.res.2012.18.html)

88 The Declaration merged the maritime security efforts of ECOWAS, ECCAS and the GGC and established the ICC for safety and security in the GoG. The Centre is based in Yaoundé, Cameroon and serves as the inter-regional regional maritime operational tool. It is led at its steering committee level by ECOWAS, ECCAS and GGC and populated by same.

89 Kamal-Deen Ali. *Maritime Security Cooperation in the Gulf of Guinea: Prospects and Challenges* (Brill: Leiden, 2015).

90 Kamal-Deen Ali. "Maritime Security Cooperation."

91 Okafor-Yarwood et al., "Stable Seas."



Nigeria, Niger and Togo except for Niger—have Maritime Operations Centres, which regularly update the MMCC in Benin.

Information on incidents reported at sea were at first sent directly to ECOWAS. However, with the creation of CRESMAO, this information is now sent to CRESMAO, which forwards it to ECOWAS and to the Inter-Regional Coordination Centre. Joint exercises are conducted with the various agencies in each country. For example, these agencies coordinate with the Fisheries Department to collect information on all fishing vessels in Benin to make sure that these vessels have the required licence to fish in Benin's waters and the agencies also have a traditional agreement with the fishers for the latter to report any suspicious activity at sea to them.<sup>92</sup> In August 2018, Benin, Togo, Nigeria and the gendarmerie of Niger signed a Memorandum of Understanding (MOU) to allow any ship from the four countries free patrolling and hot pursuits in Maritime Zone E. Joint patrolling is also being considered as the practice is in maritime Zone D.

Zone F, which is headquartered in Ghana, has by far the largest number of countries in the MMCC framework. These include Ghana, Côte d'Ivoire, Liberia, Sierra Leone, Guinea and Burkina Faso. The Centre conducts monitoring and surveillance of Maritime Zone F from Guinea to Ghana. Monitoring covers maritime piracy and armed robbery against ships, potential acts of maritime terrorism, IUU fishing, TNOCs and other illegal acts at sea. The MMCC also has an MOU like that of Zone E for joint patrols and hot pursuits.

In responding to IUU which is a critical matter of concern, the MMCC collaborates with the Regional Fisheries Management Organisations

(RFMO), such as the Fisheries Committee for West Central Africa (FCWC<sup>93</sup>) to provide fisheries intelligence to support the work of law enforcement agencies. IUU fishing, involving illegal transshipment, dumping of catch, under declaration of catch, falsification of documents, unapproved fishing methods and fishing in prohibited zones is rife in Zone F.<sup>94</sup> In 2019, for instance, two major IUU fishing incidents occurred in Ghana and Liberia. In the former, a fishing vessel Lu Rong Yuan Yu 956, was tracked down and arrested by the Ghana Navy for using unapproved fishing methods and unapproved fishing gear. The vessel was subsequently fined US\$1million.<sup>95</sup> The incident in Liberia, centred on the falsification of documents and under declaration of fish catch by the F/V Hai Feng 823. The vessel, which was flying a Sierra Leonean flag, was turned back to Sierra Leone for due process, following investigation and processing.<sup>96</sup> These two outcomes indicate some measure of success in collaborations between countries in Maritime Zone F.

In July 2019, countries in Maritime Zone F, including the gendarmerie of Burkina Faso, signed an MOU for joint maritime operations in Accra in response to threats to maritime security.<sup>97</sup> The MOU sets out the operational framework for collaboration and collective state action at sea through joint patrols and operations to secure and preserve the maritime domain.<sup>98</sup> This is an important step which speaks to inter-state collaboration in fighting maritime crime as outlined in the YCC, as the MOU also provides for ship riders embarking on state parties' vessels or aircrafts to better exercise and enforce jurisdiction at sea.

Collaboration between the two maritime zones E and F is also very active as exemplified by

92 Interview with Deputy Head of MMCC in Benin. Cotonou: November 2019.

93 The FCWC is also working towards acquiring a regional Vessel Monitoring System (VMS) and compiling a regional fisheries register to enable easy access to data and smoother tracking of fishing vessels.

94 ECOWAS Multinational Maritime Coordination Centre (MMCC). "Annual Maritime Security and Safety Report for 2019."

95 ECOWAS MMCC. "Annual Report."

96 Ibid.

97 See: "Chiefs of Naval of Cote d'Ivoire, Ghana, Guinea, Liberia, Sierra Leone, and Gendarmerie of Burkina Faso Sign MoU on Maritime Security,"

ECOWAS, July 26, 2019, <https://www.ecowas.int/naval-chiefs-of-cote-divoire-ghana-guinea-liberia-sierra-leone-and-burkina-faso-sign-mou-on-maritime-security/>

98 See: Ghana News Agency, "Ghana, Other ECOWAS Countries Sign MoU on Maritime Security," *Ghana Business News*, July 28, 2019, <https://www.ghanabusinessnews.com/2019/07/28/ghana-other-ecowas-countries-sign-mou-on-maritime-security/>

the rescue of the fishing vessel Hailufeng 11 on 16 May 2020. In this case, the navies of Côte d'Ivoire, Ghana, Togo, Benin and Nigeria cooperated to track, interdict and liberate the Chinese fishing trawler Hailufeng 11. The operation is hailed as a success story of the YCC. The alert about the attack was raised and disseminated by Nigerian authorities and the coordination for the response was provided by the Yaoundé Architecture for Maritime Safety and Security (YAMSS). Foreign navies were not involved in this case and oil was not the focus of the attack.

There is also the case of the hijacking of MV Elobey VI off the coast of Equatorial Guinea in March 2020. The tanker was rescued and three men were convicted on 12 August 2020 under Nigeria's new anti-piracy law.<sup>99</sup> Nigeria's new legislation and procedures are poised to handle legal prosecution.<sup>100</sup> The men were fined ₦10 million (US\$26,300) each; nonetheless, experts have pointed out that the conviction is too lenient to serve as a deterrent against similar crimes.

There have been other success stories, such as the 2016 case of the M/T Maximus<sup>101</sup>, although these followed an *ad hoc* unstructured pattern. For, whereas there was no communication between the owners of the M/T Maximus and the local authorities in 2016, the 2020 examples show that there are now means of sharing information rapidly and reliably resulting in a meaningful national, zonal, regional and inter-regional response.<sup>102</sup> To explain, the liberation of the Hailufeng 11<sup>103</sup> was coordinated by the established institutions of the YAMSS, which have in some ways, taken

over the roles played by the US Navy and French Intelligence during the case of the M/T Maximus in 2016. Many have argued that the 2016 incident would not have been a success story without the assistance of foreign navies working to track the vessel and coordinate the flow of information about it.<sup>104</sup> However, the 2020 examples were undertaken without foreign involvement. Furthermore, the second trial under Nigeria's Suppression of Piracy and Other Maritime Offenses Act of 24 June 2019, is proceeding well.<sup>105</sup>

At the national level, states in maritime zones E and F are at various stages of passing laws and strategies on maritime security. The YCC enjoins state parties to develop and implement maritime security policies, enact legislation, adopt practices and procedures on safe and secure operation of port facilities and ships, and to safeguard marine environments. It also requires states to establish national maritime security committees or systems for coordinating the activities of all key players—agencies, departments and organisations—involved in the fight against maritime crimes, as well as, to prosecute perpetrators of all forms of maritime crimes in accordance with domestic law.<sup>106</sup> In maritime zones E and F, Nigeria and Togo have anti-piracy laws. Nigeria's national maritime strategy is awaiting signature. Additionally, the country has developed the Harmonized Standard Operating Procedures for inter-agency coordination on maritime matters. This framework provides guidelines for maritime security in Nigeria's maritime environment and outlines the roles of each maritime stakeholder. Nigeria also a Deep Blue

99 Libby George, "Nigeria Convicts Three Men Under New Anti-piracy Law", *Offshore Engineer*, August 12, 2020, <https://www.oedigital.com/news/480876-nigeria-convicts-three-men-under-new-anti-piracy-law>

100 Ralhv. "Nigerian Navy"

101 See: Ivdelle Joubert. "MT Maximus Hijacking". *Piracy Report*. [http://piracyreport.co.za/MT\\_Maximus\\_Hijacking.html](http://piracyreport.co.za/MT_Maximus_Hijacking.html)

102 Ivdelle Joubert. "MT Maximus Hijacking"

103 The Chinese fishing trawler Hailufeng 11, licensed to fish in Côte d'Ivoire, was taken by pirates on Thursday, May 14 in the Ivorian exclusive economic zone with 18 crewmembers aboard – eight Chinese nationals, seven Ghanaians and three Ivorian nationals. Through rapid and engaged cooperation among a number of different African states and institutions, the vessel was tracked, and the Nigerian Navy was able to interdict it 140 nautical miles south of the Lagos Fairway Buoy at about 2210 local time on the night of May 16.

104 Ralhv. "Nigerian Navy"

105 "If found guilty, they [the alleged perpetrators of the Hailufeng 11] risk a life sentence, a fine of at least 50 million naira, [circa. US\$130,563.57] and restitution of the illegal proceeds to the Federal Government", TVC News, "FG Closes Case in Piracy Trial Involving Chinese Vessel", TVC News, August 8, 2020. <https://www.tvcnews.tv/fg-closes-case-in-piracy-trial-involving-chinese-vessel/>

106 "Code of Conduct Concerning the Repression of Piracy, Armed Robbery Against Ships, and Illicit Maritime Activity in West and Central Africa" (Yaoundé, June 25, 2019)

Project<sup>107</sup>, which is multi-layered and involves the training of selected officers from the various strata of the security services and the Nigerian Maritime Administration and Safety Agency, as well as, the acquisition of assets to combat maritime crime.<sup>108</sup> Nigeria's efforts are highly commendable as over 90 percent of pirate activities emanate from Nigeria's Niger Delta area.<sup>109</sup> Reports highlight the widening of pirate activities to 180 nautical miles offshore and as far as the Republic of Congo and Ghana; demonstrating the pressure being exerted on maritime criminals to cause them to move to ostensibly softer targets.

Benin developed a national strategy for protection, safety and maritime security in 2013. This was followed in 2014 by the creation of the National Authority in charge of state action at sea, which coordinates the actions of administrations working at sea. A maritime prefect was appointed in 2015 to head this office. Moreover, there has been legal training for the judiciary on areas covering sovereignty and sovereign rights, collection of evidence, police administration at sea, right of pursuit, flag state and so on. The country is also in the process of updating legislative and regulatory texts to integrate the provisions of the YCC in the fisheries, merchant navy, environment and customs agencies. It is also developing new legislative and regulatory texts regarding the international conventions that it has ratified. The development of these texts and the training of the judiciary is key as currently Benin does not have any laws on crimes committed at sea; these are usually tried under civil laws and where no application is found the criminals may be released.<sup>110</sup>

In Maritime Zone F, Ghana set up a National

Maritime Security Committee (NMSC) per the YCC, to address the development, relevance and acceptability of a National Maritime Security Framework and to perform other related maritime security functions. This has led to the development of the National Integrated Maritime Strategy which is being coordinated by the Ghana Maritime Authority. The strategy forms part of government's overarching approach to national security and is before the relevant authorities for adoption. It emphasises collaboration between state institutions and agencies, coastal states in the GoG, and regional organisations and incorporates the Yaoundé Declaration's processes on maritime security.

Côte d'Ivoire has a maritime strategy with an implementation plan. It has also established the *Secrétariat Permanent du Comité Interministériel de l'Action de l'Etat en Mer*/ Permanent Inter-Ministerial Commission for State Action at Sea to lead the implementation of maritime actors and security in the country. The Commission is an inter-ministerial level committee at the Office of the Prime Minister and has representatives from all the relevant agencies involved in maritime related issues in the country. Liberia, Sierra Leone and Guinea are currently drafting their national maritime strategies. Therefore, there appears to be a conscious effort by states in the two zones to put the necessary structures in place. Furthermore, it is evident that international and regional processes have affected national strategies on maritime crimes. The building blocks laid down at the national level will be critical to operationalising the frameworks and structures on maritime security.

## Rowing Against the Tide: Challenges to Combating Maritime Crimes

<sup>107</sup> Officially termed 'Integrated National Security and Waterways Protection Infrastructure'

<sup>108</sup> See: Safety4Sea, "Nigeria's 'Deep Blue Project' to Reduce Criminalities in its Waters," *Safety4Sea*, March 29, 2019, <https://safety4sea.com/nigerias-deep-blue-project-to-reduce-criminalities-in-its-waters/>

<sup>109</sup> Okafor-Yarwood et al., "Stable Seas."

<sup>110</sup> Interview with Marine Police, September 2019, Cotonou, Benin.

### ***The COVID-19 Pandemic and Maritime Insecurity***

Regardless of the efforts currently underway by the various states in zones E and F, some challenges are hampering efforts to combat maritime crimes. In 2020, these challenges have been further exacerbated by the COVID-19 pandemic. This has resulted in increased piracy, armed robbery and kidnapping for ransom in the GoG. For instance, the United Nations Office on Drugs and Crime (UNODC) recorded increased attacks at anchorages from January to May 2020 during the COVID-19 pandemic.<sup>111</sup> In addition, there was an observed increase in the pirates' operational range as seen in the attack on the *Curado Trader*; a Liberian flagged tanker which was attacked at 244 nautical miles south of Cotonou on July 2020.<sup>112</sup> The UNODC also reported 96 mass kidnappings between January and August 2020 in comparison with 86 in 2019 and 31 in 2018.<sup>113</sup> These statistics

reveal the lacunae left by maritime patrol agencies, which have been taken advantage of by criminals. In Ghana, the navy reported inadequate manpower to effectively police the vast stretches of coastline.<sup>114</sup> There was also limited supply of appropriate COVID-19 Personal Protective Equipment for frontline personnel to enhance safety during operations, as well as limited patrol vessels to conduct maritime operations.<sup>115</sup> In addition, the International Maritime Bureau Piracy Reporting Centre (IMB-PRC) reported 132 attacks between January and September 2020 in the GoG alone and a rise in hijacking by 40 percent as compared to the same period in 2019. The medical and economic fallout of the virus has posed some challenges for countries with few resources as they struggle to police their waters.<sup>116</sup>

### ***Traditional Challenges***

Maritime security and law enforcement agencies, such as the navy, the coastguard and marine police, in most GoG countries do not have the capacity to provide a credible deterrence to crime in the maritime space.<sup>117</sup> In the same vein, inadequate logistics such as patrol vessels for extensive patrolling and pursuit beyond territorial waters remain a challenge. In maritime zones E and F, apart from Nigeria and Ghana, not much budgetary

allocation is given to navies for their work on the seas.<sup>118</sup> Insufficient resources translate into ungoverned spaces and breeding grounds for illegal activities at sea.

There are also challenges in the domestication of international and regional frameworks into the national laws of Member States of the GGC. It is important to note here that criminal law and procedures are attributes of state sovereignty; thus, each state has its own national legislation

111 Cristian Santos, "UNODC Presentation", delivered September 22, 2020 at the KAIPTC-Danish Maritime Security Project's Maritime Security in the Gulf of Guinea Dialogue Series Webinar on Pandemics: Maritime Crimes and Response Mechanisms in the Gulf of Guinea.

112 The Maritime Executive, "Gulf of Guinea Pirates Extend Their Reach Far from Shore, *The Maritime Executive*, July 17, 2020, <https://www.maritime-executive.com/article/15-crew-kidnapped-in-furthest-out-to-sea-attack-in-the-gulf-of-guinea>

113 Cristian Santos, "UNODC Presentation"

114 Yusuf Benning, "MMCC Zone F Presentation", delivered September 22, 2020 at the KAIPTC-Danish Maritime Security Project's Maritime Security in the Gulf of Guinea Dialogue Series Webinar on Pandemics: Maritime Crimes and Response Mechanisms in the Gulf of Guinea.

115 Yusuf Benning, "MMCC Zone F Presentation"

116 See: Katherine Dunn and Jeremy Kahn, "[Piracy is Thriving Off the Coast of West Africa Despite COVID Nearly Crushing Global Marine Traffic](#)", *Fortune*, November 20, 2020, <https://fortune.com/2020/11/20/pirates-gulf-of-guinea-maritime-trade-west-africa-marine-traffic-covid/>

117 DefenceWeb, "Tackling Maritime Threats and Challenges in the Gulf of Guinea: Contributions of the Nigerian Navy," *DefenceWeb*, March 23, 2019, <https://www.defenceweb.co.za/security/maritime-security/tackling-maritime-threats-and-challenges-in-the-gulf-of-guinea-contributions-of-the-nigerian-navy/>; Ali Kamal-Deen, "The Anatomy of Gulf of Guinea Piracy," *Naval College Review* 68, no. 1, Article 7 (2015): 93–118, [https://digital-commons.usnwc.edu/nwc-review/vol68/iss1/7?utm\\_source=digital-commons.usnwc.edu%2Fvol68%2Fiss1%2F7&utm\\_medium=PDF&utm\\_campaign=PDFCoverPages](https://digital-commons.usnwc.edu/nwc-review/vol68/iss1/7?utm_source=digital-commons.usnwc.edu%2Fvol68%2Fiss1%2F7&utm_medium=PDF&utm_campaign=PDFCoverPages)

118 Adeniyi Adejimi Osinowo, "Combating Piracy in the Gulf of Guinea," *Africa Security Brief*, no. 30, February 28, 2015, <https://africacenter.org/publication/combating-piracy-in-the-gulf-of-guinea/>



under which maritime crimes are addressed.<sup>119</sup> However, most of these regulations are outdated. There is therefore the need for reforms to incorporate international and regional conventions into national laws.

Similarly, there is also the need for appropriate national maritime security laws, practice and procedure. The operationalisation of these national strategies on maritime security is an area of concern. As demonstrated earlier, only about three of the 10 countries in maritime zones E and F have these strategies in place. The rest of the countries are at various stages of formulation. This has an impact on how maritime security issues are coordinated and addressed. Furthermore, there are weak judicial systems that are not adapted to fight piracy and other maritime crimes, differences in legal systems—common law versus civil law, a lack of commitment and an absence of local laws, which penalises maritime crimes, are inimical to maritime security in the GoG.<sup>120</sup> Moreover, the absence of anti-piracy laws, except in two of the countries, means that maritime crimes are not easily prosecuted.

Additionally, the lack of interagency collaboration and cooperation continues to hamper maritime security especially at national level. The navy usually leads in maritime security in most states in maritime zones E and F; but the other agencies and institutions working on maritime security within any given state are not fully aware of maritime security issues especially in terms of international and regional frameworks. This factor impinges on their work. For instance, during research for this paper, ports and harbour authorities in Benin indicated that they had no idea of the YCC and its provisions on incident reporting for maritime stakeholders.<sup>121</sup> In Ghana, it was found that though the surveillance system has some of the necessary tools for effective monitoring of the maritime domain, there

are lapses in information sharing between leading agencies as they all operate separate surveillance systems; thereby limiting their ability to effectively coordinate on maritime security issues.<sup>122</sup> The issues of trust emanating from protection and concealment of information to and from other agencies and states needs to be highlighted. It is hoped that the operationalisation of the national maritime strategies will be instrumental in bringing on board and up to speed all relevant agencies concerned with maritime security in the respective countries.

The challenges encountered in intelligence and information sharing is by far the most inimical factor in combating maritime criminality in maritime zones E and F. Information sharing among actors in the Yaoundé process continues to be an area of great concern. The sensitivities surrounding information sharing, trust and intelligence has led to zero information sharing among actors particularly on maritime incidents, despite the stipulation from the legal frameworks and the YCC on the key role of information sharing among actors.<sup>123</sup> Trust and confidence building measures are pre-requisites to information sharing and must be encouraged through platforms such as regular dialogues and networking. There is also the need to strengthen capacity-building in human intelligence gathering, as this will enable intelligence analysts to conduct effective covert operations in coastal communities where most of the maritime crimes are planned and launched.

Weak institutions and institutional capacity have often been cited as detrimental to maritime security efforts. As pointed out earlier, a lack of national normative frameworks, regulating mechanisms and resources, among others, continue to hamper efforts to strengthen maritime security. It is crucial that states accelerate the pace of establishing

119 KAIPTC, "First Technical Rotating Meeting on Enhancing Maritime Security in the Gulf of Guinea" (KAIPTC-Danish Maritime Security Project & ICC Report, 2019).

120 KAIPTC, "First Technical Rotating Meeting."

121 Interviews with officials at the Port Authority in Benin, September 2019.

122 Okafor-Yarwood et al., "Stable Seas."

123 KAIPTC, "First Technical Rotating Meeting."

national maritime frameworks and developing harmonised operational procedures based on national maritime strategies. This will go hand in hand with improved intelligence capacity of maritime enforcement agencies to be able to respond effectively to illicit activities in the GoG. Maritime law enforcement operations require the generation of actionable intelligence by relevant authorities<sup>124</sup>. Besides, building intelligence allows the effective allocation of available resources. This approach will ensure

that crimes are prevented from happening on land and at sea as demonstrated by the capture of the MT Maximus and the Hailufeng. Actionable intelligence ensures that criminals are apprehended effectively. Additionally, the training of judges and lawyers on maritime laws and security as well as equipping the marine police to be able to handle forensics and other evidence needed to prosecute criminals are crucial in ensuring that there are no legal gaps in prosecuting criminals.

### **Addressing Maritime Criminality in Zones E and F: The Role of Non-State Actors**

Lessons learnt from the Gulf of Aden can be used to prevent and reduce maritime crimes in the GoG. One of these lessons involves the use of non-state actors, who are defined as individuals or institutions not directly connected to a state government.<sup>125</sup> Though responsibility for addressing security issues has traditionally been the sole preserve of the state as underscored by the Weberian concept of the state's monopoly of the legitimate use of violence, making the state distinct from other forms of social organisations<sup>126</sup>, over the past few decades, there has been growing awareness of the utility and importance of incorporating non-state actors into responses to security challenges. The expansion in the definition of security to encompass human security as well as the increasing appreciation for the capacity of non-state actors to address international problems more broadly, has led to their constant examination by scholars.<sup>127</sup>

There are four categories of non-state actors in this regard. These are non-governmental

organisations (NGOs) or civil society organisations (CSOs), inter-governmental organisations (IGOs) including regional organisations, private sector entities and what are referred to as dark networks, such as illicit networks, rebel groups and criminal networks.<sup>128</sup> In the Gulf of Aden, three general roles were identified for non-state actors in reducing maritime crimes. These are advocacy and agenda setting, provision of logistical support to security systems and the direct provision of security services.<sup>129</sup> Communities of interest were mobilised to put normative, political or economic pressure on other institutions. This approach is being adopted in the GoG but needs to be accelerated.

Since the late 2000s, several NGOs/CSOs and IGOs have gradually become involved in maritime security. For example, the FCWC has helped facilitate cooperation in fisheries management between its Member States since 2007.<sup>130</sup> It has influenced national plans of action<sup>131</sup> to prevent, deter and eliminate IUU

124 Okafor-Yarwood et al. "Stable Seas."

125 Conor Seyle and Jens V. Madsen, "Non-State Actors in Maritime Security," in *Strengthening Maritime Security through Cooperation*, NATO Science for Peace and Security Series - F: Human and Societal Dynamics 122, eds. Ioannis Chansos and Cassie Kitchen (Amsterdam: IOS Press): 23, 23-36.

126 Max Weber, *The Vocation Lectures: "Science as a Vocation"; "Politics as a Vocation"* eds. David Owen and Tracy B. Strong, trans. Rodney Livingstone (Indianapolis/Cambridge: Hackett Publishing Company).

127 Conor Seyle and Jens V. Madsen. "Non-State Actors."

128 Ibid.

129 One Earth Future Foundation, "Non-State Actors in Maritime Security," ("based on a chapter from the book *Strengthening Maritime Security Through Cooperation*"), *One Earth Future Policy Brief*, 2015, [https://oefresearch.org/sites/default/files/documents/publications/non-state\\_actors\\_in\\_maritime\\_security\\_policy\\_brief.pdf](https://oefresearch.org/sites/default/files/documents/publications/non-state_actors_in_maritime_security_policy_brief.pdf)

130 These Member States are Ghana, Benin, Togo, Côte d'Ivoire, Nigeria and Liberia.

131 They supported the national action plans of Ghana, Côte d'Ivoire and Togo.

fishing as well as collaborated with CRESMAO and the MMCCs to explore the feasibility of joint patrols in the sub-region.<sup>132</sup>

Other non-state arrangements such as the Maritime Domain Awareness for Trade-Gulf of Guinea<sup>133</sup> was established by oil companies for ships to report incidents at sea when using West African waters. It provides operational advice and situational awareness to merchant ships in the area to reduce the risk of unlawful acts against mariners and shippers. This has helped support ship masters and companies who were victims of piracy and armed robbery before, during and post incident. In the same vein, the YCC provides opportunities for incident reporting under its operational centres of maritime zones A to G. To this end, a list of contacts is generated and circulated in the Inter-Regional Coordination Centre's weekly and quarterly reports. In the long run, a one-stop platform with a short code available to all actors will be more convenient and accessible in ensuring quick and efficient reporting and response. Therefore, the ongoing Yaoundé Architecture Regional Information Sharing system<sup>134</sup> is poised to support maritime operations through sharing of information to the 27 states in the GoG.

Another pathway for non-state actors' participation in security is through the provision of support services to security institutions. NGOs and private companies have historically played significant roles in logistical support for security institutions, particularly, in providing humanitarian support for those impacted by violence.<sup>135</sup> There is also a developing role for non-state actors to act as 'backbone support' organisations for network security institutions. In this role, non-state actors provide organisational and administrative support for

the coordination of multiple actors.

In the maritime sector, non-state actors have taken on both direct support and backbone support roles. NGOs have been heavily involved in the humanitarian element of supporting pirate hostages both during their captivity and after release. Many organisations have also played backbone support roles. One clear example is the role of the IMB-PRC in supporting maritime situational awareness. The IMB-PRC operates to coordinate the reporting of pirate attacks from both private and state actors, and functions as a central clearinghouse for information sharing. In doing this, it operates in support of the larger network of counter-piracy structures.<sup>136</sup>

In addition, non-state actors, including Stable Seas and the IMB, played a role in encouraging the drafting and signing of the Declaration Condemning Acts of Violence Against Seafarers by several major flag states. This Declaration contributes to the coordination of counter-piracy activities and the reporting of pirate attacks. Similarly, INTERPOL supports local police forces to effectively tackle piracy through improving evidence-based collection capabilities of the local police forces and facilitating better cooperation, among others. For instance, since 2015, INTERPOL through Project AGWE<sup>137</sup> has sought to enhance the capacity of local police and other maritime agencies such the navy and coastguard to investigate maritime crimes<sup>138</sup> and 664 officers have been trained in the target countries in investigating and prosecuting maritime piracy and other maritime-based organised crime.<sup>139</sup>

The role of other non-state actors such as coastal communities is also critical in preventing maritime criminality. Coastal areas host large

132 "Fight Illegal Fishing". ECWC. <https://fcwc-fish.org/what-we-do/fight-illegal-fishing>

133 Originally known as the Maritime Trade and Information Sharing Centre - Gulf of Guinea.

134 See: *YARIS: the information sharing platform of the Yaoundé Architecture | GoGIN*

135 One Earth Future Foundation. "Non-State Actors."

136 Ibid.

137 "INTERPOL's Project AGWE enhances maritime law enforcement capabilities in five countries in the Gulf of Guinea – Benin, Côte d'Ivoire, Ghana, Nigeria and Togo – by linking first responders, investigators and prosecutors, and increasing cross-border collaboration", "Project AGWE, West Africa," INTERPOL. <https://www.interpol.int/en/Crimes/Maritime-crime/Project-AGWF-West-Africa>

138 "Regional Threats Require a Global Response – INTERPOL Chief in Central Africa," INTERPOL, September 10, 2016. <https://www.interpol.int/en/News-and-Events/News/2016/Regional-threats-require-a-global-response-INTERPOL-Chief-in-Central-Africa>

139 INTERPOL, "Regional Threats."

populations all over the world but coastal ecosystems in the GoG and the people they support are under constant threat as they face industrial growth and climate change.<sup>140</sup> The complex relationship between environmental threats like oil pollution and climate change and socio-economic indicators, such as poverty, have taken a toll on the well-being and security of the region.<sup>141</sup> Collaboration between the state and coastal communities is key as most sea-based crimes are planned on land. Coastal communities are usually aware of the criminals and their *modus operandi*. Therefore, the inclusion of these communities would be a win-win situation for both the state and the communities. So, it is important to bridge the policy gap between the top down (state-centric) versus bottom-up (citizens-focused) approaches that focus on human security issues and the need to understand maritime security from the perspective of coastal communities who bear the direct and heavier brunt of deficits in maritime security and safety and these communities are also in a position to play a pivotal role in the quest for a lasting and sustainable solution to the menace.<sup>142</sup>

Private sector stakeholders are also important actors in maritime security especially during policy research and implementation of maritime activities. By countering illicit activities, they help to create a more sustainable and efficient solution to security threats.<sup>143</sup> These stakeholders already have a strong incentive from a business perspective to engage themselves in environmental and social issues. States can also involve private stakeholders such as Blue Economy businesses and fishers by offering tax breaks and financial compensation for using sustainable business

practices and for helping law enforcement agencies gather information on illicit activities.<sup>144</sup> Governments can also double up on educational programmes to raise awareness of important issues threatening local economic stability. By communicating consistently with local stakeholders, policy-makers can both more accurately identify maritime security needs and more comprehensively address them.<sup>145</sup>

Private Maritime Security Companies (PMSC) have increased in the GoG over the past decade. These are employees or sub-contractors of and for-profit entities who emerged as a market response to the increased spate of violence at sea. Their use is, however, not widely accepted as a protection strategy as it also alters the norm of the past two centuries of keeping merchant vessels unarmed. Various international frameworks and the International Maritime Organisation guidelines also leave the use of PMSCs to the discretion of the states.<sup>146</sup> Due to the perception that security at sea is the responsibility of states, many states are uncomfortable with their use. In Nigeria, Benin and Togo, maritime agencies operate secured anchorages in addition to providing embarked teams of security troops through agents and local security companies. In Ghana, armed protection can be obtained through direct liaison with the Ghana Navy.<sup>147</sup> The Nigeria Navy has had an MOU with 16 private companies since 2016; effectively providing the bulk of offshore oil field security and increasing the amount of merchant vessel protection in and out-bound from Nigerian ports. A privately operated joint venture also manages the secure anchorage of Lagos; the only such dedicated area in the region officially promulgated on

140 Okafor-Yarwood et al. "Stable Seas."

141 Ibid.

142 Edwin Egede "Balancing Geopolitical Economic and Geostrategic Interests in Maritime Security Initiatives in the Gulf of Guinea – Way forward: the 3 Cs" "presented at the Global Maritime Security Conference, Abuja, Nigeria" October 7-9, 2019. <http://orca.cf.ac.uk/127234/1/Faede-GMSC%202019.pdf>

143 Michael Van Ginke, "Engaging with Local Stakeholders to Improve Maritime Security and Governance", *Modern Diplomacy*, June 5, 2020, <https://modern.diplomacy.eu/2020/06/05/engaging-with-local-stakeholders-to-improve-maritime-security-and-governance/>

144 Michael Van Ginke, M., "Engaging with Local Stakeholders to Improve Maritime Security and Governance" June 5, 2020. [Engaging with Local Stakeholders to Improve Maritime Security and Governance - Modern Diplomacy](https://modern.diplomacy.eu/2020/06/05/engaging-with-local-stakeholders-to-improve-maritime-security-and-governance/)

145 Ibid.

146 One Earth Future, "Introduction to Private Maritime Security Companies (PMSCs)," May 11, 2013, <http://oceansbeyondpiracy.org/introduction-private-maritime-security-companies-pmscs>

147 CIMSEC/Dirk Steffen, "Maritime Security in the Gulf of Guinea in 2016," *The Maritime Executive*, April 11, 2017, <https://www.maritime-executive.com/editorials/maritime-security-in-the-gulf-of-guinea-in-2016>



admiralty charts.<sup>148</sup>

PMSCs will likely remain the (expensive) sticking plaster to fix the situation for commercial ship operators in the short term.<sup>149</sup> Nevertheless, only few of the models in use, short of purpose-built and suitably armed patrol boats, are likely to provide any meaningful deterrent against Nigerian pirates, in particular, who are both capable and willing to overcome armed resistance. Except for Ghana and Cameroon where the use of naval/army assets for commercial purposes is severely circumscribed, none of the 'private' or public-private maritime security solutions is likely to enhance the scarce maritime security assets and capabilities of the west African nations.<sup>150</sup> Furthermore, with transparent contracts and the close scrutiny of national governments, PMSCs could help address many of the short-term problems in the maritime domain without compromising the sovereignty of national governments.<sup>151</sup>

Moreover, it would be worth understanding and looking for opportunities for engagement of dark networks in maritime criminality. Approaches in countering terrorism and

extremism have so far indicated that kinetic approaches alone are insufficient to win the 'war on terror'. As warned in the much-publicised report by Major General Michael T. Flynn *et. al*<sup>152</sup> "merely killing insurgents usually serves to multiply enemies rather than subtract them".<sup>153</sup> In Nigeria's Boko Haram case, the extrajudicial killing of its first leader created the space for a more vicious successor; plunging the country into one of its worse humanitarian crisis yet. In order to avoid and learn from the mistakes of the past, non-kinetic approaches should be considered in reducing maritime criminality in the GoG. Roberts and Everton identify some strategies in dealing with dark networks. These are from the non-kinetic approach<sup>154</sup>, including institution-building, psychological operations, information operations and rehabilitation.<sup>155</sup>

So, a combination of methods is needed to prevent and reduce the recourse to maritime criminality. Both state and non-state actors have various roles to play in this regard. A complementarity of roles will ensure in the long run some progress recorded in reducing maritime criminality.

## Conclusion

The GoG region continues to be the hotspot for piracy and other transnational organised crimes. Its strategic importance as an international shipping route, producer and exporter of oil as well as its marine reserves means that it has a lot of economic potential and ability to develop the region. Nonetheless, maritime crimes continue to derail the economic potential of the region as piracy disrupts

economies and increases high insurance rates for shipping companies. Maritime zones E and F in West Africa account for over 86 percent of maritime piracy in the GoG. Increasing maritime criminality in these zones and rapidly changing operational sophistication in recent years, has given cause for serious concern within the global shipping community, regional actors, governments, private stakeholders and coastal

148 CIMSFC/Dirk Steffen. "Maritime Security"

149 Ibid.

150 Ibid

151 Dirk Siebels. "Maritime Security in Africa."

152 Michael T. Flynn, Matt Pottinger and Paul D. Batchelor, "Fixing Intel: A Blueprint for Making Intelligence Relevant in Afghanistan," *Voices From the Field*, January 4, 2010. <https://www.cnas.org/publications/reports/fixing-intel-a-blueprint-for-making-intelligence-relevant>

153 Michael T. Flynn, Matt Pottinger and Paul D. Batchelor. "Fixing Intel."

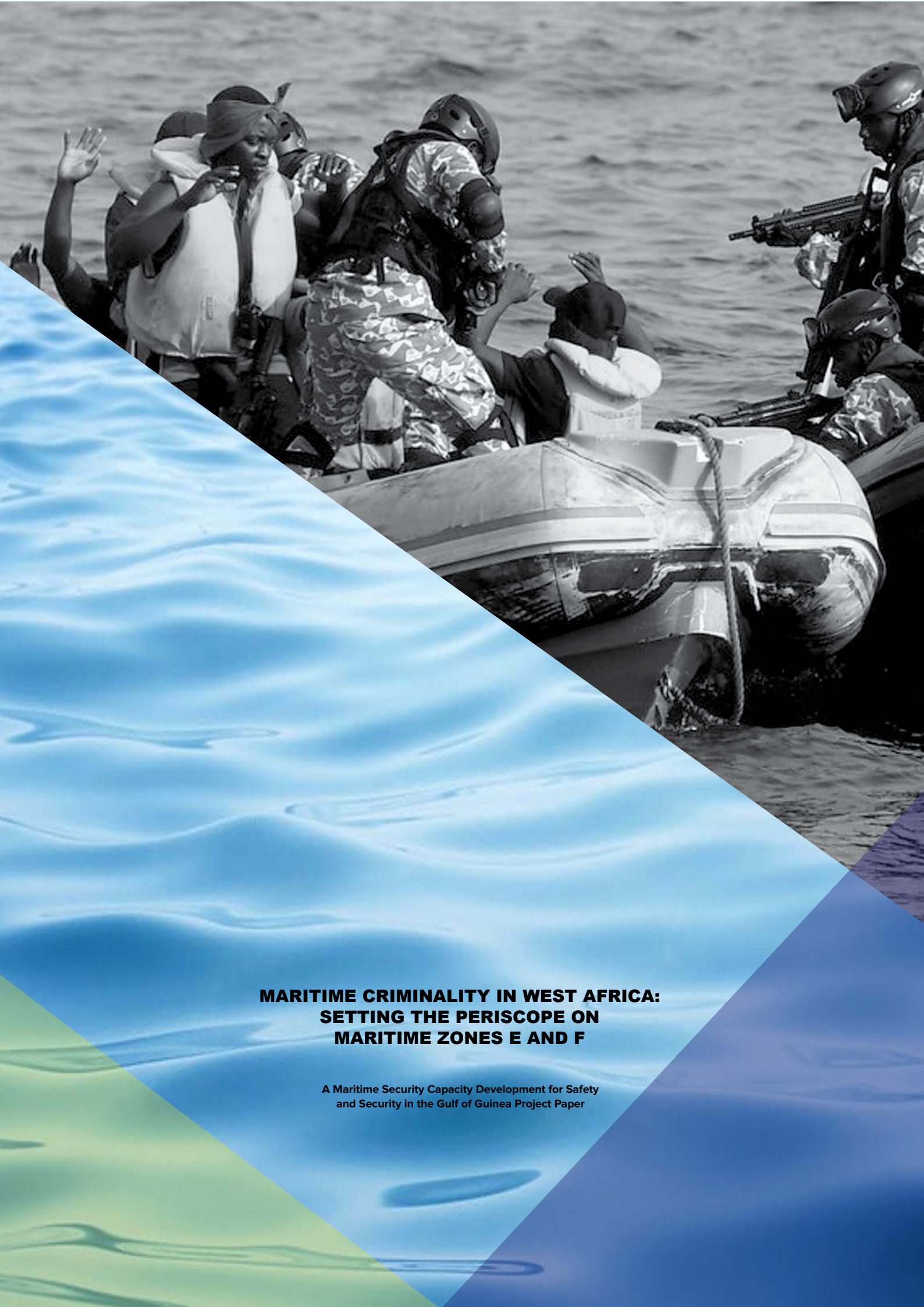
154 These approaches range from strengthening state institutions of governance, rule of law and economic development to the dissemination of information for the purpose of influencing the psychology of criminals and others to electronic warfare that disrupts funding and other sources to the rehabilitation of ex-criminals and the utilisation of their knowledge to learn and strategise against future attacks.

155 Nancy Roberts and Sean F. Everton "Strategies for Combating Dark Networks," *Journal of Social Structure* 12, no. 1 (December 2011): 1-32, <https://www.cmu.edu/joss/content/articles/volume12/RobertsEverton.pdf>

communities that depend on the oceans for their livelihoods. Responses to maritime crime is at a nascent stage despite the development of normative frameworks by the AU, ECOWAS and ECCAS to control maritime insecurity in the larger GoG. The YCC has proven to be linchpin for states to galvanise action on maritime security in these responses.

In addressing maritime criminality in these zones, strengthening institutions, which includes training the judiciary, equipping the marine police and improving human and material logistics, and involving non-state actors such as coastal communities, the private sector, NGOs and even reformed criminals, will

contribute to an all hands on deck approach to fighting maritime crimes in the GoG. While the use of private maritime security companies is still a thorny issue, countries must find the best approaches to ensuring the safety of ships at sea and thwarting the efforts of pirates to board for their countries. The passage of Nigeria's anti-piracy Act is good news for the region as it allows for pirates to be tried and it may serve as a deterrent to other criminals. Above all, political will and improved communication and information sharing among GoG states and maritime actors are key to fully and efficiently operationalising the objectives of the normative frameworks on maritime security and safety.



**MARITIME CRIMINALITY IN WEST AFRICA:  
SETTING THE PERISCOPE ON  
MARITIME ZONES E AND F**

A Maritime Security Capacity Development for Safety  
and Security in the Gulf of Guinea Project Paper