

The Political Economy of Piracy in The Gulf of Guinea

Izuehie Queeneth Onyinyechi

Faculty of Law, Rivers State University, Nkpolu-Oroworukwo, Port Harcourt in partial fulfillment of the requirements for the award of Bachelor of Laws (LL.B)

Citation: Izuehie O.O. (2022) The Political Economy of Piracy in The Gulf of Guinea, *International Journal of Petroleum and Gas Exploration Management*, Vol.6, No.1, pp.37-89

ABSTRACT: *This work is a study on the political economy of piracy in the Gulf of Guinea. It identifies the various legal and institutional frameworks that have been put in place to control the menace of piracy in the area. It also identifies the challenges of combating piracy and armed robbery at sea in the region. This study examines the trends in piracy and armed robbery at sea and the causes of this menace in the Gulf of Guinea. This study is structured into five chapters; the chapter one covers the general introduction of the study, it gives a general background to the study. Chapter two covers the literature review and theoretical framework of this study; it gives an insight on the theories that relate to the subject matter of the study. Chapter three discusses the legal and institutional framework put in place for combating piracy and armed robbery at sea in the Gulf of Guinea; it discusses the extent to which these legal frameworks have successfully curbed the menace. Chapter four discusses the causes of piracy in the Gulf of Guinea and how the presence of each factor affects the economy of the Gulf of Guinea. Chapter five deals with concluding matters like findings and the recommendations, which would serve as additional measures to the fight against piracy and armed robbery at sea. The study adopts the doctrinal approach.*

KEYWORDS: political economy, piracy, gulf, guinea

INTRODUCTION

The bulk of maritime commercial activity involves the carriage of goods through the sea, this adds to the economic growth of the nations that produce these goods that are transported via waterways. These commercial activities are stalled by pirate activities and as such lead to economic degradation, piracy is one of the most worrying issues today. The occurrence of piracy constitutes a significant and direct threat to the peace, economic development and

security of countries affected and regions concerned. In recent times, the negative impact of piracy and armed robbery at sea have begun to affect the interests of all states, globally. The scourge poses a serious threat to international peace and security and has destabilizing effects on international navigation and maritime trade. The top regions for piracy today are: the Gulf of Aden, the Gulf of Guinea, the Malacca Strait and the South China Sea which are all vital shipping routes crucial for global trade. The issue of piracy against merchant vessels in these regions generates additional costs on international economic activities. Piracy activities increase insurance premiums and ship operating costs, this eventually leads to the re-routing of ships, further increasing the costs related to maritime commerce. The payment of ransoms and maintenance of naval forces also result to considerable costs to the maritime industry. All these increase the cost of global trade and severely affect the world economy. In general parlance, piracy is robbery at sea. Legally, it refers to certain acts of violence committed either on the high seas or in an exclusive economic zone (EEZ). The term can have a narrow legal meaning for establishing jurisdiction over particular illegal activities, or it can be used broadly to cover all forms of sea robbery and violence at sea. However the common perceptions of piracy have rarely been applied with uniformity, an example is *article 101 of United Nations Convention on the Law of the Sea (UNCLOS)*¹ which describes piracy as illegal acts committed on the high seas for private ends by the crew or passengers of one ship against another ship. However, different authors have tried to define and explain the term in many different ways. *Murphy*, a renowned scholar of modern maritime piracy defines it as ‘unlawful depredation at sea involving the use or threat of violence, but not necessarily, involving robbery’², the British jurist *C.S. Kenny* characterized piracy as ‘any armed violence at sea which is not a lawful act of war’³, *Dillon* suggests piracy be placed in the category of ‘actions against ships underway and outside the protection of port authorities in territorial waters, straits and the high seas’.⁴ Maritime piracy remains a matter of serious concern, as it is a growing threat to the security and safety of shipping. The intertwining of piracy creates substantial risks for global markets, as the bulk of international maritime commercial transport is carried on through many of these

¹‘United Nations Convention on the Law of the Sea’ [10/12/1982], 1833 UNTS 397 (entered into force 16 November 1994).

²Martin M, ‘CIWAG Case Study on Irregular Warfare and Armed Groups: Piracy’(2012) CIWAG case study series 2011-2012 <<http://www.usnwc.edu/ciwag>> accessed 10 March 2019

³Malvina H, ‘Terrorism on the High Seas: The Achille Lauro, Piracy and the IMO Convention on Maritime Safety’ [1988] *The American Journal of International Law*; 82/10.2307/2/269

⁴Dillion D, ‘Maritime Piracy: Defining the Problem’ [2005] *SAIS Review of International Affairs*; 25/10.1353/1/155

pirate-infested regions. For example, the Gulf of Aden region, the world's most dangerous maritime route for piracy, is accountable for the majority of trade between Asia and Europe. It is estimated that about 16,000 ships pass through the Gulf of Aden annually, transporting various Asian goods and oil from the Persian Gulf region to Europe and North America. Similarly, the Gulf of Guinea region, a point of departure of important exports of oil, gas and other commodities to 'First World' countries has recently become a dangerous maritime area for piracy.

Although piracy is common in particular geographic regions of the world, there are certain similarities and differences as regard the crisis in each region. The identical causal factors include weak governance, unfunded law enforcement and security systems and common geographic features. Differences include the typology of the attacks. It is argued that 'the differences in political and economic landscapes influence how pirates embed their operations across territory, and thus how they carry out their operations'. Yet, in most cases, the motivation for piracy is similar: it is linked to economic deprivation. For example, Somali pirates have claimed that they are fighting to defend their local fishing sector, while Nigerian pirate groups point to the unequal sharing of oil resources to justify their actions. However, the models of piracy and typologies of attack in different regions do differ in nature. In the Gulf of Guinea, cooperation is centered on regional efforts with the *United States Africa Command (US AFRICOM)*, one of the major players involved in establishing naval and other maritime capabilities and cooperation along the coast. The regional group, *the Economic Community of West African States (ECOWAS)* is working to bring uniformity to the maritime policies of its member states. In addition, various donors are working on multiple projects at the regional level to help the local powers to address the threat of piracy. However, these regional initiatives are affected by inadequate resources and a lack of structured legal arrangements. Despite the various cooperation mechanisms in the sub region, a tangible and lasting result is yet to be achieved. It is expected that such a result may only be achieved by implementing a viable regional approach identifying the root causes of the problems of the regional countries and by strengthening mutual interaction to achieve this goal. The issue of piracy in the Gulf of Guinea has led to relatively low development in its surrounding nations and as such it should be tackled in order to increase economic development in these regions.

Statement of the Problem

Firstly most countries in the regions find it very difficult to tackle the issue of piracy because of lack of adequate facilities to do so. This stands to be one of the major reasons or the constant

piracy attacks in the Gulf of Guinea and this has to be tackled properly to ensure that the activities within that area is not stalled thereby leading to collapse economic activities in the region.

Secondly the issue of piracy along the Gulf of Guinea is one which should not just be limited to the regions surrounding it, as other foreign states carry out the business of importing and exporting around the Gulf, as such there should be a collective effort from these foreign countries to curb the menace of piracy in the Gulf of Guinea.

Research Questions

This study is structured to provide answers to the following questions:

1. What are the present legal and policy arrangements to combat piracy and armed robbery at sea in the Gulf of Guinea?
2. How effective are the present arrangements to combat piracy and armed robbery at sea in the Gulf of Guinea?

Aim and Objectives of the Study

The aim of this study is to assess the effects of piracy and armed robbery at sea on the political economy of the Gulf of Guinea. The specific objectives of this project are to:

- i. Critically appraise the legal and institutional framework to combat the menace of piracy and armed robbery at sea in the Gulf of Guinea.
- ii. Suggest possible ways to stop the menace of piracy and armed robbery at sea in the Gulf of Guinea

Scope of the Study

The scope of this study would be to lay emphasis on the basic effects of piracy in the Gulf of Guinea, in other words it would be to emphasize the causes of piracy and its effects on the economy of the regions of the Gulf of Guinea.

Significance of the Study

The Gulf of Guinea serves as a major commercial route for nations which surround it; it is the basic area where most importation and exportation of goods take place. Goods are carried via sea to their places of delivery or delivered to the nations surrounding the Gulf of Guinea. Piracy along the Gulf of Guinea is becoming a serious menace to the world in general as it affects trade and other commercial activities along the Gulf. The study of “the political economy of

piracy in the gulf of guinea” is essential so as to bring to fore the issues for recommendation or the issues to be appraised. This study will:

- i.Help in improving the literature in this area of study.
- ii.Highlight the basic effect of piracy on the economy in the Gulf of Guinea.
- iii.To students or lecturers who wish to have ground knowledge on this topic, this study would form a basis for further research in this field.
- iv.To raise awareness especially to the negative effect of piracy and armed robbery at sea in the Gulf of Guinea and how it can be tackled.

Limitations of the Study

This study has been carefully conducted, but in the course of this work, there are some limitations which range from a dearth of study materials and precedent researches done on this area of study and also lack of cogent judicial decisions to enable the research fix a stable hold on the study. The topic is also really vast as it is not a subject that is adjudicated upon by just one nation; it is not limited to a specific country and as such requires varying literature review from different authors.

RESEARCH METHODOLOGY

To achieve this study, the doctrinal research methodology is adopted; to a great extent, the study will be of a descriptive nature positioning it within the broad area of qualitative research. The work is dependent on primary sources such as statutes, case laws, precedents and secondary sources such as books and internet sources. The basic methodological approach to be used, will be a study of the nature of piracy in the Gulf of Guinea along with the existent policy and legal frameworks directed towards combating the threat in the region. The literature review of existing research covering this topics encompassed: books, journals, reports of government and non-government agencies, conference proceedings, media releases and various online materials which will be exhibited while making suggestions and recommendations on how to tackle the issue of piracy in the Gulf of Guinea.

THEORETICAL FRAME WORK AND LITERATURE REVIEW

The theoretical framework is an important aspect of this study; it explains the various theories of law which relates to the topic. The literature review shows how much work has been done;

it expresses the views of various authors and the varying approach used by each of them. The conceptual frame work explains the basic concept, it provides for a better understanding by providing the meanings of the concepts that govern this study.

Theoretical Framework

Economics and law

Law and economics,” also known as the economic analysis of law, differs from other forms of legal analysis in two main ways. First, the theoretical analysis focuses on efficiency. In simple terms, a legal situation is said to be efficient if a right is given to the party who would be willing to pay the most for it.⁵ The second characteristics of law and economics is its emphasis on incentives i.e. law and economic assume that individuals are rational and respond to incentives, when penalties for an action increase, people will undertake less of that action.⁶ There are two distinct theories of legal efficiency, and law and economics scholars support arguments based on both.

These two concepts are very important in this study because the general concept of economic stability in the basin countries of the Gulf of Guinea depends largely, on the position the law has taken to battle such menaces as “piracy and armed robbery at sea” which go a long way in causing economic depreciation in the Gulf of Guinea. Furthermore the extent of legal instruments created and the penalties stipulated will reduce the crime of piracy and armed robbery at sea in the Gulf of Guinea.

Positive Theory of Law

This school of thought was propounded by John Austin and Jeremy Bentham and later received further deliberation from HLA Hart and Finnis, they believed that laws are to be written down, must possess an element of command and must also have a sovereign and a subject.⁷ Jeremy Bentham believed that laws should be as it is and not as it ought to be his view didn't mean he didn't propose a better law, he only poised that when trying to create a better law there should be some kind of division. He strongly believed in the certainty of law. This school of thought

⁵ Paul H. Rubin, 'Law and Economics: Economic Regulation' [2018] *Economics of Legal Issues, Government Policy*.<<https://www.econlib.org>> accessed 20/7/19

⁶ *ibid*

⁷Cc.wigwe, jurisprudence and legal theory (readwide publishers 2011)224

believed that law is a command given by the sovereign to the subject which is backed up by sanction (punishment).⁸

When laws are made in any state by the legislature or the appropriate law making body depending on the system of government, the reason for such legislation could be to curb one societal menace or the other. For such laws to have a binding effect on members of the society such laws must come in form of a command. For instance exploration and production activities in the Gulf of Guinea have been regulated by some of the instruments essentially targeted at environmental protection for humans and biological environment. There are various conventions that regulate against piracy in the Gulf of Guinea, like the United Nations security council resolutions 2018(2011), 2039(2012) and article 208 of the UNCLOS 1982, imposes a duty on states to regulate such activities within their jurisdiction and to cooperate regionally and globally to implement obligations of marine protection. These laws are created to regulate activities that go on in the Gulf of Guinea and provide necessary sanctions for any defaulting party.

Sociological School Of Thought

This school of thought was propounded by Jean Roscoe Pound who was the chief proponent of this school. Other philosophers and authors like Max Webber, Herbert Spencer, Comte and Eugene Ehrlich also made proper contributions to this school. They believed that law is an instrument of social engineering in which a consensus model of a society can be reached.⁹ Roscoe Pound opined that law was made to secure societal ends and nothing else, he pointed out that his major concern was the effect law has on the society and how the law will promote social integration and togetherness. This school believed that law should not only respond to societal needs but also make the society develop in more harmonious circumstances as this is the best approach to law as an instrument of social engineering.

In the Gulf of Guinea conventions and treaties such as the Gulf of Guinea commission and inter regional coordination centers are geared towards enhancing the relationships between the states of the Gulf of Guinea in order to encourage corporation amongst the states and strengthens the cooperation, coordination and interoperability of community resources with the aim of executing the regional maritime safety strategy in the shared maritime area and this in turn

⁸ *Ibid* 225

⁹ C. C. Wigwe, *Jurisprudence and Legal Theory* (Readwide Publishers, 2011)254

helps them come to proper decisions as regards combating piracy and other maritime crimes efficiently.

Literature Review

The issue of piracy in the Gulf of Guinea has raised eye brows and many authors have attempted to give a detailed evaluation as to the causes of piracy in the Gulf of Guinea, its solutions and its impact on the economy of the Gulf of Guinea states.

In the Chatham house report ¹⁰ it was pointed out that ensuring the security of the Gulf of Guinea is beyond the capacity of any existing regional body acting alone. A number of regional organizations share an interest in maritime security they include, the ECOWAS (Economic community of West African states), ECCAS (Economic community of central African states), MOWCA (Maritime organization for west and central Africa), and the Gulf of Guinea commission (GGC). Geographical and mandate overlap argues for greater integration and coordination of maritime initiatives.

A.A Osinowo¹¹ in his work pointed out that attacks on shipping in the Gulf of Guinea have exposed the vulnerability of the regions maritime space. He suggested that governments are obligated to pursue more effective enforcements actions against piracy networks on land an example is the illicit markets where pirated goods especially oil are sold.

M.M Abdel Fattah¹² in his article explained the nature of piracy attacks in the Gulf of Guinea and pointed out that the said attacks launches primarily from Nigeria with the aim of stealing cargo, equipment or valuables form a vessel and its crew and he stated further that considering its concentration in Nigeria the Nigerian navy and the Nigerian maritime administration and safety agency (NIMASA) have established the maritime guard command for regular patrol of large waters which are used for international transactions mostly while the Nigerian marine police patrol inland waters.

¹⁰ Report of the conference held the Chatham house [2012] <<https://www.chathamhouse.org>> accessed 10th May, 2019

¹¹ A.A.Osinowo, 'Combating piracy in the Gulf of Guinea' [2015] <<https://www.africacenter.org>> accessed 10th May, 2019

¹² M.M. Abdel Fattah, 'Piracy in the Gulf of Guinea causes, efforts and solutions' <<https://www.aast.edu>> accessed 10th May, 2019

Lopez Lucia¹³ in her work pointed out that Maritime security has become a key issue in the Gulf of Guinea following the increasing number of attacks off Nigeria's coast and spillover along the West African coast. The main structural causes driving maritime insecurity are very much related to the fragility of Gulf of Guinea states; weak governance and corruption, economic and socio-political exclusion, unemployment, and the centrality of oil in their economy. These factors interact with proximate causes such as weak law enforcement, transnational trafficking, environmental degradation etc. Further triggers are political crises and new oil discoveries along the coast.

According to Adjoa Anyimadu¹⁴ The territorial waters and Exclusive Economic Zones (EEZs) of Nigeria, Benin and Togo are considered areas at greatest risk of the following types of criminality; Piracy and armed robbery at sea, Theft of oil and other cargo, Illegal, unreported and unregulated fishing, Trafficking of counterfeit items, people, narcotics and arms.

According to Charles Ukeje and Wullson M. Ela,¹⁵ while illegal unregulated and unreported (IUU) fishing contributes to the low domestic fish production, piracy in Nigeria's territorial waters significantly affects the fishing industry in the country.

Cristina B¹⁶ in her work suggested that a global approach to tackle the issue of piracy is very necessary as it would be a very strong and effective way of combating the issue of piracy.

Sayed Mohammed M.H¹⁷ in his work points out that the growing trend in piracy attack has turned the Gulf into a region of increasing international concern for maritime security considerations. The region is currently at the forefront of piracy concerns, with some of the most concerning states being Nigeria, Benin, Togo, Gabon and Angola. The severity of the problem has become so alarming that the waters of the Gulf of Guinea are considered by many experts to be as dangerous as those off the Somali coast.

¹³Lucia E., 'Fragility, Conflict and Violence in the Gulf of Guinea' [2015] Birmingham, UK: GSDRC, University of Birmingham.

¹⁴A Anyimadu, 'Maritime Security in the Gulf of Guinea: Lessons Learned from the Indian Ocean Africa' [2013] <<https://www.chanthamhouse.org>> accessed 10th May, 2019

¹⁵C Ukeje, E. M. Wullson, African Approaches to Maritime Security- the Gulf of Guinea (published by Friedrich-Ebert-Stiftung: Abuja 2013) pp. 21-22.

¹⁶Cristina Barrios, 'Fighting Piracy in the Gulf of Guinea [Offshore and Onshore]' [2013] 5 (22) <<http://www.iss.europa.eu>> accessed 13th May, 2019

¹⁷S. M. Hasan; 'The Adequacies And Inadequacies Of The Piracy Regime: A Gulf Of Guinea Perspective' [2014] <<https://www.researchdirect.westernsydney.edu.au>> accessed 13th May, 2019

Eugene Kontorovich¹⁸ opined that courts should take into account the sentencing practices of parallel form, particularly in universal jurisdiction case. Given the numerous diverse policy-based and equitable factors cited in sentencing, the international threat of piracy, its harm to local economies, the ages and alien age of the defendants, it would not be anomalous to add some interest in international penalty convergence as sentencing factor within the often broad range of the statutory discretion.

N.O Boateng¹⁹ says that piracy attacks unlike those in Somalia, in the Gulf of Guinea are targeted at cargoes and oil laden tankers for their goods .there are consequences to be suffered due to these pirate attacks in these regions and as such necessary actions have to be taken and steps put in place to curb this menace that has eaten deep into the economic state of the basin countries of the Gulf of Guinea.

According to Mohamed A. Essallamy²⁰ Piracy at sea threatens the maritime safety, environment and economy. Although, it is relatively difficult to combat piracy, yet, that target can be achieved if there is a real international well to do so. By better international cooperation and strict security regimes the maritime industry can defeat the piracy as what happened in the last century in fighting the ancient piracy in the Caribbean. The colonial countries used strong navy ships to track the pirates and prosecuted them.

Incidents of robbery in West Africa waters are normally happening towards the anchored vessels. The several occasions involves pirates armed with guns and knives that are used to threaten crew members during the robbery as well as defending themselves in case of any attempt to capture them. In some instances the robbers do not intend to engage the crew but rather to sneak inside and steal some cash, property and other valuable things and then slip away. In other instances the robbers engage crew members of the hijacked vessel, holding them for some time during their operation in the vessel and later, after they finish their activities, free

¹⁸K Eugene, 'The Penalties for Piracy: An Empirical Study of National Prosecution of International Crime' [2012].*Faculty Working Papers*. <<http://scholarlycommons.law.northwestern.edu/facultyworkingpapers/211>> accessed 10th May 2019

¹⁹ Ofosu-Boateng Nana, 'Piracy in the Gulf of Guinea: impact to maritime transportation and maritime security' [2018] *Journal Of Asian Development* /4/10.5296-13124

²⁰ M. A. Essallamy, 'New Innovative Measures to Defeat Causes of Piracy at Sea The current piracy contributing factors and better solutions to deprive' [2011] 1 <<https://www.aast.edu>> accessed 14th May, 2019

them while themselves abandoning the vessel. Ocean beyond piracy 2012 report referred to this as 'subsistence piracy'.²¹

According to Nick Berg ²² The Gulf of Guinea is an increasingly busy maritime region for the transportation of a number of valuable commodities such as gold, iron ore, agricultural products, etc. It is as well the primary route to and from major oil producing countries such as Angola and Nigeria. In addition, with new discoveries of offshore oil in Ghana, Ivory Coast and Liberia there is an expectation of the increase of tanker traffic.

Devotha Edward M. and GUO Ping²³ in their work states that, acts of piracy, since its beginning which is traced back to when man started using the sea as a means of transportation, have posed a great danger to maritime navigation and security at large. The ships, cargoes and seafarers operating aboard the ships have been regarded as targets for attacks and hijack by the gangs of robbers and thieves. At the beginning the gangs of robbers were focused on stealing personal belongings from unlocked and untended cabins whilst alongside in certain ports but, in these decades piracy actions are conducted in a more organized way and in its growth using more advanced weapons and modern technology speed boats and other accessories associated thereto that enable the pirates to board the targeted vessel and accomplish their mission.

According to YoslánSilverio González²⁴ Nigeria is, no doubt, the center of the attentions as it holds the main hydrocarbons' reserves in the continent. Producing around 2 million oil barrels per day, the country receives 12 billion US dollars annually for oil sales. Proven reserves are in the order of 16 billion barrels, but other sources estimate 24 billion.

²¹ Ocean Beyond Piracy, 'State of Maritime Piracy 2012 Report' [2011]

<<https://www.oceansbeyoundpiracy.org>> accessed 14th May, 2019

²² N. Berg, 'Piracy's persistence in the Gulf of Guinea' African Defense' [2014] <<https://www.africandefence.net/piracy/GulfofGuinea.com>> accessed 14th May, 2019

²³D. Edward Mandanda, GUO Ping, 'Differences and Similarities between Gulf of Guinea and Somalia Maritime Piracy: Lessons Gulf of Guinea Coastal States Should Learn from Somali Piracy'[2016] *Journal of Law, Policy and Globalization* /56/2224-3240

²⁴YoslánSilverio González 'The Gulf Of Guinea: The Future African Persian Gulf?' [2016] *Brazilian Journal of African Studies*; 1/ 2448-3923/1/85

Conceptual Framework

Armed Robbery At Sea

Armed robbery at sea is one of the notable sub sets of maritime crime, it is that maritime crime that's takes place or occurs within a nation's territorial sea. Armed robbery at sea is defined as "any unlawful act of violence or detention or act of depredation, or threat thereof, other than an act of "piracy", directed against a ship or against persons or property on board such a ship, within a state's jurisdiction over such offences." Armed robbery at sea takes place in "territorial waters" and is thus under the littoral states jurisdiction.

Piracy

Piracy is an act of robbery or criminal violence by ship or boat borne attackers upon another ship or a coastal area, typically within with the goal of stealing cargo and other valuable items or properties. Those who engage in the act of piracy are called "**Pirates**". Piracy consist of any criminal act of violence, detention, rape or depredation committed for private ends by the crew of the passengers of a private ship that is directed on the high seas against another ship, aircraft, or against persons or property on board a ship.

Piracy jure gentium means piracy according to law of nations; consist of any illegal act of violence or detention or depredation committed by the crew or passengers on high sea. The elements of piracy jure gentium was established in the case of *re piracy jure gentium*²⁵ by the Privy Council who held that actual robbery is not an essential element of the crime of piracy jure gentium, a frustrated attempt to commit a practical robbery is equally piracy jure gentium. Maritime piracy is committed against a ship in a place outside the jurisdiction of any state in the case of *United States v smith*²⁶ the defendant was found guilty on a three count charge of piracy, piracy was referred to as robbery upon the high sea i.e. outside the jurisdiction of any state. Piracy has been the first example of universal jurisdiction.

It is important to note that the difference between armed robbery at sea and piracy is that, Armed robbery at sea occurs within territorial waters or the jurisdiction of the state (ports and anchorages), while Piracy occurs beyond the territorial waters of a state or beyond the states jurisdiction. In the case of *Republic of Bolivia v. oriental indemnity ins. co*²⁷ it was stated that

²⁵ [1934]AC 586

²⁶ (1820), 18 U.S. (Wheat)153 (1820)

²⁷(1909), 1 K.B. 785.

piracy differs from armed robbery at sea and cannot be committed on a river no matter how large so long as it was within the boundaries of a state.

Gulf Of Guinea:

The Gulf of Guinea is the northeastern part of the tropical Atlantic Ocean between Cape Lopez in Gabon, north and west to Cape Palmas in Liberia.



MAP SHOWING THE GULF OF GUINEA AND IT STATES

The Gulf of Guinea has its ocean source from the Atlantic Ocean and among the many rivers that drain into the Gulf of Guinea are the River Niger and the Volta. The coastline on the Gulf of Guinea includes the Bright of Benin and the Bright of Bonny. Its surface area is 2,350,000 km² (two million three hundred and fifty thousand kilometers square) and its coordinates are 1°0'N 4°E (Latitude and longitude).

The Gulf of Guinea is surrounded by some countries, these countries are referred to as the “*basin countries*” of the Gulf of Guinea (Liberia, Ivory Coast, Ghana, Togo, Benin, Nigeria, Cameroon, Equatorial Guinea, Gabon, Congo Republic, DR Congo, Angola, São Tomé and Príncipe) the Gulf of Guinea also has islands (Bioko, São Tomé, Príncipe, IlhéuBomBom, IlhéuCaroço, Elobey Grande, Elobeychico, Annobon, Corisco, Bobowasi).

The name “Gulf of Guinea” originated from Ghana. The name Guinea was also used in West Africa’s south coast and southern Africa’s west coast. The Gulf of Guinea has low salinity because of high rainfall, along its coast, and also because of rivers that flow out from large waters such as lakes and larger streams; the issue of low salinity is also the reason for the low amount of various water plants and animals.

In the Gulf of Guinea the only region with volcano activity is the island arc, which is parallel with mount Cameroon on the coast of Cameroon. The Gulf of Guinea is one of the world's prominent routes for international trade, the recent increase of pirate's activities in the Gulf of Guinea has made the Gulf one of the most dangerous marine areas in the world and this has affected economic activities around the gulf thereby causing economic stagnation and degradation.

Political Economy:

Political economy is the study of production and trade and their relations with law, custom and government; and with the distribution of national income and wealth. *Political Economy* most commonly refers to interdisciplinary studies drawing upon economics, political science, law, history, sociology and other disciplines in explaining the crucial role of political factors in determining economic outcomes.²⁸

Political economy in maritime law deals with the production and financial activities that go on along the maritime ways and the efficiency of the laws that govern them, the political economy of piracy in the gulf of guinea generally goes to show the negative effects piracy has on the economy of the basin states of the Gulf of Guinea.

Maritime Security

Maritime security is frequently defined as the protection from threats to the freedom or good order at sea. Issues clustered under the notion of maritime security include crimes such as piracy, armed robbery at sea, trafficking of people and illicit goods, illegal fishing or pollution. Maritime security is however also linked to economic development. Throughout history the oceans were always of vital economic importance. **Maritime security** is the state of being protected or safe from harm, the freedom from danger, fear or anxiety, and the measures taken to guard against sabotage, crime, or attack in connection with the sea or any navigable water body, especially in relation to seaborne trade, river commerce or naval matters.²⁹

Maritime security activities are of three types today and they include:

²⁸ Athabasca university, faculty for humanities and social sciences, 'political economy and development' <<https://www.poec.athabascau.ca>> accessed 14th May, 2019

²⁹F Rotimi, Maritime Security Problems In Today's World [2016]<<https://www.thenigerianvoice.com>> accessed 14th May,2019

Port Security - this refers to the defense, law, treaty enforcement, and counterterrorism activities that fall within the port and maritime domain and it includes the protection of seaports, the protection and inspection of the cargo moving through the ports, and maritime security.

Vessel Security-this refers to the law, treaty enforcement, defense, and counterterrorism activities directed at vessels (ships, ocean liners, submarines, etc.) either on international seas or on inland water ways

Facility Security- this refers to the law, defense, and counter terrorism activities directed at offshore and waterside facilities like floating oil stations, offshore oil rigs, etc.³⁰

Maritime security is very important as it performs some basics duties such as; Reduction in the high level of illegal, unreported and unregulated fishing (officially known as IUU fishing) which has initially led to the depletion of fish stocks, damage to coral reefs, stress on marine mammals, and near extinction of some fish species. Combating the menace of illegal offshore oil exploration, which has for long been a source of loss of revenue for countries that legitimately own the oil fields on the territorial waters. Maritime security is important in the area of helping to combat and reduce the scourge of illegal human trafficking on the seas; maritime security is important in the area of combating terrorism on the seas. Maritime security is important in helping to curb the numerous incidences of sea robbery, piracy on the seas, and hijacking of ships and other ocean-going vessels. Adequate maritime security reduces the incidence of illegal dumping of toxic or radioactive wastes into water bodies.

Summary

This chapter lays the theoretical framework and also the literature review of the piracy in the Gulf of Guinea. It gives a background understanding of the subject. It is in light of this chapter that the entirety of this long essay can be properly understood as it deals with both the quantitative and qualitative studies of the subject of this long essay.

³⁰ *ibid*

LEGAL AND INSITUTIONAL FRAMEWORK OF PIRACY IN THE GULF OF GUNIEA

Introduction

Pirate is derived from the Greek word ‘PEIRATES’ which means an adventurer who attacks ships.³¹ Piracy and armed robbery at sea is one of the major issues of the maritime sector as it affects maritime trade and economic development generally.³² Piracy is violence or depredation on high seas or in the air for private ends using aircraft or vessels,³³ piracy does not just cause economic harm in the society it also endangers the lives of the crewmembers of the ship attacked as they are kidnapped and sometimes killed in the process, In The Case of *Republic V AbdirahamanIsse Mohamud &Ors*³⁴ the attack on a fishing trawler, sherry fishing dhow, by Somali pirates on the Indian ocean, in which extreme violence was used against the crew, by firing at them using AK 47 rifle, and subsequently taking control of the trawler endangered the lives of the crew members.

While sea piracy is decreasing worldwide the international maritime bureau (IMB) says it increases at an alarming rate in the Gulf of Guinea West Africa,³⁵ piracy affects the freedom of shipping and the safety of shipping trade routes that carry about ninety percent of the world’s trade. Security in the Gulf of Guinea must be strengthened alongside the implementation of proper laws which guide against piracy attacks and point out the punishment that accompanies default. Nigeria is greatly affected by piracy attacks and this has caused a lot of negative effects on the nation in its economic relations globally, aside being a major source of oil, the gulf of guinea represents a significant transit hub for cocoa and metals destined for world markets. The resurgence of piracy and armed robbery at sea in the Gulf of Guinea since 2008 has been on the increase, statistics show that 45 attacks took place in 2010, 58 attacks in the first 10 months

³¹ D. Johnson and M.j. Valencia, ‘piracy in southeast Asia; status,issues and responses [2013] (3) IIAS/ISEAS series on maritime issues and piracy in Asia, institute of southeast Asian studies <<https://www.academictree.org>> accessed 3rd June ,2019

³² O. W. Arugu & C. E. Halliday, ‘strengthening the legal and institutional framework for combating piracy and armed robbery against ships in Nigeria’[2018] *Collins O. Chijioke (ed), issues and responses in maritime law*(1)(63)

³³ Duhaime’s law dictionary [2018} <<https://www.duhaime.org/legaldictionary/p/piracymaritimelaw.aspx>> accessed 11th June, 2019

³⁴ [2012]eKLR

³⁵T. Ashiru, ‘What is causing the increase in piracy along the Nigerian coast ?’ the Guardian newspaper (13th May, 2016) <<http://www.guardian.ng>> accessed 20th July, 2019

of 2011, From January to September 2012, 34 attacks has been reported, 3 attacks were reported in 2012.³⁶

Historical Evolution of Piracy and Armed Robbery at Sea

Pirates are called 'hostes humani generis' which means the enemies of all humanity³⁷ this classification was given by Cicero and it points out that pirates where seen as the enemies of all civilization. The first recorded incidence of piracy dates back to as early as the 14th century BC when sea peoples threatened the Aegean and Mediterranean voyages³⁸ piracy is a worldwide issue that has posed as a serious threat to the economy and lives of states and individuals. The fact that pirates could be arrested and punished for their crimes at sea by anyone is being reflected by several international laws enacted in the west in ancient times, such laws include; the Rolls of Oleron possibly originated in the 12th century, the pre-roman maritime code of Rhodes (later Rhodian sea law) which showed up in the late 17th century, the north European ordinances associated with the hanseatic league, consolato del mare (which had a Mediterranean orientation)³⁹, and by the latter part of the fifteenth century it became an accepted rule that piracy was contrary to all forms of seafaring, in the case of *Rex v Dawson*⁴⁰ a pirate was seen as an enemy of all nations.

Piracy in the Gulf of Guinea is one which has increased greatly over the years, pirates have become more aggressive in their operations and are now better armed with recent and sophisticated weaponry, by the year 2014 piracy attacks where mainly in territorial waters, harbors and terminals rather that the high seas. In Nigeria vessels conveying employees and materials belonging to oil companies with involvement in oil mining and exploration activities have being at a high risk of piracy attacks which involved kidnapping and hijacking of vessels, torture and shooting of crew men in Nigeria. Piracy have played a major role in the declining economic situation of most Gulf of Guinea states, and as such is one of great concern which needs to be tackled properly.

³⁶Y. M. Madel, 'Problem Of Legal And Institutional Framework For The Fight Against Piracy And Armed Robbery In The Gulf Of Guine: Case Of ;Cote D' Ivoire' [2013-2014] <<http://www.un.org>> accessed 13th June,2019

³⁷ *Rex v kidd* (1701) 14 how sttr 123

³⁸ Maritime connector, 'History Of Piracy' <<http://www.maritime-connector.com>> accessed 13th June,2019

³⁹ O. W. Arugu& C. E. Halliday (n2)

⁴⁰ William III, 1695, 13 state trails 451(1816)

The United Nations Convention on the Law of the Sea (UNCLOS) 1982

The law of the sea emanated from a tussle between the coastal states, they wanted to expand their control over maritime areas adjacent to their coastlines. By the expiration of the 18th century it was understood that states had sovereignty over their territorial sea. After the Second World War, the international community requested that the United Nations international law commission should consider codifying the existing laws relating to the oceans.⁴¹ The commission began working towards this in 1949 and prepared four draft conventions which were adopted at the first United Nations conference on the law of the sea.

The First United Nations Conference on the Law of the Sea was from February 24 until April 29, 1958. UNCLOS 1958 adopted the four conventions, which are commonly known as the 1958 Geneva Conventions (The Convention on the Territorial Sea and Contiguous Zone, The Convention on the High Seas, The Convention on Fishing and Conservation of the Living Resources of the High Seas and The Convention on the Continental Shelf). While considered to be a step forward, the conventions did not establish a maximum breadth of the territorial sea. The second United Nations Conference on the Law of the Sea was from March 17 until April 26, 1960. UNCLOS 1960 did not result in any international agreements. The conference once again failed to fix a uniform breadth for the territorial or establish consensus on sovereign fishing rights.

The third United Nations Conference on the Law of the Sea was from 1973 to 1982. UNCLOS 1982 addressed the issues brought up at the previous conferences. Over 160 nations participated in the 9 year convention, which finally came into force on November 14, 1994, 21 years after the first meeting of UNCLOS 1982 and one year after ratification by the sixtieth state. The first sixty ratifications were almost all developing states.

The UNCLOS didn't place so much emphasis on piracy except in some sections like 'article 101' where it provided for the definition of piracy as consisting of any of the following acts:

- (a) Any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
 - (i) On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;

⁴¹ Continental shelf programme, 'Background to UNCLOS' [2014] <<http://www.continentalshelf.org/>> accessed 15th July 2019

- (ii) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (b) Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) Any act of inciting or of intentionally facilitating an act described in subparagraph (a) or b).⁴²

and furthermore by ‘article 100’ it provides that all states have an obligation to cooperate to the fullest possible extent in the repression of piracy and have universal jurisdiction on the high seas to seize pirate ships and aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board⁴³ (art 105). Article 110, allows States to exercise a right of visit in respect to ships suspected of being engaged in piracy. These provisions are to be read together with article 58(2)⁴⁴ of UNCLOS, which makes it clear that the above-mentioned articles and other pertinent rules of international law apply to the exclusive economic zone in so far as they are not incompatible with the provision of UNCLOS relating to the exclusive economic zone. The definition of piracy in article 101 of UNCLOS 1982 does not cover “illegal acts of violence” or “any act of wreckage” committed by the crew members or the passengers onboard a ship on the high sea.

United Nations Security Council resolutions 2018(2011) and 2039(2012)

The United Nations charter created six main organs of the UN, the Security Council being one of them, the Security Council is given the primary responsibility of maintenance of international peace and security and may meet whenever the peace sought to be protected is threatened.⁴⁵ The Security Council held its first session on 17 January 1946 at church House, Westminster, London. Since its first meeting, the Security Council has taken permanent residence at the United Nations Headquarters in New York City. It also travelled to many cities, holding sessions in Addis Ababa, Ethiopia, in 1972, in Panama City, Panama and in Geneva, Switzerland, in 1990.⁴⁶

⁴²Article 101 of UNCLOS 1982

⁴³ Article 100 of UNCLOS 1982

⁴⁴ Article 58(2) UNCLOS 1982

⁴⁵ United Nations Council, ‘what is the security council’ < <https://www.un.org> > accessed 17th July, 2019

⁴⁶ *ibid*

When a report concerning a threat to peace is brought before it, the councils first action is usually to recommend that the parties try to come to a conclusive agreement by peaceful means and the council may (Appoint seal envoys, Dispatch a mission, Request the secretary general to use his good offices to achieve a pacific settlement of the dispute, Undertake investigation and mediation in some cases). When such dispute leads to hostilities, the council's primary concern is to bring them to an end as soon as possible, in that case the council may (Issue ceasefire directives that can help prevent escalation of the conflict, Dispatch military observers or a peace keeping force to help reduce tensions, separate opposing forces and establish a calm in which peaceful settlements may be sought, Severance of diplomatic relations, Collective military action).

The security council is to maintain peace and security in accordance with the principles and purposes of the United Nations, and investigates any form of dispute which might lead to international friction and in this process it determines the existence of a threat to the peace or act of aggression and recommends what action should be taken, it formulates necessary plans for the establishment of a system to regulate armaments and takes military aggression against a defaulter.

The UNSC resolution of 2018 was unanimously adopted on the 31st October 2011 by the council at its 6645th meeting. In the resolution, the 15 member council, expressing deep concern on the threat that piracy and armed robbery at sea pose to international navigation, security and economic development of states in the region and the negative effects it has on seafarers and furthermore noting that states in the region have a leadership role to play in this regard.⁴⁷

The UNSC resolution 2039 was adopted by the Security Council at its 6727th meeting on the 29th February 2012. The security council recalling its statement of 30 August 2011 and its resolution 2018 of 31st October 2011, on piracy and armed robbery at sea in the Gulf of Guinea.⁴⁸ Expressing its deep concern about the threat that piracy and armed robbery at sea in the Gulf of Guinea pose to international navigation, security and the economic development of

⁴⁷ United Nations Security Council, 'Resolutions adopted by the Security Council in 2011 (resolution 1)' [2011] <<https://www.un.org/securitycouncil/content/resolutions-adopted-security-council-2011>> accessed 15th July, 2019

⁴⁸ UNSC, 'Security council expresses deep concern at piracy in Gulf of Guinea; urges states of region to convene summit to develop common maritime strategy against threat' [2012] <<https://www.un.org>> accessed 30th July, 2019

states in the region. Recognizing that piracy and armed robbery at sea in the Gulf of Guinea affect littoral countries, including their hinterland areas and landlocked countries in the region. Expressing its concern over the threat that piracy and armed robbery at sea pose to the safety of seafarers and other persons and deeply concerned by the violence employed by pirates and persons involved in piracy and armed robbery at sea in the Gulf of Guinea. Affirming that international law, as reflected in the UNCLOS 1982, particularly in articles 100, 101 and 105, sets out the legal framework applicable for countering piracy and armed robbery at sea, as well as other ocean activities. Emphasizing the importance of building on existing national, regional and extra regional initiatives to enhance maritime safety and security in the Gulf of Guinea, welcoming the initiatives already taken by States in the region and regional organizations, including the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Gulf of Guinea Commission (GGC) and the Maritime Organization for West and Central Africa (MOWCA), to enhance maritime safety and security in the Gulf of Guinea.⁴⁹

Noting the ECCAS comprehensive joint maritime security architecture to counter piracy in the Central African sub region, including the strategy adopted by the ECCAS Peace and Security Council in February 2008, the establishment of the Regional Centre for Maritime Security in Central Africa (CRESMAC) in Pointe-Noire, Congo, as well as the multinational coordination centers in the region. Welcoming the contributions by member States and international organizations in support of ongoing national and regional efforts to secure Gulf of Guinea coastal areas and conduct naval operations, including the joint patrols carried out by the Federal Republic of Nigeria and the Republic of Benin off the coast of Benin, and also welcoming further contributions upon request.⁵⁰

Expressing its concern about the serious threats to international peace and stability in different regions of the world, in particular in West Africa and the Sahel Region, posed by transnational organized crime, including illicit weapons and drug trafficking, piracy and armed robbery at sea and affirming its full commitment to promoting the maintenance of peace and stability in the Gulf of Guinea region.⁵¹

⁴⁹ *ibid*

⁵⁰ Refworld, 'security council resolution 2039(2012)' on acts of piracy and armed robbery at sea off the coast of the states of the Gulf of Guinea (S/Res/2039(2012)) <<https://www.refworld.org/docid/4fbe210f2.html>> accessed 30th July 2019

⁵¹ (n15)

ECOWAS Integrated Maritime Security Strategy (EIMS)

The Economic Community of West African States (ECOWAS) maritime domain (EMD) comprises the adjacent Atlantic Ocean, islands, estuaries, lagoons, archipelagos, deltas, wetlands, creeks, coral reefs, mangrove forests, sandy beaches and dunes, as well as inland waterways such as lakes, rivers, falls, dams and streams, which are the lifeblood of the Community. Collectively 11 of the 15 ECOWAS Member States have a 2,868 nautical mile coastline on the Atlantic Ocean a vast and diverse region that stretches from the sandy deserts of northern Senegal bordering Mauritania to the north, in the Niger Delta region and bordering Cameroon and Equatorial Guinea to the East. Although Cape Verde is the only island ECOWAS Member State, all of ECOWAS is affected by or dependent upon the maritime domain. West African countries, either individually or collectively, are confronted with growing and multifaceted challenges to their maritime domain. The main concerns relate to overexploitation of marine resources, rapid degradation of the marine environment through pollution, coastal erosion, and rise in sea level criminal acts at sea. Piracy, armed robbery at sea, smuggling, drug and human trafficking, IUU fishing and illegal migration also has links to transnational criminal groups. The lack of security and safety of maritime navigation in the ECOWAS waters has made sea-transportation more risky, expensive and deadly.⁵²

The EIMS is predicated on inter-agency collaboration at the national level and must bring together political affairs, legal matters, regional security and defense, law enforcement maritime administration, and port authority, agriculture, environment, water resources, customs, industry, fisheries, strategic planning, transport and telecommunication, energy, trade, research and statistics, free movement of people, multilateral surveillance, employment and drug control, humanitarian and social affairs, human resources and development, gender, youth and civil society organizations, industry, oceanography, shipping, and aqua-culture, etc. to coordinate and synergize their activities and responses within the maritime domain.⁵³ The EIMS is designed to complement continental efforts and to enhance synergies with all stakeholders, including the Economic Community of Central African States (ECCAS), the Gulf of Guinea Commission (GGC), the Maritime Organisation for West and Central Africa (MOWCA) and other regional mechanisms and neighbouring countries important for achieving the goals of the EIMS, it therefore represents a tool for cooperation at the national, bilateral and

⁵² ECOWAS, 'Integrated Maritime Strategy Economic Community of West African States' [2019] <<https://www.edup.ecowas.int>> accessed 19th July, 2019

⁵³ ECOWAS, *ibid* [2019]

multilateral level, involving all the stakeholders dealing with different issues in the maritime domain.⁵⁴

The EIMS identifies the major challenges to the maritime domain and offers a set of comprehensive priority actions that should be undertaken at the national and regional level. It addresses five strategic objectives; strengthen maritime governance, increases maritime security and safety, Maritime environmental management, Optimize the ECOWAS maritime economy and Promote maritime awareness and research.⁵⁵ The threat posed by piracy and armed robbery at sea to the West African maritime domain is not a recent development, as unlawful and other criminal activities have been linked to the West African waterways for centuries. Piracy and armed robbery, mostly theft of petroleum assets and other cargo, cost the region billions in dollars each year. Maritime piracy and armed robbery further impose direct costs on humanitarian assistance and have an impact on maritime economic activities such as oil production, cost of energy, insurance and shipping costs, tourism and fishing.⁵⁶ Pirate attacks also increase the risk to maritime trade, which rely on shipping, and the payment of ransom increases costs, which are then borne by consumers through increased prices of goods and services. The EIMS in this regard Strengthen the national capacities to detect, investigate, prosecute and adjudicate piracy and armed robbery at sea cases, and improve national asset seizure, confiscation and management systems, Condemn piracy and armed robbery at sea wherever it may occur in the world, particularly in West Africa and the Gulf of Guinea, Encourage Member States to adopt and implement all relevant national, regional, continental and international legal instruments, frameworks and initiatives for the prevention and combating of piracy and armed robbery at sea, Strengthen the technical and operational partnership between ECOWAS and ECCAS in the prevention and combating of piracy and armed robbery, terrorism, acts of kidnapping and hijacking, drug and human trafficking, arms smuggling and other unlawful acts committed in their combined maritime domains, Strengthen cooperation with MOWCA and GGC to address the complex threats to maritime transport and navigation.

⁵⁴*Ibid*

⁵⁵ West Africa: Draft EIMS Document Validated, 'the point banjul' [2013]<<https://www.allafrica.com>>

⁵⁶, ECOWA, 'ECOWAS set to implement strategy on maritime security' Vanguard newspaper (2015) <<https://vanguardnewspaper.com>> accessed 19th July, 2019

Inter-Regional Coordination Centre (ICC)

On June 25, 2013, in an effort to help prevent piracy and other illegal maritime actions in west and central Africa, participants in the summit of the Gulf of Guinea heads of state and government, held in Yaoundé, Cameroon, adopted the Yaoundé Declaration on the Gulf of Guinea security. Two key resolutions contained in the declaration are on the creation of inter-regional coordination center on maritime safety and the security for west and central Africa, to be head quartered in Yaoundé and the implementation of a new code of conduct concerning the prevention and repression of piracy, armed robbery against ships, and illegal maritime activities in west and central Africa.⁵⁷ The creation of the inter-regional anti-piracy coordination center in Yaoundé is provided for in the memorandum of understanding between ECCAS, ECOWAS, and GGC on safety and security in the maritime region of west and central Africa, which was also signed at the summit and which was a first of its kind.⁵⁸ The Yaoundé based ICC has developed a unique framework to deal with criminality at sea (piracy), of safety, security, development and governance dimensions. It's also looks to build the capacities of the civilian and military personnel of the regions in maritime law enforcement; coordination training and practices; facilitates information exchange among the natives of the member states. The ICC strengthens the cooperation, coordination and interoperability of community resources with the aim of executing the regional maritime safety strategy in the shared maritime area of central and West Africa. Furthermore it contributes to the improvement of living conditions for local populations of the Gulf of Guinea, spread information on the risk levels in waters of the two regions, and propose shared management of the exclusive economic zones (EEZ).

Regional Maritime Rescue Coordination Center (RMRCC)

Maritime coordination center is a primary search and rescue facility in a country that is staffed by supervisory personnel and equipped for coordinating and controlling search and rescue operations. MRCC are responsible for geographic area known as a "search and rescue region of responsibility" (SRR). SRRs are designated by the international maritime organization (IMO) and the international civil aviation organization (ICAO).⁵⁹

⁵⁷ Inauguration of the interregional coordination center for maritime security in the gulf of guinea <<https://www.cm.ambafrance.org>> accessed 12 July 2019.

⁵⁸ Interregional coordination center (ICC); <<https://www.cicyaounde.org>> accessed 12 July 2019

⁵⁹ International maritime rescue federation: about Lagos RMRCC <<https://www.international-maritime-rescue.org>> accessed 12 July 2019

The resolutions of the IMO Florence convention of 2000, the African continent was split into regions in order to better manage search and rescue (SAR) around Africa. The countries of Nigeria, South Africa, Morocco, Liberia and Kenya were approached to host Regional Maritime Rescue Co-ordination Centers (RMRCC). The Lagos Regional Maritime Coordination Centre (Lagos RMRCC) is one of the five (5) designated Regional Maritime Rescue Coordination Centers in Africa. The Lagos RMRCC is the secretariat of the West and Central African Search and Rescue Region and it coordinates Search and Rescue activities within the waters of Nine (9) countries in this Region. These countries are; The Republic of Benin, The Republic of Cameroon, The Republic of Congo, Congo Democratic Republic, The Republic of Equatorial Guinea, The Republic of Gabon, The Republic of Togo, The Federal Republic of Nigeria, The Republic of São Tomé and Príncipe.

The aim of the RMRCC's 24 hours basis operations is to; receive, acknowledge and relay notifications of distress from vessels on a 24 hours basis, establish and implement the national maritime search and rescue plan, coordinate the activities of organizations when engaged in search and rescue operations both at the coast and inland waters, enforce the search and rescue (SAR) plan for the national and regional area of responsibility, request help from other maritime rescue coordination centers as appropriate, keep files for every SAR incident, maintain inventories of search and rescue (SAR) facilities held by public, military and private agencies are accessible to conduct search and rescue when need arises, disseminate and share piracy information with relevant authorities, protect the marine environment by monitoring oil spills, conduct regular SAR exercises and coordinate oil spill response drills exercise.⁶⁰

Global Maritime partnership (GMP)

In 2005, Admiral Mike Mullen, former chief of naval operations, united states navy (USN), introduced the vision of a "1,000-ship navy" which was "made up of the best capabilities of all freedom-loving navies of the world that would integrate the capabilities of the maritime services to create a fully interoperable force"⁶¹ the concept of the "1,000-ship navy" is now referred to as the Global Maritime Partnership (GMP). It is a framework for development of regional and global networks of cooperation for maritime safety, interdependence and the transnational nature of the sea means that a maritime security threat in one part of the world can affect the entire maritime system, international cooperation is therefore essential to improve

⁶⁰ 'The RMRCC operational role' <<http://kma.go.ke>> accessed 17 July 2019

⁶¹ M. Mullen, 'the thousand ship fleet,' Pentagon Brief, [2005] (1), <<http://www.proquest.com/>>.accessed 10 July 2019

good order at sea.⁶² The Global Maritime Partnership (GMP) initiative embraces the ambitious objective of providing a secure global maritime commons. The objective of the GMP is to leverage willing partners to provide for a secure maritime commons by tackling transnational challenges such as piracy, human smuggling or slavery, illegal drug smuggling, environmental degradation, illegal weapons smuggling, and the proliferation of Weapons of mass destruction (WMD).⁶³ The GMP initiative embraces an ambitious objective of providing a secure global maritime commons. Contemporary and non-contemporary maritime security threats will continue to confront maritime services of the world, and the GMP initiative will be a meaningful operational solution to garner the collective capabilities of the global maritime services to counter maritime threats.

African Integrated Maritime Strategy 2050 (AIMS)

The African Integrated Maritime Strategy 2050 is developed as a tool to address Africa's maritime challenges for sustainable development and competitiveness. The Strategy aims to foster more wealth creation from Africa's oceans, seas and inland water ways by developing a thriving maritime economy and realizing the full potential of sea-based activities in an environmentally sustainable manner. It goes without saying that the preservation of Africa's marine environment is vital to growing its GDP, share of global and regional trade, competitiveness, long-term growth and employment. Accordingly, the accompanying Plan of Action to the Strategy outlines the required objectives that are defined by related activities, outcomes, time frames and executing agents. The objectives cover projections for new institutions and structures, wealth creation and human resource development, as well as capacity building for maritime governance.

The 2050 AIM Strategy, consists of the overarching, concerted and coherent long-term multilayered plans of actions that will achieve the objectives of the African Union to enhance maritime viability for a prosperous Africa. The 2050 AIM Strategy aims to achieve the following;

A comprehensive understanding of existing and potential challenges, including allocation of resources to identified priorities over a pre-determined time-frame. A comprehensive, concerted, coherent and coordinated approach that improves maritime conditions with respect to environmental and socio-economic development as well as the capacity to generate wealth

⁶² Chris Rahman, 'Global Maritime Partnerships: network & coalition building across the spectrum of operations' <<https://www.researchgate.net>> accessed 12th May, 2019.

⁶³M. Mullen, 'principles for a free and secure global maritime network'[2006](25) *RUSI Journal*; 151

from sustainable governance of Africa's seas and oceans. A common template for the AU, the RECs/RMs, and relevant Organizations; and Member States, to guide maritime review, budgetary planning and effective allocation of resources, in order to enhance maritime viability for an integrated and prosperous Africa. A business plan that specifies milestones, capacity building targets and implementation requirements, including technical and financial support from within Africa and also from development partners⁶⁴

Stakeholders of improved maritime conditions include AU Member States, local communities, specialized regional institutions and associations, the African maritime private sector, strategic development partners and the international community as a whole. Since 2008, the AU has advocated a comprehensive approach towards combating piracy and armed robbery at sea. The AU fully supports the work of the Contact Group on Piracy Off the Coast of Somalia, as well as all IMO initiatives to combat piracy and armed robbery against ships, including the Best Management Practices for vessel protection in High Risk Areas⁶⁵ and the Djibouti Code of Conduct (DCC) concerning the repression of piracy and armed robbery against ships in the Western Indian Ocean and the Gulf of Aden. Therefore, the AU encourages Member States, consistent with their available resources and related priorities, their respective national laws and regulations, and applicable rules of international law, in cooperation with the IMO and any other relevant organizations, to combine their assets so as to cooperate to the fullest possible extent in the repression of piracy and armed robbery against ships.

Maritime Organization for West and Central Africa (MOWCA)

The Maritime Organization for the West and Central Africa (MOWCA) was established in May 1975 (Charter of Abidjan) as the Ministerial Conference of West and Central African States on Maritime Transport (MINCONMAR). The name was changed to MOWCA as part of reforms adopted by the General Assembly of Ministers of Transport, at an extraordinary session of the Organization held in Abidjan the Republic of Cote d'Ivoire from 4-6 August 1999. The objective of MOWCA is to serve the regional and international community for handling all maritime matters that are regional in character.

MOWCA unifies 25 countries on the West and Central African shipping range (inclusive of five landlocked countries). These countries comprise of 20 coastal states (Angola, The Gambia,

⁶⁴ 2050 AIM strategy 2050 AU (1.0) <<https://www.au.int/maritime>> accessed 11 may 2019

⁶⁵ *ibid*

Nigeria, Benin, Ghana, Sao Tome and Principe, Cameroon, Guinea, Senegal, Cape Verde Guinea-Bissau, Sierra Leone, Republic of Congo, Equatorial Guinea, Togo, Liberia, cote d'ivoire, Mozambique, Gabon, Mauritania) bordering the North and South Atlantic Ocean, and to explain the maritime link for landlocked countries the ports of the Ocean interfacing countries provide the seaborne trade of those that are landlocked (Burkina Faso, Chad, Niger, Central African Republic Mali). The focus of MOWCA policy is on the following:

Encouraging participation of the private sector in West/Central Africa in ship operation particularly in coastal shipping, by way of ownership/chartering of tonnage and forging co-operation/partnerships between regional operators and foreign shipping companies operating to the sub-region, Development of coastal shipping networks and establishment of feeder systems to connect hub and spoke ports - Establishment of an effective multimodal transport system for the sub-region, Port development and facilitation with particular reference to achieving a cost effective / faster ship turnaround times and creating special berths and conditions for landlocked countries, coastal /feeder shipping in MOWCA ports, Strengthening of service-oriented shippers' councils to effectively protect and represent the users or the demand side of the shipping industry, Strengthening of the regional maritime academies of Abidjan, Accra and the Nigerian Academy of Oron to provide training at all levels of the maritime, fishing and petroleum industry, including exchange of teaching personnel, provision of facilities for sea-training for cadets Establishment of national transport observatories to be coordinated by a regional observatory based in the Secretariat, to generate an up-to-date, uniform, computerized data base for the entire sub-region, Maritime safety and environmental protection with regards to creating effective contingency plans for pollution prevention/curtailment in member states, establishment of reception facilities for the discharge of waste from tankers, enhancement of efficiency of maritime administrations, the implementation of flag state control measures and regional Memorandum of Understanding (MOU) on port state control.⁶⁶

The MOWCA Secretary-General coordinates three specialized Units for MOWCA these units represent the ports, shippers and operators; The Port Management Association of West and Central Africa (PMAWCA), The Union of African Shippers Councils (UASC), The Association of African Shipping Lines (ANSL).⁶⁷

⁶⁶ Maritime organization for west and central Africa (MOWCA), 'African maritime safety and security agency' <<https://www.amssa.net>> accessed 21 July 2019

⁶⁷ *ibid*

Code of Conduct Concerning the Prevention and Repression of Piracy, Armed Robbery against ships and illicit Maritime Activity in West and Central Africa

The Code of Conduct concerning the prevention and repression of piracy, armed robbery against ships, and illicit maritime activity in West and Central Africa, also referred to as the June 2013 Yaoundé Code of Conduct, was developed by the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS) and the Gulf of Guinea Commission (GGC), with the assistance of IMO, pursuant to United Nations Security Council resolutions 2018 (2011) and 2039 (2012), which expressed concern about the threat that piracy and armed robbery at sea in the Gulf of Guinea pose to international navigation, security and the economic development of states in the region.⁶⁸

The 15-paged 21 Articles Code of Conduct which came into force after being signed by two or more signatories recognized the African Union Commission (AUC) as its depository in Article 20 (2) and (4). The Code of Conduct is created out of the need to step up the continent's strategic approach towards maritime security and safety. It is part of the increasing commitment of African leaders to express political will and set the leadership tone in the governance of Africa's maritime domain. Consequently, Article 2 (1) (a) of the Code of Conduct among other things states that the Signatories intend to cooperate to the fullest possible extent in the repression of transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea. Other relevant provisions of the Code of Conduct which are essential in discussing the issue of piracy are Articles 6 & 7 which provides for Measures to Repress Piracy and Measures to Repress Armed Robbery against Ships respectively as outlined in the Yaoundé Code of Conduct.

Article 6 provides for measures to repress piracy and provides as follows;

Consistent with Article 2, each Signatory to the fullest possible extent intends to cooperate in: (a) arresting, investigating and prosecuting persons who have committed piracy or are reasonably suspected of committing piracy; (b) seizing pirate ships and/or aircraft and the property on board such ships and/or aircraft; and (c) rescuing ships, persons, and property subject to piracy.

Any Signatory may seize a pirate ship beyond the outer limit of any State's territorial sea, and arrest the persons and seize the property on board.

⁶⁸Code of conduct-international maritime organization <<https://www.imo.org>> accessed 21 July 2019

Any pursuit of a ship, where there are reasonable grounds to suspect that the ship is engaged in piracy, extending in and over the territorial sea of a Signatory is subject to the authority of that Signatory. No Signatory should pursue such a ship in or over the territory or territorial sea of any coastal State without the permission of that State.

Consistent with international law, the courts of the Signatory which carries out a seizure pursuant to paragraph 4 may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ship or property, subject to the rights of third parties acting in good faith.

The Signatory which carried out the seizure pursuant to paragraph 4 may, subject to its national laws, and in consultation with other interested entities, waive its primary right to exercise jurisdiction and authorize any other Signatory to enforce its laws against the ship and/or persons on board.

Unless otherwise arranged by the affected Signatories, any seizure made in the territorial sea of a Signatory pursuant to paragraph 5 should be subject to the jurisdiction of that Signatory. The Signatories intend to encourage states, ship owners and ship operators, as deemed appropriate, to take measures to protect against pirates, taking into international conventions, codes, standards and recommended practices and in particular, the recommendations adopted by IMO.⁶⁹

Article 7 provides for the Measures to Repress Armed Robbery against Ships and provides as follows

The Signatories intend for operations to suppress armed robbery against ships in the territorial sea and airspace of a Signatory to be subject to the authority of that Signatory, including in the case of hot pursuit from that Signatory's territorial sea or archipelagic waters in accordance with UNCLOS.

The Signatories intend for their respective focal points and Centers (as designated pursuant to Article 8) to communicate expeditiously alerts, reports, and information related to armed robbery against ships to other Signatories and interested parties Lending.⁷⁰

⁶⁹ Article 6 of the Yaoundé code of conduct 2013

⁷⁰ Article 7 of the Yaoundé code of conduct 2013

The Gulf of Guinea States had taken several initiatives towards combating piracy and other associated trans-boundary maritime criminalities within the region, the high incidents of piracy and other maritime crimes in the region have prompted several national, bilateral, regional and extra-regional engagements to improve maritime security. At the national level, the Nigerian Government in January 2012 transformed its Joint Task Force Operation Restore Hope, which was initially established to combat militancy in the Niger Delta into an expanded maritime security framework, known as Operation Pulo Shield. Some other Gulf of Guinea States like Republics of Benin and Ghana also adopted measures in the form of increased policing, provision of detection and surveillance systems, creation of Maritime Domain Awareness (MDA) capabilities and acquisition of requisite platforms to suppress piracy. Bilaterally, the Governments of Nigeria and Benin Republic in October 2011 set up a combined maritime patrol of their waters code-named *Operation Prosperity*. Efforts were also made to expand the operation in order to include the Ghanaian and Togolese navies, in a bid to increase the span of surveillance and eliminate maritime threats. The Yaoundé code of conduct is an additional measure created to tackle the issue of piracy in the Gulf of Guinea.

The International Maritime Organization (IMO)

The International Maritime Organization (IMO) is a specialized agency of the United Nations that is responsible for measures to improve the safety and security of international shipping and to prevent marine pollution from ships. The IMO is "the global standard-setting authority for the safety, security and environmental performance of international shipping" the IMO slogan is "Safe, secure and efficient shipping on clean oceans."⁷¹

As a specialized agency of the United Nations, IMO is the global standard-setting authority for the safety, security and environmental performance of international shipping. Its main role is to create a regulatory framework for the shipping industry that is fair, effective, universally adopted and universally implemented.⁷² Shipping is an essential component of any program for future sustainable economic growth, through IMO, the Organization's Member States, civil society and the shipping industry are already working together to ensure a continued and

⁷¹ Agustin Blanco-Bazan, 'The role of the international maritime organization (IMO) in the management of maritime risks, [1992] *the Geneva paper on risk and insurance* (17)(63)244-256
<<https://www.jstor.org/stable/41952099>> accessed 12 July 2019

⁷² Blanco- Bazan A.(1992) 'The Role of the international maritime organization (IMO) in the management of risks' [1992] *The Geneva papers on risk and insurance. Issues and practice* 17/63/244
<<https://www.jstor.org/stable/41952099>> accessed 12th July, 2019

strengthened contribution towards a green economy and growth in a sustainable manner. The promotion of sustainable shipping and sustainable maritime development is one of the major priorities of IMO. Energy efficiency, new technology and innovation, maritime education and training, maritime security, maritime traffic management and the development of the maritime infrastructure will support IMO's commitment to provide the institutional framework necessary for a green and sustainable global maritime transportation system.⁷³ IMO currently has 174 Member States and three Associate Members.

The threat posed by piracy and armed robbery against ships have been on the IMO's agenda since the early 1980s. In the late 1990s and the early 2000s the focus was on the South China Sea and the Straits of Malacca and Singapore. More recently, since 2005, IMO has focused on piracy off the coast of Somalia, in the Gulf of Aden and the wider Indian Ocean, and is currently implementing a strategy for enhancing maritime security in West and Central Africa, in line with the region's maritime security agreements.⁷⁴ The Organization, with support and cooperation from the shipping industry, has through the years developed and adopted a number of antipiracy measures, which have contributed towards the alleviation of the impact posed by piracy globally. Information, regarding acts of piracy and armed robbery against ships is publicly available (subject to registration) in IMO's Piracy and Armed Robbery module within the Organization's Global Integrated Shipping Information System (GISIS).⁷⁵

In addition, IMO provides assistance, to Member States seeking to develop their own national or regional measures to address the threat of piracy, armed robbery against ships and other illicit maritime activities, if and when requested. This was the case of the Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden (Djibouti Code of Conduct), agreed between countries in and around the western Indian Ocean and the case of the Code of Conduct concerning the repression of piracy, armed robbery against ships, and illicit maritime activity in west and central Africa in the Gulf of Guinea region of West Africa.⁷⁶

⁷³ Introduction to IMO <<https://www.imo.org/en/about/pages/default.aspx>> accessed 12 July 2019

⁷⁴ *ibid*

⁷⁵ University of Oslo: Faculty of Law, 'Convention On Maritime Organization' <<https://www.jus.uio.no>> accessed 15th July, 2019

⁷⁶ International Maritime Organization: "Maritime Security and piracy" <<http://www.imo.org/en/OurWork/Security/Pages/MaritimeSecurity.aspx>> accessed July 20 2019

Nigerian Maritime Administration and Safety Agency (NIMASA)

The Nigerian Maritime Administration and Safety Agency (NIMASA) is established by the NIMASA act⁷⁷ and is the top regulatory and promotional maritime agency. The Agency was created from the merger of National Maritime Authority (NMA) and Joint Maritime Labor Industrial Council (JOMALIC) (former parastatals of the Federal Ministry of Transport) on the 1st August 2006. The obligation of regulating the Maritime industry in Nigeria rests on the Agency through the relevant instruments which include; Nigerian Maritime Administration and Safety Agency Act. 2007, Merchant Shipping Act 2007 and Coastal and Inland Shipping (CABOTAGE) Act 2003.

The Agency was established primarily for the administration of Maritime Safety Seafarers Standards and Security, Maritime Labour, Shipping Regulation, Promotion of Commercial Shipping and Cabotage activities, Pollution Prevention and Control in the marine environment, the Agency also implements domesticated International Maritime Organization (IMO) and International Labour Organization (ILO) Conventions. The functions of the NIMASA includes; Pursue the development of shipping and regulatory matters relating to merchant shipping and seafarers, Administration and regulation of shipping licenses, Administration, Regulation and Certification of Seafarers, Establishment of Maritime Training and Safety Standards, Regulation of safety of shipping as regards the construction of ships and navigation, Provision of Maritime Search and Rescue Services, Provide direction and ensure compliance with vessels security measures, Carry out Air and Coastal Surveillance, Control and prevent Maritime Pollution, Develop and implement policies and programs, which will facilitate the growth of local capacity in ownership, manning and construction of ships and other maritime infrastructure, Enhance and administer the provision of Cabotage Act. 2003, Perform Port and Flag State duties, Provide Maritime Security, Establish the procedure for the implementation of conventions of the International Maritime Organization (IMO) and the International Labour Organization (ILO), and other international conventions to which the Federal Republic of Nigeria is a party on Maritime Safety and Security, Maritime Labour, Commercial Shipping, and for the implementation of Codes, Resolutions and Circulars arising there from.⁷⁸

As a regulatory agency in the Nigerian shipping industry the NIMASA is saddled with the responsibility of providing security on the nations coastal waters. NIMASA has terribly failed

⁷⁷ S.3(1) NIMASA act

⁷⁸ S. 22(1) & (2) NIMASA Act.

in the duty to secure the Nigerian maritime domain from armed robbery at sea, two factors responsible for this failure are; the leadership instability and the undue politicization of appointments into the board and top management positions of NIMASA.⁷⁹ NIMASA is inflicted with the ailment of corruption and overwhelmed with the scandals and is under the searchlight of the Economic and Financial Crimes Commission (EFCC) for the litany of fraud related investigations.⁸⁰

Gulf Of Guinea Commission (GGC)

The Gulf of Guinea commission was established by the treaty signed in Libreville, Gabon, Nigeria and Sao Tome and Principe. It constituted in a permanent institutional framework for cooperation among the countries adjoining the gulf of guinea, in order to defend their common interest and promote peace and socio-economic.⁸¹ Membership of the Gulf of Guinea commission is open to every state in the Gulf of Guinea to encourage relations for fostering peace and security in the Gulf of Guinea. The GGC fosters unity amongst the Gulf of Guinea states and this unity encourages cooperation amongst the states in the fight against piracy and armed robbery at sea which is a prominent issue in the Gulf of Guinea.

Lome Charter

The Lome charter also known as the 'African Charter on maritime security, safety and development in Africa', it is the result of the African Union Extraordinary summit held in Lome Togo in October 2016,⁸² the idea of the lome special session was to take the African blue economy and maritime security agendas forward. 43 nations adopted into the binding agreement of the Lome charter which ensures that these countries pay into a special fund for maritime security, the Lome charter is designed to improve information sharing between African nations, which is a weakness pirates and smugglers have benefitted from and slipping between territorial waters with little trouble. Togo's foreign minister Robert Dussey stated that

⁷⁹ O. W. Arugu and C. E. Halliday (n2)

⁸⁰ Premium times, 'EFCC arrest sacked NIMASA boss over alleged multibillion naira fraud', July 30 2015, The Nation newspaper, 'N3b NIMASA land scam: EFCC invites tompolo', Dec 11 2015, the guardian newspaper, 'EFCC arraigns ex NIMASA boss Akpobolomeki on fresh charge', Dec 5, 2015, the guardian news, 'N35.1 billion fraud: EFCC to arraign Tompolo, ex-NIMASA DG', 13/1/2016

⁸¹ The Gulf of Guinea commission, <<https://www.cggrps.com>> accessed 25/7/19

⁸² E. Egede, 'Africa's Lome charter on maritime security: what are the next steps?' [2016] <<https://www.piracy-studies.org>> accessed 25/7/19

there is a clear need for African countries to work together to combat an upsurge in piracy in order to make full use of the continents maritime resources.⁸³

The Lome charter is a significant document in three main ways; firstly it moves the African maritime security agenda from a mainly soft (non-binding) law to a hard law (binding law), secondly it seeks to highlight the important linkages between maritime security and safety and the huge prospects of utilizing the marine spaces and resources, thirdly it provides a legally binding definition of the blue/ocean economy,⁸⁴ the blue/ocean economy is the sustainable economic development of oceans.⁸⁵ The Lome charter has the status of an international treaty as encapsulated in the Vienna convention on law of treaties, the Lome charter was organized into 7 chapters and 56 articles. The Lome charter generally covers for the control and prevention of all transactional sea crimes at sea such as terrorism, piracy, armed robbery against ships, IUU fishing, drug trafficking and smuggling etc. and provides for all measures to prevent and minimize ship accidents and sustainable exploitation of marine resources and optimization of development opportunities of sectors related to sea.⁸⁶ States are mandated to guarantee resources for investment in maritime security and safety, and cooperation between flag and coastal states is encouraged with respect to the sharing and support of financial obligations.⁸⁷ The unity between the Lome charter and the 2050 AIMS indicates strategic commitment on the part of governments to combating the numerous threats militating against Africa's blue economy, the Lome Charter demonstrate reasonable commitment towards overcoming the obstacles militating against security, safety and awareness in the African Maritime Domain (AMD).⁸⁸ Several Continental and sub-regional initiatives in Africa have been either stalled or implemented slowly; an example is the African Maritime Transport Charter signed in 2010 in South Africa which is yet to come to fruition, considering that the Lome charter obligations translate to national requirements in terms of equipment, logistics, technology, training and

⁸³ S. Sinoma African Leaders sign historic maritime deal against piracy and smuggling [2016] <<https://www.france24.com>>

⁸⁴ E. Egede Africa's Lome charter on maritime security (n82)

⁸⁵ Article 1 of the Lome Charter

⁸⁶ Article 4 of the Lome Charter

⁸⁷ Articles 9 & 10 of the Lome Charter

⁸⁸ O. Oladipo, 'Cooperation as a Tool for Enhancing State Capacity to Fulfill Obligations of the Lome Charter' [2017] *conflict trends* (2017)(3) <<http://www.accord.org.za>> accessed 30th June 2019

doctrine,⁸⁹ the implementation of the Lome Charter within and among African states will not be easy. Some challenges that make the implementation of the Lome Charter difficult are; in some states, entrenched bureaucratic positions and lack of institutional capacity are existing obstacles to the Lome Charter obligations, Most African coastal States have inadequate platforms (refers to ships, boats, drones and aircraft) to enforce a satisfactory regime of maritime security, inadequate Maritime Domain Awareness(MDA) among African States like Liberia, Sierra Leone and Guinea, they are unable to maintain surveillance effectively over the territorial waters.⁹⁰ The AU notwithstanding the fact that they have done well on the policy and strategy front must acknowledge the existence of these challenges confronting several African nations, which may hinder responses to the obligations of the Lome Charter.

Summary

From the foregoing it is evident that most of the provisions of the various legal frameworks which make provisions for tackling the issue of piracy in the Gulf of Guinea are geared towards making sure that the economic state of the piracy prone regions is stable and growing, by setting and making provisions for laws that curb the menace of piracy the economic stability is properly ensured.

THE POLITICAL ECONOMY OF PIRACY IN THE GULF OF GUNIEA

Introduction

The Gulf of Guinea region possesses enormous potential is creating investment opportunities for the region, resources like oil, forests and minerals attract notable investments and others like natural gas could be exploited to their full potential if necessary investments where undertaken where necessary.

The Gulf of Guinea faces countless challenges both external and internal which stand as an obstacle to the benefit derived from its resources. One of the pressing issues that stand as an obstacle is the issue of piracy, piracy is a globally recognized issue and is been tackled by several jurisdictions all over the world; in the case of *Republic V Dahir*⁹¹ On 6 December 2009,

⁸⁹ Wilson Park, 'Maritime Security: Strengthening international and inter-agency cooperation'[2009] conference report London (1) <<http://www.dtic.mil>> accessed 30th June 2019

⁹⁰ O. Oladipo (n 58)

⁹¹[2010] SCSC 81 (26 July 2010), <<http://www.saflii.org/sc/cases/SCSC/2010/81.html>> accessed 20th June 2012.

eight Somali men were captured after they fired on a Seychelles Coast Guard patrol vessel, the *Topaz*, within the Exclusive Economic Zone of the Seychelles. The *Topaz* then pursued the 'mother ship' from which the attack had been launched and arrested three additional men. The 11 suspects were prosecuted in the Seychelles for crimes of terrorism and piracy. Also in the '*Cygnus*' Case⁹² the court noted that Dutch law explicitly establishes universal jurisdiction over piracy. The definition of piracy has been provided in Article 101 of the UNCLOS 1982,⁹³ The UNCLOS 1982 has pointed out that all States have an obligation to cooperate to the fullest possible extent in the repression of piracy,⁹⁴ and have universal jurisdiction on the high seas to seize pirate ships and aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board inter alia, also allows States to exercise a right of visit in relation to ships suspected of being engaged in piracy.⁹⁵ In the Gulf of Guinea pirates commence attacks primarily from Nigeria with the aim of stealing cargo, equipment and valuables from a vessel and its crew, as well as kidnapping crew members, piracy attacks in the Gulf of Guinea comprised a fifth average of all recorded maritime incidents globally from 2010-2016.⁹⁶ Piracy and armed robbery at sea is a serious threat to the economic growth and basic development of the Gulf of Guinea and proper strategies are required to tackle this menace.

⁹²Rb. Rotterdam 17 June 2010, Case No. 10/600012-09, reprinted and trans. in 145 International Law Reports [ILR] 491.

⁹³*ibid*

⁹⁴ Article 100 of UNCLOS 1982

⁹⁵ Article 110 of UNCLOS 1982

⁹⁶ International Maritime Bureau report 2016: <<https://www.icc-ccs.org>> accessed 24th July, 2019

Gulf of Guinea Piracy map ⁹⁷



Causes of Piracy and Armed Robbery at Sea in the Gulf of Guinea

There are so many factors that are responsible and also contribute to the problem of piracy in the Gulf of Guinea. These factors include the following; Poverty, Poor management of resources, Unemployment, Political instability, Conflicts and wars, Proliferation of small arms and light weapons, Porous borders, Marine pollution, Legal and jurisdictional weakness and Absence of regional cooperation.

Poverty

Poverty is the state of being extremely poor and being incapable of affording the basic necessities of life. *Poverty* is the scarcity or the lack of a certain (variant) amount of material possessions or money. Poverty is caused by so many factors which include; poor capacity of government, unemployment, poor education, conflict, inequality (class separation), lack of infrastructure etc. Poverty is saddled with so many negativity which affects the society where it thrives in so many ways such as the increased rate of negative vices such as prostitution, armed robbery, kidnapping, ritual killings, militancy, etc. let's take Nigeria which is recorded

⁹⁷ 2013 Pirate Attacks in the Gulf of Guinea (IMB report) <<https://www.permanan.org/piracy-map-2013>> accessed 25/7/19

as having the highest rate of piracy in the Gulf of Guinea⁹⁸ maritime piracy in Nigeria is directly linked to oil development and the resulting economic, social, and environmental conditions in the Niger Delta, the citizens of this region depend mainly on oil income, yet due to government corruption, only a small percentage of the revenue gets to the local residents. Poverty encourages many to turn to piracy as a means of livelihood.

Although terrorist organizations benefit from cooperating with pirates, attacks are largely motivated by financial and not political gain, and thus do not stem from terrorist organizations.⁹⁹ This point out that most piracy related matters in Nigeria is caused by a great deal of poverty and is done mostly, with a motive to survive through illegal enrichment.

Furthermore on the 3rd day of September 2015, a recently released survey of prison inmates convicted of maritime piracy has named poverty as one of the driving reasons for their criminal actions. The survey which was conducted by *United Nations Office on Drugs and Crime (UNODC)* in collaboration with the NGO *Oceans beyond Piracy (OBP)*, the informal survey questioned 66 maritime pirates at prisons in Somaliland, Punt land, and the Seychelles.¹⁰⁰ Piracy has its roots in poverty, criminality feeds on lack of opportunities, unemployment, and a weak political environment, when poverty is Eliminated in the society and the youths are able to earn a living for themselves piracy will be removed.

Poverty fosters a perfect piracy environment as the tendency to obtain huge rewards surpasses the likelihood for getting caught or punished for the act of piracy. Poverty should therefore be tackled properly to at least reduce the rate of pirate activities in the Gulf of Guinea.

Poor Management of Resources

Poor management of the maritime resources has a great and detrimental effect to the economic development of the state, such poor management leads to low outputs from the sectors and could cause poverty, and low development in general this in turn can lead to maritime piracy and armed robbery at sea.¹⁰¹ An example the stealing of oil products or oil itself from

⁹⁸ International chamber of commerce; seas off west Africa world's worst for pirate attacks, IMB reports <<https://www.iccwbo.org/news-speeches>

⁹⁹ L. Udensi, N. Etu, Okpara and E. Chieke, 'National Security and Maritime Piracy In Nigeria: A Sociological Discourse' [2014]<<https://www.consentiabeam.com>> accessed 25th July, 2019

¹⁰⁰ the United Nations Office on Drugs and Crime(UNODC), 'Survey of Maritime Pirates Spotlights poverty motive, threat of worlds naives' [2015]

¹⁰¹ *Ibid*

vandalized pipelines to sell in the black market where the resources are properly managed for the benefit of the society it curbs the menace of piracy to an extent as the members of the society benefit.

Unemployment

Unemployment occurs when a person who is actively searching for employment is unable to find work, Bureau of Labor Statistics (BLS) defines unemployment as people who do not have a job, have actively looked for work in the past four weeks, and are currently available for work. Unemployment is caused by factors ranging to poor system of government to low standards of education, lack of adequate work settings and a high level of corruption on the side of the leaders of the society etc.

In the Niger Delta despite the large amount of revenue generated from there, there is a high rate of unemployment of the youths and this in turn creates poverty and low standard of living for the people. Despite the governments earning significant revenues from the exploration and mining of oil, the region remains typified by abject poverty and unemployment of youths. In addition to unfavorable state policies and laws relating to oil exploration and land ownership, decades of false promises from governments, along with deficient socio-economic development programs in the region, have created a deep-rooted sense of suspicion towards government on the part of the local community that has directed many discontent youths and adults to engage in widespread violence and organized crime.¹⁰² The militants of the Niger Delta have often used these grievances as a device to advance their political or personal agendas.

Unemployment is one of the major reasons for piracy and armed robbery at sea in the Gulf of Guinea and more jobs and basic employment should be provided in areas where most of these oil exploration and general maritime activities are carried out to prevent the negative result of piracy attacks which serves as a threat to both the economy and the lives of the individuals involved. This can be summed up in the popular saying “an idle mind is the devils workshop”.

¹⁰² V. Ojajorotu and N. L. Morake, ‘Anatomy of the Niger Delta Crisis: Causes, Consequences and Opportunities for Peace’ (2010)(6) <<http://www.trove.nla.gov.au>> accessed 5th July 2019

Political instability

The standard definition of political instability is the tendency of a government collapse either because of conflicts or rampant competition between various political parties. Also, the occurrence of a government change increases the probability of subsequent changes. Absence of security arising mainly from political instability appears in countries where one can find strong movements against the government. Sri Lanka is an example as the Liberation Tigers of Tamil Eelam (LTTE) commit acts of terrorism and piracy and smuggle weapons by their own navy.¹⁰³ Political instability can lead to maritime piracy because where there is no stable governing system there is always a breakdown of law and order and one of the consequent results is maritime piracy.

Conflicts and wars

A conflict is a clash of interest. The basis of conflict may vary but, it is always a part of society. Basis of conflict- personal, racial, class, caste, political and international. Conflict in groups often follows a specific course. War is a state of armed conflict between states, governments, societies and informal paramilitary groups, such as mercenaries, insurgents and militias. It is generally characterized by extreme violence, aggression, destruction, and mortality, using regular or irregular military forces. When there is conflict and war in a state the legal system is weak and the relevant legal parastatals which are saddled with the responsibility of maintaining a proper maritime affair is weakened due to the chaos in the state and therefore maritime piracy alongside other crimes can thrive unchallenged.

Proliferation of small arms and light weapons

One of the actual obstacles to the sustenance of stable peace and security in the society is the proliferation of small arms and light weapons. The proliferation of small arms and light weapons poses serious challenges to both international and national security especially in most of the developing countries of the world to the extent that the states are losing their traditional monopoly over the control of the instrument of violence. Small arms trade has been difficult to estimate and much more difficult to control. Most governments do not publish statistics on transfer of small arms; worst still are private companies who are highly secretive about arms deals. Much of the trade is carried out through black markets and other illicit transfers.¹⁰⁴

¹⁰³ Liberation tigers of tamileelam (aka tamil tigers)(srilanka, separatists) [20/5/ 2009] <<https://www.cfr.org>> accessed 19th July 2019

¹⁰⁴U. E. Eloma and others, 'Effect Of The Proliferation Of Small Arms And Light Weapons On The Development Of The Niger Delta Region Of Nigeria' [2014](4)(10) <<https://www.academia.edu>> accessed 10 July 2019

The New Lexicon Webster's Dictionary of English Language describes small arms as firearms designed to be held in one or both hands while being fired. In the US the term is applied to weapons of a caliber of up to an inch (2.5cm). The International Committee of the Red Cross (ICRC) defines it as major weapons which are quite light, extremely durable and require little upkeep, logistic support and above all with minimal maintenance. In the terminology of the Northern Atlantic Treaty Organization (NATO), small and light weapons include "all crew portable, direct fire weapons of a caliber less than 50mm and would include a secondary capability to defeat high armor and helicopters". Generally, small arms and light weapons can be carried in hand during combat. Small arms are generally those weapons that are designed to be manned by individual combatants during combat and they include hand grenades, rifles and machine guns, while light weapons are those weapons manned by more than one person and include handheld rocket launchers, light mortars and other man portable systems.

The people of the Niger Delta Region have suffered life threatening impacts of the activities of oil multinationals in the region since 1958 and the aftermath of this is the increased rate of piracy attacks by the militants, their activities are encouraged by the proliferation of small arms and light weapons in the country. In order to curb the menace of maritime piracy small arms and light weapons should be properly managed and not distributed unguardedly.

Porous Borders

Porous borders causes' maritime piracy and armed robbery at sea, where the state does not provide for proper protection of its borders it is at risk of attack from outsiders.¹⁰⁵ Maritime threats are inherently mobile and Trans boundary and as such every state should endeavor to provide the necessary protective bodies that would be necessary to prevent intrusion on its waters which ranges from the internal waters to its EEZ. In Nigeria for example records available to the Nigerian immigration service revealed that there are over 1,400 illegal routes in Nigeria which is a major factor for the increase in internal attacks from external bodies.¹⁰⁶

¹⁰⁵J. Tai Babatola, 'Challenges of Nigeria Borders and Frontier Security 1960-2014' [2015]

<<https://www.researchgate.net>> accessed July 31, 2019

¹⁰⁶D.Collins, 'the clandestine movement of groundnuts across the Niger-Nigerian boundary'[1976] *the Canadian journal of African studies* 2/259

Marine Pollution

Marine pollution occurs when harmful effects result from the entry into the ocean of chemicals, particles, industrial, agricultural, and residential waste, noise, or the spread of invasive organisms. Eighty percent of marine pollution comes from land. Marine pollution causes deleterious effects as harm to living resources, hazards to human health, hindrance to marine activities including fishing, impairment of quality for use of seawater, and reduction in amenities. Marine pollution drastically reduces the economic output of the maritime sector as the pollution limits economic activities thereby reducing the output for the sector. Marine pollution poses as a cause of piracy, in the Niger delta the oil spills in areas like the ogoni community affect and destroy the community thereby causing untold hardships in such areas notwithstanding the fact that they produce the oil, this pollution causes environmental degradation and makes fishing and farming difficult, this in turn aggravates poverty and unemployment which results to increased agitation among the youth¹⁰⁷ thereby creating an enabling environment for piracy and armed robbery at sea.

Legal and Jurisdictional weakness

The weakness of the legal and jurisdictional framework of a state is a factor that causes maritime piracy in the Gulf of Guinea. Despite the increasing tide of piracy in the Gulf of Guinea many countries in the region like Equatorial Guinea, Angola and The Democratic Republic Of Congo do not regard the issue as a pressing one that requires proper attention, by the provision of the UNCLOS 1982 every state may seize a pirate ship or aircraft of a pirate or a ship or aircraft taken by the pirate and the court of the state has jurisdiction to determine the penalties that follow,¹⁰⁸ in Angola, Equatorial Guinea and The Democratic Republic of Congo little or nothing has been done towards enforcing the provisions of the UNCLOS notwithstanding the persistent piracy attacks in these areas. Where the legal and jurisdictional framework of the state is weak crimes generally thrive unchallenged and maritime piracy can succeed unchallenged in such areas.

¹⁰⁷ United nations environment programme (UNEP), 'Environmental Assessment of Ogoni land' (*Nairobi: UNEP 2011*)

¹⁰⁸ Article 105, UNCLOS 1982

Absence of Regional cooperation

The epidemic of piracy and armed robbery at sea in the Gulf of Guinea has lingered due to the absence of regional cooperation among the Gulf of Guinea nations.¹⁰⁹ This could be linked to maritime boundary disputes between the various countries an example is the Bakassi incidence between Nigeria and Cameroon, such disputes lead to suspicion and distrust among the countries involved and as such joint military exercises and training and financial assistance are denied due to the inability of the countries to cooperate in the fight against piracy. This encourages the menace of piracy and armed robbery at sea to flourish as one nation alone cannot successfully combat maritime piracy to its fullest.

Extant Legal Instruments for Maritime Security

1. United Nations Convention on the Law of the Sea (UNCLOS)

The United Nations Convention on the Law of the Sea (UNCLOS) was ahead of its time. It pre-empted environmental protection and low-intensity conflict paradigm shifts of the late 1990s by already encompassing many new security challenges at the time of its codification in 1982.¹¹⁰ These included environmental security, illegal immigration, human trafficking and piracy. This allowed UNCLOS to remain relatively flexible and current with international security concepts. The global character of shipping requires global regulation, and UNCLOS is not alone in this endeavor. There is not simply one international treaty on maritime security law. While UNCLOS includes several articles regulating state responses against piracy (Articles 100 to 107 and 110), the Convention provides no foundation or guidance for private efforts in combating piracy. Instead, there are many fragmented treaties, conventions, legal principles and soft law instruments that supplement UNCLOS.¹¹¹

2. Suppression of Unlawful Acts(SUA)

The Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) Convention and Protocol was designed to fill voids in international law necessary to combat other threats to human life and security of navigation and commerce at sea not fully prescribed under UNCLOS. It requires states to pass legislation making unlawful piratical and terrorist acts against navigation serious criminal offenses under their national laws. First were the 1988

¹⁰⁹ Kamal-Deen Ali: challenges of maritime security in the Gulf of Guinea, 27th July 2017

<<https://www.issat.dcaf.ch>> accessed 30th July, 2019

¹¹⁰ P.P. Tamsin, 'The impact and effectiveness of UNCLOS on Counter-piracy Operations' [27/1/ 2016] *Journal of conflict and security law* (22)(1) (97-123) <<https://www.academic.oup.com>> accessed 30th July 2019

¹¹¹ The Maritime Executive, 'international legal frame work governing maritime security' <<https://www.maritime-executive.com> (UNCLOS)> accessed 5 May 2019

Convention and Protocol. Under this legislation, states have an obligation to establish jurisdiction to extradite or prosecute violators even if the alleged offenses were committed outside their physical territory Unlike the UNCLOS definition of piracy, which only applies on the high seas and therefore only allows security responses on the high seas, the SUA framework criminalizes piracy-like offenses against vessels which have journeyed out of the territorial sea or are scheduled to transit beyond the territorial sea. In 2005 the 1988 SUA Convention and Protocol were amended to become the 2005 SUA Convention and the 2005 SUA Protocol. The 2005 SUA framework contains three new categories of offenses; using a ship as a weapon or as a means for committing terrorist acts, Proliferation of weapons of mass destruction (WMD) on the high seas, transporting a person alleged to have committed an offense under other UN antiterrorism conventions.¹¹²

3. The Safety of Life at Sea (SOLAS)

The Safety of Life at Sea (SOLAS) Convention, first developed to increase safety aboard ocean-going vessels after the Titanic disaster, has grown since 1914 into the most thorough of all marine safety conventions.¹¹³ Its main purpose is to establish minimum standards for the construction, equipment and operation of ships, compatible with their safety. It is enforced by flag states and port state control measures. SOLAS allows port states to prevent ships from sailing when serious deficiencies are found that may pose a danger to persons, property, or the environment.¹¹⁴

4. U.N. Firearms Protocol

In addition to the Law of the Sea framework, maritime security providers must also navigate the complex international legal regime of the U.N. Firearms Protocol, a legally binding agreement which entered into force in 2005, currently signed by 109 states plus the European Union, to ensure armed security provider, or those importing/transporting weapons, carry the required port and transit state permits. This UN regulation suggests not only seeking pre-embarkation permission from the Flag State but also from all countries through which privately contracted armed security personnel (PCASP) will transit.¹¹⁵ The Protocol sets the regulations

¹¹² The maritime executive; international legal frame work governing maritime security <<https://www.maritime-executive.com> (SUA)> accessed 5 May 2019

¹¹³ The Maritime Executive: SOLAS to suppress piracy at sea <<https://www.maritime-executive.com>> accessed 30th July, 2019

¹¹⁴ *ibid*

¹¹⁵ United Nations Office on Drugs and Crime(UNODC): the firearms protocol <<https://www.unodc.org>> accessed 30th July, 2019

for firearms transport. PCASP must be careful and take the necessary precautions to ensure their carriage of weapons systems is rightly permitted and does not qualify as illicit trafficking.

5. International Ship and Port Facility Security Code (ISPS)

The International Ship and Port Facility Security Code is an amendment to the Safety of Life at Sea Convention on minimum security arrangements for ships, ports and government agencies. Main Aim of ISPS code In Shipping. The ISPS code mainly looks after the security aspects of the ship, seafarers, ports and port workers, to ensure preventive measures can be taken if a security threat is determined.¹¹⁶

Summary

Piratical attacks are quite common in regions of the world like the Gulf of Guinea which is seen as been surrounded by developing nations who do not take stringent measures to prevent its occurrence.¹¹⁷ The causes of maritime piracy and armed robbery at sea is not beyond control or remedy, as have been shown these factors that constitute maritime piracy in the Gulf Of Guinea and the world at large generally are factors that are within human control therefore policies should be strategized in all regions, recouping experienced naval officials and improving man power and checks and balances of the activities of the officials in the maritime sector in order to combat suspicious circumstances, actions should be taken and put in place to control these events.

CONCLUSION

Summary of Findings

In the course of this study, some findings were made. They include:

1. The issue of piracy has existed for long as people have used the sea for international transit which involved business of trade between nations of the world.
2. The Gulf of Guinea is a piracy hot spot, because of the vast resources present in the area; it is prone to piracy attacks because of the lingering factors in its basin countries such as poverty and corruption.
3. The modern definition of piracy jure gentium in article 101 of the UNCLOS does not cover “illegal acts of violence” or “any act of depredation” committed by the crew or passengers of a ship on the high seas and directed against another person on the same ship.

¹¹⁶ Piracy and the ISPS code <<https://www.safety4sea.com>> accessed 30th July, 2019

¹¹⁷ China navigation co ltd v Attorney-General (1932) 43 L.I.L. Rep 37 CA

4. Piracy is a crime that is punishable by the laws governing that jurisdiction where the offence was committed and where it is committed on the high seas against another ship it is still punishable and attracts capital punishment
5. Various laws and conventions make provisions for protection from piracy and the punishment for engaging in such acts of piracy example is the UN Security Council's resolutions.
6. Piracy leads to negative effects on the economy of the Gulf of Guinea as such attacks causes low international trade in the affected areas and as such reduces the economic prosperity of the region.

Recommendations

The menace of piracy and armed robbery at sea in the Gulf of Guinea is well-known and one's eyes cannot be closed from the traumatic effect it has on the victims and the recessive effect it possess to the economy of the region. Having identified the causes of piracy and armed robbery at sea in the Gulf of Guinea, the following is recommended:

1. There has to be a thorough review of each country's legal framework to effectively prosecute piracy prosecutors. There is limited number of piracy related trials which according to Osinowo¹¹⁸ underscores the need for a greater harmonization of legal efforts in the region
2. Members of the judiciary should be trained in coordination with maritime enforcement agencies, in order to speed up and standardize the process of evidence collection and preservation to facilitate fair and efficient trial.
3. There is the need for all states of the Gulf of Guinea to activate zonal coordination mechanism and consummation and implementation of the ECOWAS integrated maritime strategy.
4. There should be high level of youth empowerment and employment, these will decrease the rate of piracy when more youths are employed in strategic sectors of the economy.
5. Creation of more organizations to combat piracy an example is the creation of the multinational maritime coordination center (MMCC) by the ECOWAS in 2015.
6. More collaboration among the international partners and African government to develop effective measures to combat piracy and armed robbery at sea in the Gulf of Guinea.
7. Technological advancement is very essential to combat piracy in the Gulf of Guinea, expertise qualification should be employed at all levels, and high digitalized customized

¹¹⁸ A. A. Osinowo, 'Combating Piracy in the Gulf of Guinea' [2015] (2) (30) publication of the Africa centre for strategic studies <<http://www.files.ethz.ch>> accessed 2nd August 2019

cameras should be on board the vessels. Security devices should be placed at strategic areas around the gulf, and use of intelligence equipment like drones should be fixed around the lands surrounding the oceans.

CONCLUSION

The issue of piracy in the gulf of guinea is one of serious concern as its resultant effects are hazardous and long lived. Recouping experienced naval officials and improving man power, policies should be strategized in all regions, checks and balances of the activities of the officials in the maritime sector in other to combat piracy in the Gulf of Guinea. Furthermore effective early warnings and intelligence service, credible deterrent and reaction forces and regional affiliation is required to tackle piracy in the Gulf of Guinea properly. When the issue of piracy and armed robbery at sea is successfully curbed the growth of the economy as well as the life of seafarers is ensured.

REFERENCES

- Adler E. and Greve P, 'When Security Community Meets Balance of Power: Overlapping Regional Mechanisms of Security Governance' (2009) 35 review of international studies 59
- Anderson E and Brockman-Hawe B and Goff P, 'Suppressing Maritime Piracy: Exploring the options in international Law' (one earth future publishers, 2010)
- Babagana A, 'Gulf of Guinea Resources, Economy and Development: Yesterday, today and tomorrow' (Globan publishers, 2007)
- Bowden A, 'The Economic Cost of Maritime Piracy' One Earth Future Working Paper 1(2010)
- Coito J, 'Pirates vs. Private Security: Commercial Shipping, the Montreux Document and the battle for the Gulf of Aden' 173 California Law Review (2013)

Articles in Journals

- Abdel Fattah M, 'Piracy in the Gulf of Guinea; causes efforts and solutions' <<https://www.aast.edu>>
- Adeniji A.O, 'Combating Piracy in the Gulf of Guinea' (2015) (30) <<https://www.africacenter.org>>
- Alemika, E. E. O, 'The impact of organized crime, on government in West Africa' *Abuja FES* (2013) <<http://library.fes.de/pdf-files/bueros/nigeria/10199.pdf>>

-
- Altafin C, 'The Threat of Contemporary Piracy and the Role of the International Community' [2014] *International Institute of Humanitarian*; 2280-6164/6
- Ariyoosu D. A and Abdulkadir O. A, 'Maritime Surveillance and Enforcement Privatization Galore in Nigeria: A Compromise of State Sovereignty' [2017] *KIULJ* 1/1
- Arugu O.W, 'Research materials on piracy at sea' [2018]
- Arugu O.W. and Halliday C.E: 'Strengthening the Legal and Institutional Framework for combating Piracy and Armed Robbery against ships in Nigeria' [2018] Collins O. Chijioke (ed), *issues and responses in maritime law* 1/63
- Barrios C, 'Fighting Piracy in The Gulf of Guinea; Offshore and Onshore' [2013] (20) <<https://www.iss.europa.eu>>
- Benthon L. 'Toward a New Legal History of Piracy; Maritime Legalities and the Myth of Universal Jurisdiction' [2011] *International Journal of Maritime History*; 1/XXIII
- Beyond the Bottlenecks: Ports in Sub-Saharan Africa, 'Ocean Shipping Consultants, Ltd. for the Africa Infrastructure Country Diagnostic Project' [2008] (1) <<https://www.eu-africa-infrastructure-tf.net>>
- Daxecker D and others, 'Insurgents of the Sea: Institutional and Economic Opportunities for Maritime Piracy' [2012] *journal of conflict resolution*; 5/0022002712453709
- Ezeoba D. J, 'Security in the Gulf of Guinea focus on Nigeria and regional Maritime defence framework' [2015] <<https://www.gusauinstitute.com>>
- Fiorelli M, 'Piracy in Africa: the case of the Gulf of Guinea' [2014] *KAIPTC Occasional paper* 37/3/5
- Kalu K. A, 'A Study of the role of Seafarers in Combating Piracy off the coast of Nigeria' [2015] [published online 2016] *WMU Journal of Maritime Affairs*; 1 <<https://www.wmu.se>>
- Kuppen, J, 'Measures to eradicate piracy in the Gulf of Guinea' [2016] Haganum model UN General Assembly<<https://www.hagamun.org>>
- Onuoha G, 'Energy and Security in the Gulf of Guinea: a Nigeria perspective' [2009] *South African journal of international affairs* 16:2/245-264
- UNODC, 'Transactional Organized Crime in West Africa: a Threat Assessment' Vienna UNODC [2013] <<https://www.unodc.org/documents/data-and-analysis/tocta/west-africa>>

Conferences/Seminar/Workshop Papers

- Adjoa A, 'Maritime Security in the Gulf of Guinea' (2013) lessons learned from the Indian Ocean, Africa 2013/02 London Chatham House
- Anele K K, 'The Economic effect of Piracy in Nigeria: an overview of the fishing industry'(2015) Winter Academy Seminar organized by the Korean Institute of Maritime Law held at the Korean Seafarers welfare and employment center
- Dutton M. Y, 'Bringing Pirates to Justice: a case for including piracy within the jurisdiction of the international criminal courts' (2010) One Earth Future Foundation Discussion Paper
- Haganum Model United Nations (Gymnasium Haganum), 'Measures to eradicate piracy in the Gulf of Guinea' (2016) General Assembly 1- The Hague research reports
- 'Maritime Security in the Gulf of Guinea' (2013) Report of the conference held at the Chatham house, 2012/12 London Chatham House
- Model United Nations (The International School of the Hague), 'Combating piracy in the Gulf of Guinea' (2015) General Assembly 1- International Security and Disarmament Research Report
- UNCTAD, 'An Overview of the International Legal Framework and Multilateral Cooperation to Combat Piracy' (2014) UN conference on trade and development, Geneva and New York
- UNSC 6723rd Meeting (AM), 'Gulf of Guinea Piracy Clear Threat' Economic Development of Region; Countries need United Front in Response'

Thesis/Dissertation

- Anele K K, 'A Study of the Suppression of Piracy of Nigeria through the instrumentality of port state control, *Dissertation, Korean Maritime and Ocean University, Busan.*
- Bhangal .A, 'Maritime Piracy; an auto-limitation approach' (2016) *Doctoral Thesis, University of Huddersfield.* Available online <<https://eprints.hud.ac.uk/id/eprint/32102>>
- Matthew F. D, 'Securing the Gulf of Guinea: towards an integrated maritime Security strategy for the Gulf of Guinea' (2012) *Dissertation, World Maritime University*
- Omovigho C.B, 'Maritime Law Enforcement in Nigeria: the challenges of combating piracy and armed robbery at sea' (2017) *masters dissertation 555, World Maritime University, Sweden* available online <<https://www.commonswmu.se/all-dissertations/555>>

Reports

- ICC-IMB (2014) Piracy and armed robbery against ships: report for the period of 1 January-31 December 2013
- ICC-IMB (2015) Piracy and armed robbery against ships: report for the period of 1 January-31 December 2014

--ICC-IMB (2016) Piracy and armed robbery against ships: report for the period of 1 January-31 December 2015

Magazines/ Newspapers and Television report

Aljazeera (2012) Piracy and maritime security in the Gulf of Guinea: Nigeria as a microcosm.

Mitropoulos E (2005) Putting the seafarer first. ITF Seafarers' Bulletin

Premium Times, 'EFCC arrest sacked NIMASA Boss over alleged multibillion naira fraud' (2015)

The Guardian Newspaper, 'EFCC arraigns Ex-NIMASA Boss Akpobolokemi on fresh charge' (2015)

The Nation Newspaper, 'N13billion NIMASA land scam; EFCC invites Tompolo' (2015)

Internet Sources

Anyiam H, 'The legalities of Gulf of Guinea Maritime crime with suggested solutions. Center for international Maritime Security' (CIMSEC) (2014). <<https://cimsec.org/legalities-gulf-guinea-maritime-crime-suggested-solutions/11783>> accessed 27 May 2019

Anyimadu A, 'Maritime Security in the Gulf of Guinea: lessons learned from the Indian Ocean' Chatham House, Africa (2013/02). <<https://www.chathamhouse.org/sites/files>> accessed 27 May 2019

Beckman R and Palakrihman S, 'Regional cooperation to combat piracy and international maritime crimes: the importance of ratification and implementation of global conventions. <<http://cil.nus.edu.sg/wp/wp-content/uploads/2012/09/Beckman-Paper-Taiwan-Conference-3-5-September-rev-27-Aug.pdf>> accessed 27 May 2019

Benin's maritime security challenge in the Gulf of Guinea West African Report: Institute for Security Studies (ISS), (2015) < <https://www.issafrica.org/uploads/ECOWAS12.pdf>. Accessed 26 May 2016 com/2015/02/oil-industry-rejects-Nigerian-certified-seafarers/> accessed 27 May 2019

Bridger J 'Crafting a counter-piracy regime in the Gulf of Guinea. Center for International Maritime Security' (CIMS) (2013), <<http://cimsec.org/crafting-a-counter-piracy-regime-in-the-gulf-of-guinea/6232>> accessed 27 May 2019

O'Brien M, 'where security meets justice: prosecuting maritime piracy in the International Criminal Court. [2013] Asian Journal of International Law <<https://www.academia.edu/5161924>> accessed 10 June 2019

Ocean atlas repels piracy attacks (2013) < <http://www.seafarers.org/seafarerslog.htm>> accessed 10 June 2019

- Onuoha CF, 'Piracy and maritime security in the Gulf of Guinea: Nigeria as a microcosm' Aljazeera, Center for Studies (2012) <<https://studies.aljazeera.net/ResourceGallery/media>> accessed 25 June 2019
- Whiteman S and Suarez C, 'Dalhousie marine piracy project: the root causes and true costs of maritime piracy' (2012) Marine Affairs Program Technical Report No. 1. <<http://www.dal.ca/content/dam/dalhousie/images/faculty/science/marineaffairs-program>> accessed 29 July 2019

DICTIONARIES

Duhaime's Law Dictionary <<http://www.duhaime.org>>