



# Maritime Piracy as a Challenge to Maritime Governance: A Critical Analysis of Counter-Piracy in the Gulf of Guinea

By

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**(FLLEMM003)**

A minor dissertation submitted in *partial fulfilment* of the requirements for the award of the degree of Master of Social Science in International Relations

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## Declaration

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This work has not been previously submitted in whole, or in part, for the award of any degree. It is my own work. Each significant contribution to, and quotation in, this dissertation from the work, or works, of other people has been attributed, and has been cited and referenced.

**Signature**

Signed by candidate

**Date** 14 February 2022

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## Abstract

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The Gulf of Guinea, endowed with vital and strategic resources, has for centuries served as an important region economically, socially, and politically. Since 2011, a substantial amount of time, research, human and financial resources have been dedicated towards this region, specifically, towards eradicating the threat of maritime piracy. Incidences of maritime piracy in the Gulf of Guinea is not a recent phenomenon. While not new, the political interest in piracy has grown. Today, maritime piracy in the Gulf of Guinea has become a significant element in the security make up of Africa, involving a myriad of actors through various forms and forums to counter the perceived threat it poses to international peace and security. A common question that informs the study of maritime piracy is ‘*What threat does piracy pose to international security?*’. This dissertation instead seeks to understand *why* piracy in the Gulf of Guinea is conceptualised as a major threat to maritime security, and *how* the phenomenon of maritime piracy is governed. Through this, it strives to understand what interests are protected through counter-piracy governance. The escalation of piracy is argued to be part and parcel of the growing global interest in the opportunities the Gulf bestows. The rush to address it is therefore motivated by the threat piracy poses to international interests, including energy, trade and commerce security. Given the growing international, regional, and national fixation on developing the ‘blue economy’, and in the context of climate change and the history of inequitable resource governance, it is ever more critical to interrogate the ways in which the maritime space is governed and the types of behaviours this space accepts and rejects.

## Abbreviations and acronyms

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ACMSSD	African Charter on Maritime Security, Safety and Development
AfCFTA	African Continental Free Trade Area
AfDB	African Development Bank
AFRICOM	US Africa Command
AIMS	African Integrated Maritime Strategy
APS	African Partnership Station
APSA	African Peace and Security Architecture
AMCEN	African Ministerial Conference on the Environment
AMD	African Maritime Domain
ASECMAR	Support for Maritime Security in the Gulf of Guinea
AU	African Union
AUC	African Union Commission
BIMCO	Baltic and International Maritime Council
BRICS	Brazil, Russia, India, China, and South Africa
CCDS	Committee of Chiefs of Defense Staff
CEMZA	Combined Exclusive Maritime Zone of Africa
CoC	Code of Conduct
CRESMAC	Maritime Security Regional Coordination Centre for Central Africa
CRESMOA	Maritime Security Regional Coordination Centre for West Africa
CMC	Maritime Coordination Centre
CMP	Coordinated Maritime Presences
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
ECOMOG	Economic Community of West African States Monitoring Group
EIMS	Economic Community of West African States Integrated Maritime Strategy
EEZ	Exclusive Economic Zone
EU	European Union
FAO	Food and Agricultural Organization
FCWC	Fisheries Committee of West Central Gulf of Guinea
G7	Group of Seven
GGC	Gulf of Guinea Commission
GoG	Gulf of Guinea
GMA	Ghana Maritime Authority
GMCP	Global Maritime Crime Programme
ICC	International Chamber of Commerce
ICG	International Crisis Group
IMB	International Maritime Bureau
IMDEC	International Maritime Defence Exhibition and Conference
IMO	International Maritime Organization
INTERPOL	International Police
IRCC	Inter-Regional Coordination Centre
IUU	Illegal Unregulated Unreported Fishing
LEM	Large Maritime Ecosystem
MAI	Maritime Area of Interest
MINCONMA	Ministerial Conference of Maritime Transport of West and Central African States

MOWCA	Maritime Organization of West and Central Africa
MoU	Memorandum of Understanding
MOWCA-MoU	Memorandum of Understanding on the Establishment of a Sub-Regional Integrated Coast Guard Network
MLE	Maritime Law Enforcement
MSGBC	Mauritania, Senegal, Gambia, Guinea-Bissau, and Guinea Conakry Basin
MTISC-GoG	Maritime Trade Information Sharing Gulf of Guinea
NATO	National Atlantic Treaty Organization
NEMO	Navy Exercise for Maritime Organizations
NIMASA	Nigerian Maritime Administrative and Safety Agency
NITOA	Nigerian Trawlers Owners Association
OAU	Organization of African Unity
PLA	People's Liberation Army
PMSC	Private Maritime Security Companies
PCASP	Privately Contracted Armed Security Personnel
REC	Regional Economic Community
RMACC	Regional Maritime Awareness Capability
SAMI	Association for Maritime Security Industry
SLOC	Sea Lines of Communication
SUA	Suppression of Unlawful Acts of Violence against the Safety of Maritime Navigation
UASC	Union of African Shippers' Council
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNCTAD	United Nations Conference on Trade and Development
UNGA	United Nations General Assembly
UNODC	United Nations Office on Drugs and Crime
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
UNTOC	United Nations Convention against Transnational Organized Crime
YAMSS	Yaoundé Code of Conduct for Maritime Safety and Security

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# Chapter 1: Introduction

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## 1.1 Background to the Study

In July 2019, Nigeria became the first country in the Gulf of Guinea region to promulgate a standalone law to address the concern of maritime piracy in its territorial waters (Osamgbi, 2019). Shortly after this law entered into force, *Nigeria's Navy and Maritime Administration and Safety Agency* hosted the first *Global Maritime Security Conference* focused on the threat of piracy to maritime safety and security. The United Nations (UN) and the International Chamber of Commerce (ICC), as well as France, the United States and China, were among some of the dominant actors invested in global maritime security to welcome the efforts by the Nigerian state, calling on regional countries to follow suit. The *Suppression of Piracy and other Maritime Offences Act of 2019* is one part of a much larger and complex regional and international effort to address the “resurgence of pirate attacks in African waters” (Onuoha, 2012: 1). Until 2011, the international concern of maritime piracy was focused on the Horn of Africa, specifically off the coast of Somalia. Since then, multi-lateral organizations, notably the UN and the International Maritime Bureau (IMB), have drawn international attention to the Gulf of Guinea (the Gulf, GoG) as the new “notorious gangster paradise” (Ukeje & Ela, 2013: 7), “the world’s piracy hotspot” (International Chamber of Commerce, 2021) and “a threat...to international navigation, security, and economic development” (United Nations Security Council Resolution 2018, 2011: 1). Not only are these international actors, in large part, funding regional and international conferences on maritime security in and outside of West Africa, but their influence often tends to dominate the agenda, discourses and approaches to maritime security and counter-piracy governance (Onuoha, 2020: 112).

Today, maritime piracy has increasingly gained the attention of academics, researchers, politicians, and international organizations, particularly in the wake of the Somali pirate attacks (Sundaram, 2005). Scholars like Christian Bueger, Michael Struett, Francois Vreÿ and Timothy Edmunds, refer to this as the *piracy momentum*, suggesting that the increased attention to maritime security and the intensification of maritime security cooperation is largely owing to the perceived threat of maritime piracy to the development of the *blue economy* (Bueger, 2013b). The recent reports of a *surge* in maritime piracy in the Gulf and the rising concern that it poses to the development of the region’s blue economy, is popularly believed to be the reason why a significant number of national leaders in the region have made maritime piracy a core concern of their national security agenda (Bueger, 2014). Beyond the notorious centralised management of natural resource wealth in

the GoG, a plethora of scholarly publications on the political question of resource control in the region abound. This includes the power of the multi-national corporations, international states, and the impact this has on exacerbating challenges of inclusive socio-economic development and environmental degradation. As this dissertation seeks to demonstrate, piracy incidents, data, and narratives, as well as counter-piracy efforts, are all part and parcel of complex governance agendas. To demonstrate this, the dissertation is guided by two fundamental research questions which are outlined below.

## 1.2 Research Questions and Purpose

In light of the above, the dissertation sets out to answer the following questions:

### 1.2.1 Research Questions

1. Why is piracy considered a major threat to maritime security in the Gulf of Guinea?
2. What are some of the main counter-piracy approaches adopted by the dominant actors in the Gulf of Guinea?

### 1.2.2 Research Purpose

A common question that informs the study of maritime piracy is: ‘*What threat does piracy pose to international security?*’. Rather than focusing solely on the question *what* risk piracy poses, the dissertation instead looks at *why* piracy is conceptualized as a major threat to maritime security in the first place. As such, key to this dissertation is understanding what interests are protected through counter-piracy governance. If one understands a concept to represent a *complex web of associations* (Ukeje & Ela, 2013), this dissertation seeks to deconstruct that web of associations – the *web* that exacerbates the very problem it seeks to eradicate in the Gulf of Guinea. Understanding the complex nexus between regional and international interests, as well as efforts to counter piracy in the region, facilitates a critical conversation on the approach to maritime governance in the Gulf of Guinea.

This study focuses on the period between 2011 and 2020 as this represents a time within which the discourse and action on maritime piracy in the Gulf has substantially developed. In 2011, the UN Security Council declared maritime piracy in the Gulf a threat to international peace and security. This immediately saw the adoption of two resolutions on the matter: (1) *Resolution 2018 (2011)* on 31 October 2011 and (2) *Resolution 2039 (2012)* adopted on 29 February 2012. Against the backdrop of these resolutions, 2019 became a significant year with Nigeria becoming the first country in the Gulf to promulgate a stand-alone bill aimed at suppressing maritime piracy within its territorial waters. This bill also forms part of Nigeria’s broader Deep Blue Project that focuses on enhancing the country’s maritime security efforts.

### **1.3 Scope and Limitation of the Research**

Considering time and resource constraints, as well as the disruptions caused by the COVID-19 pandemic, this dissertation is limited to a qualitative, extended literature review, relying primarily on secondary resources in the form of existing qualitative and quantitative studies. Where possible, the dissertation also includes the analysis of publicly available primary resources, such as official documents from government and non-governmental organizations.

### **1.4 Research Relevance and Contribution**

A review of the existing literature on the governance of maritime piracy in the Gulf suggests that, even among the most critical scholars, the concept of *piracy* assumes a particular identity that represents a menace to society. While security theorists try to unpack the securitization of the maritime space and the actors involved, they too fail to problematize the complex web of associations that create and sustain piracy. As such, by questioning the threat of piracy and the efforts to eradicate it, this dissertation seeks to critically unpack the motives that drive counter-piracy governance, and by extension, how this could exacerbate the issue of piracy. This offers a valuable contribution to the literature as scholars like Bacchi (2009:99) argue:

“[S]tudying problematizations allows [one] to identify the presumptions on which a policy is based and encourages to evaluate them in terms of the type of change they induce, which beneficiaries and benefactors they create and which larger effects they have on the life of people”.

Given the growing international, regional, and national fixation on the blue economy, in the context of a changing climate and history of inequitable resource governance, it is ever more crucial to interrogate the ways in which the maritime space is governed and the types of behaviours this space accepts and rejects.

### **1.5 Organization of Chapters**

#### **Chapter One**

This chapter serves as an introduction to the necessary background information to support a critical analysis of the interests of the Gulf and the approaches to counter-piracy governance. As such, this chapter is not analytical, but rather sets out the research question, relevance, and contribution to the existing literature.

#### **Chapter Two**

Chapter two is the literature review, which provides an overview of the prominent themes in the existing literature that explores counter-piracy governance globally and in the Gulf.

### **Chapter Three**

Chapter three is devoted to the conceptual framework, providing definitions of the key terms and concepts used throughout the dissertation.

### **Chapter Four**

Chapter four addresses the first research question, which seeks to understand why piracy is considered a major threat to maritime security in the Gulf. This includes an overview of the recent trends of maritime piracy in the region, as well as an analysis of the strategic importance of the Gulf and the threat maritime piracy poses to this.

### **Chapter Five**

Chapter five addresses the second research question. Building on chapter four, this chapter provides an analysis of the different approaches to counter-piracy governance in the Gulf. The aim of this chapter is to unpack the counter-piracy governance practices carried out by dominant actors invested in the *fight against piracy* in the Gulf.

### **Chapter Six**

Chapter six concludes the findings of this dissertation.

# 2

## Chapter 2: Literature Review

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### 2.1 Introduction

Over the past two decades there has been a surge in the number of publications on the state of maritime piracy in Africa which, for the most part, have focused on the case of Somali piracy in the Gulf of Aden. Since 2011, the literature on maritime piracy in West Africa has grown in tandem with the rising number of reports documenting the alarming intensification of maritime piracy in the Gulf. Research reports funded by both international organizations and government agencies contribute significantly to the knowledge on maritime security and the governance of piracy. This includes studies that explore the resource-development nexus and the potential of the Gulf (Obeng-Odoom, 2010), climate fragility (Nagarajan et al., 2018) and the threat of piracy to the development of the maritime industry (Ali, 2015a, Ali 2015b, Onuoha, 2012). A review of the literature also reveals that the focus has been predominantly on the political structure of piracy, particularly off the coast of Somalia (Benamba, 2012; Sterio, 2013); the economic impacts of piracy (Sullivan, 2010; Bendall, 2010; Myburgh, 2002; Carney, 2009); international law and the challenges of prosecution (Benamba, 2012; Guilfoyle, 2010; Kraska & Wilson, 2009) as well as space and time studies of piracy (Townsend & Oliveria, 2015). This chapter provides summaries of some of the key themes that emerge from a review of the existing literature, particularly a review of the critical literature of counter-piracy efforts in the Gulf of Aden and the Gulf of Guinea. These themes include:

- Paradigms of Maritime Piracy
- Security Communities in Maritime Security; and
- Sea Blindness and Good Governance at Sea.

### 2.2 Paradigms of Maritime Piracy

The complexity of the piracy issue is a result of several factors, namely, the number of actors involved, the different issue areas of international relations concern (for example transnational organized crime, international maritime law, and peacebuilding) and the ontological complexity of piracy. Regarding the issue of complex international concerns, Bueger (2013b: 86) argues that “each of these issue areas are complex international

regimes with different international treaties governing the issue [involving] different international organizations, specialized governmental [departments] and non-governmental agencies.”

The ontological complexity refers to the levels of *problematizations* or *paradigms*, that inform why *piracy* is an issue, what the appropriate counter-piracy approach is and who is the legitimate actor to address it. As Bueger (2013b: 87-88) argues, counter-piracy policy is “a complex process of sense-making” rooted in different perceptions and understandings of *piracy*.

The notion of *problematization* is typically associated with the work by Michel Foucault. In its basic form, *problematization* is “a form of knowledge...in which a certain issue is turned into a problem” (Bueger, 2013b: 87). Therefore, *problematizing* a taken-for-granted concept, such as *piracy*, requires a critical analysis of the actors and networks that legitimize the concept and their motives for doing so. When *problematizing* the concept of *piracy*, it becomes evident that there are different paradigms that inform the practical understandings of why piracy is seen as an issue, and how it should be addressed.

The notion of a *paradigm* emphasizes that “representations and material practises go hand in hand and should not be separated analytically from each other” (Bueger, 2013b: 87-88). As such, the emphasis is not only on the representations and text, but also “on the everyday, often material, practical handling of things” (Bueger, 2013b: 88).

A review of the existing literature on maritime piracy suggests that there are five dominant paradigms that construct the issue of piracy in a particular way, which in turn, inform its governance. These paradigms include defining maritime piracy as a non-conventional security threat (*security paradigm*), piracy as a crime (*legal paradigm*), piracy as a business model (*economic paradigm*), piracy as a consequence of structural causes (*development paradigm*) and piracy as a result of individual suffering (*humanitarian paradigm*). These paradigms are detailed below. Variations exist within each paradigm, with some studies drawing on more than one paradigm. Unpacking the paradigms allows for a more nuanced and comprehensive understanding of what is problematic about maritime piracy and by extension, why anti-piracy regimes exist and the actors who have been given the legitimacy to govern the maritime space (Bueger, 2013b).

### **2.2.1 Security Paradigm**

The security paradigm is the most popular explanation of maritime piracy. Within this paradigm, maritime piracy is typically defined as a non-conventional security threat that has developed alongside other non-conventional threats such as terrorism (Bueger, 2014). Moreover, it is *problematized* as a hindrance to maritime

security and ocean governance. Such explanations point to piracy as an issue that demands strategic and multisectoral responses (Germond and Smith, 2009; Murphy, 2013; Vreÿ, 2013; Bueger & Edmunds, 2017). Chapter four uses this paradigm to explore the reasons why piracy is deemed a major threat to maritime security.

### 2.2.2 Legal Paradigm

The legal paradigm conceptualizes the issue of piracy as a crime. International institutions, such as the United Nations Convention on the Law of the Sea (UNCLOS), as well as national legal bodies, are the main actors in defining piracy through legal discourse, including (i) what the act of piracy entails, (ii) who is a pirate and (iii) how it should be governed (Struett, Carlson & Nance, 2013). Legal scholars like Campanelli (2012) and Otto (2018) similarly argue that the representation of piracy in legal documents serves as a significant obstacle to the fight against piracy. They similarly contend that the definition of piracy upheld in the UNCLOS does not wholly capture the evolution of piracy and its current characteristics, and as such is out of date and constraining. Legal scholars have broadened the conditions of existing international and national laws that deal with piracy and translated piracy into a problem of both national and international crime that requires the advancement of legal and law enforcement apparatuses (Azubuike, 2009; Guilfoyle, 2010).

### 2.2.3 Economic Paradigm

The economic paradigm interprets *piracy* as a business model and pirates as economic actors engaged in rent-seeking activities (Hastings & Philips, 2015). Hastings and Philips (2015) argue that the dominant humanitarian discourse of pirates is the consequence of *weak* or even *failed* states that have diverted attention from more critical factors, namely local norms and institutions, that pirates interact with daily. They recognize that while piracy can be a symptom of *dysfunctional states*, piracy is also motivated by “local ideas of exploitation and marginalization in the global economy” (Hastings & Philips, 2015: 556). Their central argument is that if one understands piracy as a business, one realizes that piracy is fundamentally dependent on functioning markets and reasonably secure operating environments. Piracy in Nigeria, Hastings and Philips (2015: 558) argue, represents a kind of “sophisticated piracy” that not only arises from the formal economy – specifically the international oil economy – but a security network that represents “more than simply business relationships” (Hastings & Philips, 2015: 558). Their qualitative research illustrates that, beyond the grievances of oil corruption, the corruption within the industry fosters informal networks among pirates and those with formal relations to the oil industry. They argue that one of the “key oversights in much of the literature...is the role of social norms and informal institutions in shaping and, to an extent, regulating the behavior of pirate groups” (Hastings & Philips, 2015: 559). The scholars therefore advocate for piracy to be examined within the

social and ideational context in which they are situated. Hastings and Phillips (2015) and Pérouse de Monteclos (2012) elaborate on the *business networks* of maritime piracy in the Gulf. Engaging in the discussion of *weak governance*, *state failure* and *maritime piracy*, these scholars similarly discuss the business model of piracy which mimics and even perpetuates the illicit economy. For example, in his article “Maritime piracy in Nigeria: old wine in new bottles”, Pérouse de Monteclos (2012) seeks to address questions such as:

- i) What is the relationship between piracy and the (permanent) crisis of the state in Africa?
- ii) What is the relationship between violence at sea and conflicts onshore?

He provides a historical overview of the issue of piracy in Nigeria prior to colonialism, to demonstrate how modern-day piracy is one example of illicit business networks that have existed throughout history to secure financial interests and maintain access to foreign trade. Hastings & Phillips (2015) similarly argue that the behaviour and structure of piracy networks in Nigeria are principally shaped by the weak formal state institutions and the formal oil economy. They note the importance of understanding the local institutional context, when comprehending the emergence and evolution of piracy, arguing that pirates are more than just economic actors: they are also driven by political and/or social interests and are either constrained or enabled by the same institutions that order behaviour (Hastings & Phillips, 2015).

#### **2.2.4 Development Paradigm**

The development paradigm conceptualizes piracy as the consequence of structural root causes. Here, the emphasis is on the conditions that manifest piracy, rather than the issue of piracy. In other words, piracy and the individual pirate is understood as the symptom of underlying structures that typically characterise *underdevelopment* (Bueger, 2013b: 90). Therefore, this paradigm lends to solutions such *developing* and reforming existing government structures. According to Bueger (2013b: 86), a core concept of the development paradigm is the idea of “root causes”, assuming that the causes of piracy can be identified and resolved to eradicate the secondary threat, piracy. Such root causes include weak governance structures, poverty, unemployment and corruption. The dominant literature on piracy in the Gulf suggests that the rise of piracy in the region is largely owing to the poor governance of the dire state of the regional economy (Vircoulon, 2012; Okoronkwo, Okpara & Onyinyechi 2014, Brume-Eruagbere, 2017). The quantitative literature of Coggins (2012) and Daxecker and Prins (2013), contribute to the literature that is focused on ‘poorer’ countries beset by political disorder and institutional weakness (Daxecker & Prins, 2013).

Nincic (2009) similarly writes on the development paradigm of maritime piracy in Somalia and Nigeria. In keeping with the dominant narrative, Nincic (2009) defends that maritime piracy is rooted in “weak or failed

states, where humanitarian conditions are dire and economic opportunities are limited” (Nincic, 2009: 2). She uses Nigeria, Somalia, Kenya and Tanzania as case studies, drawing on statistical data from the IMB and agencies of the UN to defend her argument that the key to addressing the issue of maritime piracy is relieving the social and economic hardships and destitution that push people into activities such as piracy (Nincic, 2009: 15). Similarly, scholars who write on maritime security in Nigeria and its links to the Niger Delta, namely Onuoha (2009), Hassan (2014) and Brume-Eruagbere (2017), argue that the emergence of piracy in Nigeria is linked to the political and economic grievances of communities affected by the mismanagement of the oil industry in the Niger Delta. According to these authors, maritime piracy has its roots in the Niger crisis, predominantly owing to the environmental degradation which has deprived coastal communities of their main source of livelihood. Thus, solutions to this challenge require a broad range of development assistance programmes that aim to develop the capacity of government actors to reduce the underlying challenge of corruption (Bueger, 2013c).

### **2.2.5 Humanitarian Paradigm**

Within the humanitarian paradigm, the emphasis is on the suffering caused by pirates to individuals who are not themselves involved in piracy. This includes maritime professionals, families and coastal communities that are negatively impacted by piracy, either directly or indirectly. While this paradigm appears similar to the development paradigm, the emphasis is on the behavior of pirates towards other subjects (Bueger, 2013a). More specifically, pirates are viewed as a problem, a source of suffering. Humanitarian solutions, therefore, focus on the victims and potential victims of piracy, with the main actors responsible for resolving the issue of piracy being humanitarian relief organizations.

## **2.3 Security Communities in Maritime Security**

Bueger (2013a), Bueger and Stockbruegger (2011), Struett et.al. (2013), Tanaka (2004) and Oliveira (2017) are some of the recognized scholars that challenge the governance of maritime security globally, and more specifically, the conflicting constructions of *pirates* in the global regime complexes governing piracy. Within this broader theme of maritime piracy and the global construction of global governance, debates exist, including *communities of security* (or *regime complexes*), *sea-blindness* and issues of *good governance at sea*. Christian Bueger is a prominent scholar on the matter of maritime piracy in the Horn of Africa. Bueger is especially well-known for his analysis of the ontological complexity of Somali piracy and the counter-piracy efforts (Bueger, 2013a). His contributions to the subject of maritime piracy are particularly significant as he illustrates how the construction of piracy, as a threat to maritime security, is more common in areas of geo-

economic importance. Bueger's more recent scholarship has shifted focus from analysing the geo-political interests of issues of maritime security to a focus on the scholarship produced on the piracy in Africa.<sup>1</sup>

Bueger (2013a) and Stockbruegger (2012) explore *communities of security* (similarly referred to as alliances of security or regime complexes) and concepts of macro-securitization in the practises of counter-piracy governance (Bueger, 2013a; Bueger & Stockbruegger, 2011). Bueger and Stockbruegger (2011) interrogate global efforts at governing maritime security, specifically, the complex communities that contribute to the construction of Africa's maritime governance framework. They do so by adopting a praxiographic analysis to make - what they call - an "informed speculation" (Bueger and Stockbruegger, 2011: 25) about the future arrangement of global maritime security governance. Based on their analysis of the developing counter-piracy efforts in the Gulf of Aden, the scholars predict that the future arrangements will either be an "interest based, temporary *alliance* as a forming *security community* of cosmopolitan or regional scale, or as a more messy merger between the two" (Bueger and Stockbruegger, 2011: 25).

Adopting a practice-theoretical constructivist lens, Bueger (2013a) investigates the institutional responses and the interaction of continental actors to address challenges of maritime security. He identifies the emergence of a complex maritime security regime, which is driven by naval staff and research experts. According to Bueger (2013a), this regime is comprised of "transnational collectives that work toward the formation of issue-specific security communities via shared securitizations and forming communities of practise" (Bueger, 2013a: 297). Howel and Richter-Montpetit (2019) critique the structures of speech acts, such as law and international treaties and agreements, as central to enforcing colonial systems of global inequality. While the scholars do not write on maritime security and the global governance of piracy, their scholarship on the role of laws and international institutions in maintaining colonial systems of inequality, resonates with work by Bueger (2013a), Stockbruegger (2012) and Hastings and Phillips (2015) who unpack the broader critique of global anti-piracy regimes.

Oliveira (2017), like Bueger and Stockbruegger (2011), connect the relation between the securitization of piracy to the governance of the ocean space. Oliveira's (2017) analysis of the securitization of Somali piracy demonstrates how international involvement in the securitization of maritime piracy "involves a broader concern with the global governance of the ocean space" (Oliveira, 2017: 520). Bueger and Stockbruegger (2011) note that the UN has referred to the case of maritime piracy in Somalia as an opportunity to rethink the governance of the ocean space in a more comprehensive manner. Kraska and Wilson (2009) similarly suggest

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<sup>1</sup> See Christian Bueger, Jan Stockbruegger & Sascha Werthes. 2011. Pirates, Fishermen and Peacebuilding: Options for Counter-Piracy Strategy in Somalia. *Contemporary Security Policy*, 32:2, 356-381, DOI: [10.1080/13523260.2011.590359](https://doi.org/10.1080/13523260.2011.590359); Christian Bueger. 2013. Orchestrating the Response: Somali Piracy and Ontological Complexity. *Global Policy*. 4(1): 86-93. DOI: <https://doi.org/10.1111/j.1758-5899.2012.00194.x>; Bueger, Christian. 2014. Piracy studies: Academic responses to the return of an ancient menace. *Cooperation and Conflict*. 49(3): 406-416. DOI: <https://doi.org/10.1177/0010836713484117>.

that the United States used the issue of Somali piracy to motivate the development of a Global Maritime Partnership (Kraska & Wilson, 2009). While this scholarship is focused on the case of Somali piracy, they offer important insights into the notion of regime complexes, and a lens through which to analyze the governance, both regional and international, of the GoG.

## 2.4 Sea blindness and Good Governance at Sea

The dominant narrative that runs through the literature on piracy - and very much linked to the notion of communities of security - is the diagnosis of *state failure*, corruption and weak institutions as the cause of piracy and the driver of piratical behaviour (Hastings & Phillips, 2015). Linked to this, is scholarship that critiques the poor governance of the ocean space as a consequence of *sea blindness*. According to Bueger and Edmunds (2017), sea-blindness refers to the historic oversight of the maritime domain. Africa is a popular example in the literature of *sea blindness*, critically, the inland focus at the expense of the opportunities the ocean and coastlines offer. It has further been argued that in order to effectively tackle threats that undermine the development of a marine economy, African countries need to overcome their sea blindness (Walker, 2015). Scholars like Bueger and Edmunds (2017) write on the sea-blindness in maritime security scholarship at the global scale, calling for increased attention to the maritime arena and the maritime security initiatives and activities in academia.

There is also growing literature that conceptualizes maritime security as *good or stable order at sea* (Vreÿ, 2013; Kraska & Pedrozo, 2013). Much like the debate on the liberal peace paradigm, this literature advocates for the importance of ensuring *good governance*, using case studies to demonstrate the importance of states to develop strong legislation that adhere to international norms, as dictated by organizations like the UN and IMO, to prosecute pirates.

Denton and Harris (2019) investigate piracy developments in the Gulf of Guinea from 2000 to 2016. Based on their analysis of the available empirical data of piracy attacks, they conclude that nations with strong institutions and democratic regimes “are less likely to experience piracy in the Gulf of Guinea than weak states or anocracies” (Denton & Harris, 2019: 2). The scholars assess the impacts of military capacity, “regime type and stake weakness on piracy and maritime hijackings” (Denton & Harris, 2019: 2). This is couched within the broader liberal peace paradigm which advocates for the notion that higher levels of democracy are less likely to experience conflict and are linked to the notion of *good order at sea*, not piracy.

In keeping with the theme of *sea blindness*, Bueger (2013a: 297) argues that while “maritime security has been a long-neglected issue on the African security agenda”, the recent international cooperation for maritime security is resulting in *incremental change* in the governance of maritime security in Africa. He calls this *incremental change* the “piracy momentum” (Bueger, 2013a: 297).

Engel (2014) engages on the discussion on the emerging policy field of *African marine security* on the continent, similarly, observing that the continent's politics is being increasingly influenced by the maritime domain (Engel, 2014). The focus of his analysis is on the institutional placement of maritime security on the African continent. From an institutional and political perspective, Engel (2014) examines the relationship between the politics of maritime security and safety on the one hand, and on the other, the *nascent* African Peace and Security Architecture (APSA). According to Engel (2014), Africa's maritime security policy has been discussed at all policy levels, (i.e. African Union Commission, Regional Economic Communities and the African Union member states) across matters relating to traditional security politics, developmental and environmental concerns, as well as "efforts to regain economic sovereignty over African territorial and offshore waters" (Engel, 2014: 207). However, in addition to the reality that not all matters are equally weighted,<sup>2</sup> Engel (2014) notes that the development of a strong, uniform maritime security architecture for the continent is hampered by a lack of political will at the level of the AU and the African Peace and Security Council. He makes an interesting observation, which serves, in one sense, as a counter-narrative to the dominant discourse on the securitization of maritime security on the continent. While Engel (2014) recognizes the influence of the IMO in issues relating to maritime security, he writes on the consequence of the development of APSA during a time when maritime security was not perceived as a significant concern to issues of peace and security. According to Engel (2014), the APSA lacks a strong focus on maritime security, and as a consequence, a dynamic securitisation of the African maritime arena can be observed, in particular, the issue of piracy. He further observes that the issue of piracy is being increasingly seen through "the perspective of conventional national security interests that are then projected onto the regional level" (Engel, 2014: 220). Based on his analysis, Engel (2014: 221) concludes that, "the AU needs to assume a proper policy coordination and harmonization role on maritime security ...concentrating on joint efforts to combat piracy and maritime terrorism".

## 2.5 Conclusion

The study of piracy and maritime governance is extensive, with multiple studies carried out on the piracy phenomenon globally. Within Africa, the Gulf of Aden has predominantly been the focus of the literature on maritime governance. This review explored the critical scholarship of maritime governance in Africa, with a particular focus on the Gulf of Guinea. Evidently, the literature similarly demonstrates that the history of looking landward for economic development on the African continent has led to the neglect of the opportunities the maritime space offers. Not only has this resulted in weak maritime institutions that enable the unsustainable

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<sup>2</sup> For example, based on his analysis of the 2050 AIM Strategy, Engel's writes, "the emphasis seems to be on economics and control over the Combined Exclusive Maritime Zone for Africa" (p. 220).

exploitation of coastal and marine environments, but also, a neglect of the needs of the communities dependent on coastal and maritime resources for their livelihoods. Linked to this, the literature suggests that the increased attention on the threats to the maritime resources and services, is part and parcel of the current political movement to advance the blue economy agenda at the national and continental level. The five dominant paradigms of maritime piracy in the literature provide a deeper understanding of how the piracy phenomenon is interpreted. This is particularly helpful when attempting to critically understand which actors and what activities are considered legitimate in the maritime space. Much of the critical literature on the challenge of piracy to maritime security in Africa has focused on the Gulf of Aden. As a result, the proceeding chapters serve to contribute to this literature, but instead focus on the challenge of piracy in the Gulf of Guinea.

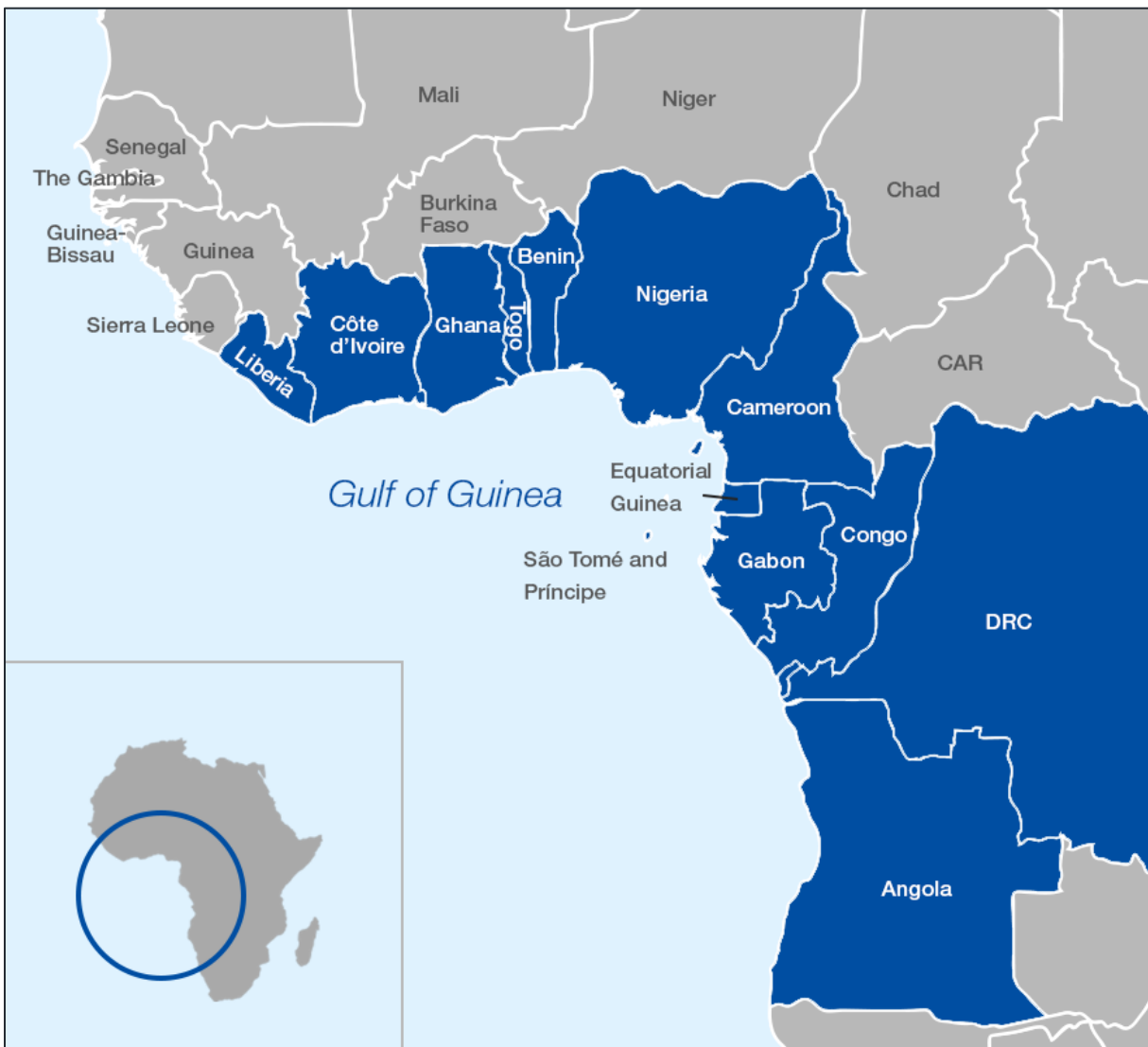
# 3

## Chapter 3: Conceptual Framework

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### 3.1 Introduction

Building from the literature review, this chapter sets out the conceptual framework, which defines some of the key terms and concepts used throughout the dissertation.



**Figure 1: Map of Coastal States Gulf of Guinea**  
**Source: Okafor-Yarwood, Walker & Reva (2021)**

### 3.1.1 The Gulf of Guinea

The Gulf of Guinea is a vast, diverse, geo-strategic region in West Africa that stretches over 6,000km along the coastline and approximately 350 nautical miles seaward into the Atlantic Ocean (Ukeje & Ela, 2013). The debate on how to define this region is contentious among various policy makers, researchers, academics and institutions. According to Onuoha (2012: 3), there is no "universally agreed geographical definition of the Gulf of Guinea". While some view the Gulf to encompass only coastal countries from Senegal to Angola (Gilpin, 2007; Odekunle & Eludoyin, 2008; Anyimadu, 2013, see Figure 1), others argue that the Gulf is in fact an amalgamation of both landlocked and coastal countries extending into the greater regions of West and Central Africa (Onuoha, 2009; Osinowo, 2015; Ali, 2015a). For example, the Gulf of Guinea Commission (GGC) only includes littoral states from Angola to Ghana<sup>3</sup> (The GGC , 2020), while scholars such as Osinowo (2015) and Ali (2015a), define the Gulf to include five landlocked states. This region is also home to one of Africa's seven Large Marine Ecosystems (LME), the Gulf of Guinea LME. Recognized as areas with high productivity, LMEs are broadly defined to encompass coastal areas, including river basins and estuaries, and extend until the outer boundary of the continental shelves. In this case, the GoG LME lies between the borders of the DR Congo and Guinea Bissau (see Figure 2).

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<sup>3</sup> The GCC Member States: Angola, Cameroon, DRC, The Republic of Congo, Gabon, Equatorial Guinea, Sao Tome and Principe and Nigeria.

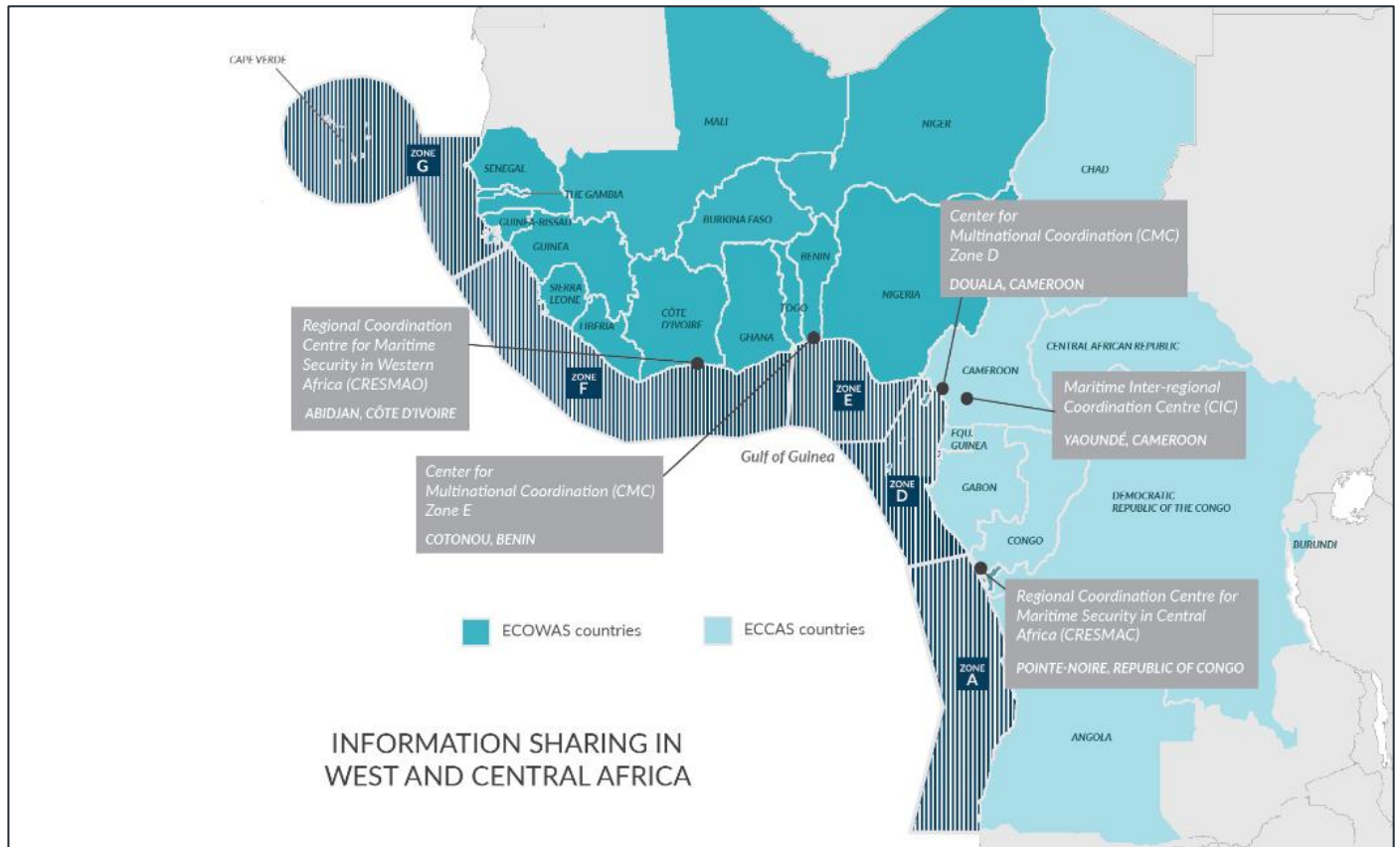
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**Figure 2: Location of the Guinea Current LME**

Source: Donker & Abe (2012)

In light of the cooperative arrangements between ECOWAS and ECCAS for maritime security, including the *Yaoundé Code of Conduct* (to be discussed), this dissertation defines the GoG to include all coastal and landlocked countries of ECOWAS and ECCAS which comprises of 25 member states from Angola to Senegal (Figure 3).



**Figure 3: Map of the Gulf of Guinea as recognized by Yaoundé Code of Conduct**

Source: Stable Seas (2020)

### 3.2 The Blue Economy

The *blue economy* broadly conceptualizes the oceans as a shared development space, in which the valuable resources of the oceans and the services they provide, are sustainably harnessed to ensure human development (Doyle, 2018). The term *blue economy* gained traction around the time of the United Nations Conference on Sustainable Development, held in Rio de Janeiro in 2012, as a complement to the concept *green economy*. The idea is that like the *green economy*, the development of the *blue economy* must honor natural ecosystems as being fundamental to sustainable socio-economic development (Keen, Schwarz & Wini-Simeon, 2018). While it is beyond the scope of this dissertation to discuss the competing claims and incongruous interpretations of the blue economy concept, it is broadly understood as an attempt “to embrace the opportunities associated with the ocean, whilst recognizing, accounting for and, in some cases, addressing its threats” (Voyer, Quirck, McIlgorm & Azmi, 2018: 3). The extent to which this concept privileges particular interests, uses and ideas about the geographical scope is explored at length by scholars such as Voyer et al (2018); Doyle (2018); Silver et al. (2015); Arsel and Büscher, (2012); Castree, (2010); Corson, MacDonald, & Neimark, (2013); Brundtland, (1987); Eikeset et al., (2018) and Mulazzani and Malorgio (2017).

The African Union recognizes the *blue economy* as the “new frontier of Africa’s renaissance” (African Ministerial Conference on the Environment [AMCEN], 2019: 9), with huge potential to “open doors for Africa’s industrialization and economic development” (AMCEN, 2019: 9). As defined in the African Charter on Maritime Security and Safety and Development in Africa (2016), the *blue economy* is defined as:

“the sustainable economic development of oceans using such techniques as regional development to integrate the use of seas and oceans, coasts, lakes, rivers and underground water for economic purposes, including, but without being limited to fisheries, mining, energy, aquaculture and maritime transport, while protecting the sea to improve social well-being” (African Charter on Maritime Security and Safety and Development in Africa (ACMS&SDAA) [Lomé Charter], 2016: 9).

In order to support the development of Africa’s vision for a holistic, integrated and multi-dimensional blue economy, the AU created the 2050 Africa’s Integrated Maritime Strategy in 2014. This Strategy is guided by four main goals and twelve strategic objectives, all of which emphasize the importance of identifying existing and potential challenges in the marine domain in order to create a “comprehensive, concerted, coherent and coordinated approach that improves maritime conditions with respect to environmental and socio-economic development” (African Union, 2012: 11-12).

While the concept of the blue economy says to honour the integrity of marine and coastal ecosystems, the high-level focus seems disproportionately focused on expanding maritime trade routes and the extractive maritime resources (Coetzee, 2020). The AU believes a continental focus on developing Africa’s maritime shipping industries and expanding transnational energy projects, including the development of undersea intercontinental communication cables and securing the safety at sea for international trade and commerce, is critical to “unleash the potential of Africa’s Blue Economy” (“Africa’s Blue Economy is a vehicle for sustainable development”, 2019). As such, the AU calls on the regional economic communities to develop strong maritime security architectures to “ensure security and safety of maritime transportation systems” (African Union, 2012: 12).

### **3.3 United Nations Convention on the Law of the Sea (UNCLOS)**

The promotion of maritime security takes place within the context of international law of the sea which is based on custom and treaty (Gibson, 2009). Ratified by 167 states, the UNCLOS is one of the most significant contributions to international law and the governance of the ocean. The Convention represents an evolution of ‘accepted’ practices by nations at sea, which were codified in 1982. Since coming into force in 1994, the

principles outlined in UNCLOS play a substantial role in influencing the governance of Africa's maritime space.

One of the most significant contributions UNCLOS has made as a regulatory instrument for ocean management and governance, is the division of the ocean space. The UNCLOS divides the marine space into five zones, these include (i) Internal Water, (ii) Territorial Sea, (iii) Contiguous Zone, (iv) Exclusive Economic Zone (EEZ) and the (v) High Seas. These zones are crucial in determining the jurisdiction of the state, its powers and duties, and the body responsible for the management of a threat. For the purpose of this dissertation, it is important to highlight the power of state within the territorial sea, contiguous zone, EEZ and the high sea.

- **Territorial sea:** The state has full sovereignty over the territorial sea, which extends no more than 12 nautical miles from the coastal baseline.<sup>4</sup> This includes the ability to exercise a limited degree of criminal jurisdiction if the passage of a vessel poses as a security threat or breaches customs, sanitary, fiscal and immigration regulations (UNCLOS, 1982: Art.17, UN General Assembly,1994).
- **Contiguous Zone:** This is the intermediary zone between the territorial sea up to 24 nautical miles from the baseline. Within this zone, states do not have legislative jurisdiction over foreign ships. However, they do have policing powers “to enforce breaches of some of their laws committed inside their territory or territorial sea” (Gibson, 2009: 3).
- **The Exclusive Economic Zone:** This zone extends no more than 200 nautical miles from the coastal baseline. The coastal state has sovereign rights to exploit, explore, conserve, and manage natural resources within this zone, as well as the right to activities such as the production of energy and establishment of infrastructure. Furthermore, while UNCLOS guarantees the rights of other states in this zone (freedom of navigation), foreign vessels must comply with the conservation laws of the coastal state. As such, the coastal state has the right to intercept foreign vessels provided that “it is undertaken by the coastal state to protect its natural resources” (Gibson, 2009: 62).
- **High Seas:** The high seas are the waters beyond the EEZ of a coastal state. This zone is traditionally recognized as an open space for all states, both coastal and landlocked, to enjoy freely. This is based on the customary laws on the freedoms of the high seas codified in the *1958 Geneva Convention on the High Seas* (International Law Commission, 1958), for example the freedom of navigation and of

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<sup>4</sup> UNCLOS defines the baseline as the coastal low-water line.

fishing. Parties accept that the high seas are governed by the principle of equal rights for all and to be used for peaceful purposes (UNCLOS, 1982, UN General Assembly, 1994; Campanelli, 2012: 75).

These zones are also important to note as they play a critical role in defining piracy.

### 3.4 Suppression of Unlawful Acts Treaties

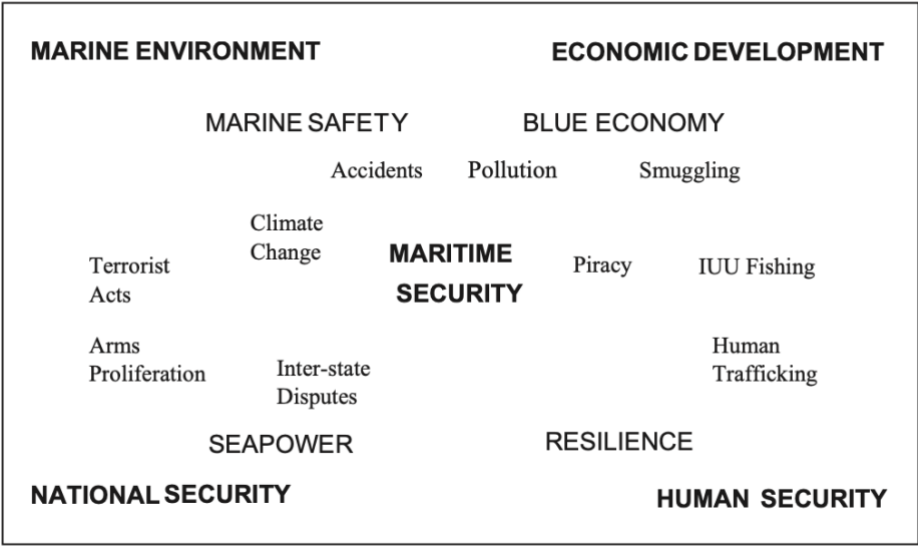
Collectively known as the *Safety of Maritime Navigation (SUA)* treaties, the *Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA 1988)*, and the *Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf*, (International Maritime Organisation [IMO], 1988), are recognised as critical tools to ensure the safety of the international maritime space. Established in the wake of an escalation of “acts of terrorism” (SUA, 1988: 233) in 1985, the IMO with the support from the US, developed measures in attempt to prevent “unlawful acts” (IMO, 1998: 233) at sea, which pose a direct threat to the safety of maritime navigation and the operation of maritime services. As such, in an effort to ensure appropriate action against persons committing unlawful acts against ships, the *Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation* obliges Contracting Parties to create criminal offences, establish jurisdiction, and “accept delivery of persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation” (Code of Conduct Concerning the Repression of Piracy...[Yaoundé Code of Conduct], 2013: 1).

### 3.5 Maritime Security

In 2014, Bueger argued that “maritime security is one of the latest buzzwords of international relations” (Bueger, 2014: 159). This statement could not be truer for the continent of Africa, particularly in light of the growing number of African state governments embracing the idea of the *blue economy* as the critical frontier to Africa’s development. Initially coined in the 1990s, the concept of *maritime security* is a subset of security thinking that has received substantial intellectual and policy traction in the maritime space (Bueger & Edmunds, 2017). Previously, security at sea was typically theorized and interpreted from traditional realist and liberalist perspectives. Realists tended to place emphasis on international order at sea including “global power shifts, changing threat perceptions, naval modernization and changes in naval capabilities and enforcement of the Law of the sea” (Bekkevold & Till, 2016: 7). The traditional liberal interpretations focused on the international regimes governing the sea and legal order (Kraska & Pedrozo, 2013). Today, the concept of maritime security is said to have developed in tandem with the expansion of mainstream security studies, to include ‘non-traditional’ factors linked to human well-being, development and environmental sustainability (Bueger & Edmunds, 2017; Buzan, Wæver & Wilde, 1998).

Bueger (2014: 159) argues that “striving for a universally acceptable definition of maritime security is an unproductive quest” given its variability across actors, time and space. What constitutes a threat to *maritime security* is dependent on the parties and interests at stake.

Consistent within mainstream academia and policy discussions on maritime security, is the difficulty of managing complex maritime challenges and the importance of cooperative relations to create opportunities that overcome these challenges. This is explored in greater detail by scholars such as Klein (2011), Kraska & Pedrozo (2013), Roach (2004) and Vreÿ (2010; 2013).



**Figure 4: Marine Environment Concept Map**

**Source: Onuoha (2009: 32)**

Nonetheless, factors such as inter-state disputes, maritime piracy, trafficking of narcotics, people and illicit goods, arms proliferation, illegal fishing, environmental crimes, or maritime accidents and disaster, are commonly listed as factors that undermine maritime security (Bueger, 2014). Borrowing from Onuoha (2009; 2020:32), this dissertation defines maritime security as the

“freedom from or absence of those acts that could negatively impact the natural integrity and resilience of the maritime domain or undermine the safety of persons, infrastructure, cargo, vessels and other conveyances legitimately existing in, conducting lawful transactions on, or transiting through territorial and international waterways”.

The issue of environmental degradation is another dimension of maritime security that is slowly gaining recognition. Scholars, like Hastings and Philips (2015), study the correlation of environmental degradation,

maritime piracy and the temporal concentrations of attacks. Their findings suggest that areas such as the Niger Delta, which have a notorious history of oil extraction, have resulted in degraded lands and diminished opportunities for livelihood development. The poor management and unsustainable exploitation of the Gulf's marine resources, including the issue of *illegal, unreported and unregulated* (IUU) fishing by foreign vessels, has significantly contributed to the degradation of marine and coastal ecosystems, as well as socio-economic conditions (Okafor-Yarwood & Belhabib, 2020; Donkor & Abe, 2012). Furthermore, the issue of climate change and the climate-induced impacts of rising sea levels, ocean acidification and saltwater intrusion are additional stresses that compound the degradation of this region, and by extension, exacerbate the vulnerability of the coastal states and local communities (Donkor & Abe, 2012). In light of this, the region has witnessed an increase in international interventions focused on mitigating the impact of climate change and building the resilience of coastal communities.

### 3.6 Human Security

*Human security* offers an alternative dimension to understanding the traditional realist conceptualization of security, especially in terms of national security. This proposal by the United Nations Development Programme, who initially coined human security as a concept in the 1990s, was to focus security concerns on the needs of the people rather than the security needs of the state. Thus, where state security will focus on eliminating threats to state power including the military and economy, human security focuses on addressing the cross-cutting and widespread challenges to the survival, livelihood and dignity of people and communities (UN General Assembly Resolution 66/290). Within the context of maritime security, human security concerns the security of the seafarers as well as the vulnerability of coastal populations to maritime threats (Bueger, 2015).

### 3.7 Maritime Piracy

Article 101 of the 1982 UNCLOS (UN General Assembly, *Convention on the Law of the Sea*) provides the definition of maritime piracy that now informs any policy, law, programme or initiative related to maritime security and piracy. Despite criticism of the ambiguity of the definition, hence the subsequent development of terms such as armed robbery at sea, the UNCLOS definition continues to inform the development of new policies and laws that inform the governance of the maritime space. Article 101 (UN General Assembly, *Convention on the Law of the Sea*: 436) therefore defines piracy as:

- 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;
  - 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)."

The definition of armed robbery against ships came about due to the confinement UNCLOS's definition of piracy to the high seas and the inability for it to define similar incidences that took place within territorial waters. Accordingly, the Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery Against Ships (Resolution A.1025) (IMO, 2010: 4) was developed. The resolution determines that "armed robbery against ships consists of any of the following acts:

- a) any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State's internal waters, archipelagic waters and territorial sea;
- b) any act of inciting or of intentionally facilitating an act described above" (IMO, 2010:4).

Despite the distinction between *Armed Robbery* and *piracy*, maritime piracy is often used as an umbrella term to describe both acts of piracy and acts of armed robbery at sea. This further complicates the ambiguity of the concept of *piracy*. Examples of this include the definition of piracy as "the perverse form of renting seeking economic activity" (Hastings & Philips, 2015: 556). Petro-piracy is another term that is frequently used in the discourse of piracy in West Africa. Petro-piracy refers to the targeting of vessels carrying crude oil and gas, this includes the theft of oil from oil rigs (Murphy, 2013). This definition is not confined to a specific area of maritime space.

The dominant narrative, which is predominantly rooted in 16<sup>th</sup> century Europe, conceptualizes "piracy as an infinitum" – 'it is' (Murphy, 2009: 7; Struett et.al., 2013). As such, the portrayal of *pirates* as *enemies of the human race*<sup>5</sup>, *illegitimate politically motivated persons*, and an *impure transgression* are accepted as a given (Struett et al, 2013; Sundaram, 2005). The construction of this 'fixed' identity has consequently led to the

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<sup>5</sup> Legally defined as 'hostis humanu generis'

development of international efforts that have sought to *root-out* and *suppress* piracy by guaranteeing universal jurisdiction over crimes associated with *piracy*.

Critical questions like, “*Why piracy is considered problematic?*”, guide the research of this dissertation. Accordingly, the proceeding chapters delve into a deeper analysis on the motives that drive the counter-piracy momentum in the GoG, and how these measures have the potential to ignore and exacerbate the very threat it seeks to eradicate.

### **3.8 Conclusion**

Given the use of normative concepts throughout this dissertation, it is important to establish clarity on the ways in which certain terms are conceptualized. Serving as a conceptual framework, this chapter provided the definitions of the key concepts that are frequently used to unpack the research questions of this dissertation. The proceeding chapters delve into a deeper analysis of what piracy threatens in the Gulf of Guinea.

# 4

## Chapter 4: The Threat of Piracy to Maritime Security in the Gulf of Guinea

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### Research Question I:

**Why is piracy considered a major threat to maritime security in the Gulf of Guinea?**

#### 4.1 Introduction

Incidences of maritime piracy in the GoG is not a recent phenomenon. In fact, one of the first reported events was in 1979 when a Danish cargo ship was hijacked in the port of Lagos, Nigeria (Joubert, 2013). While not new, the political interest in piracy has grown, especially for acts of piracy in the GoG. Today, a myriad of actors are invested in tackling the issue of piracy, through various forms and forums, to counter the major threat it poses to international peace and security (as discussed in Chapter 5). Almost half of the current incidences of piracy globally are reported to take place in the GoG (International Chamber of Commerce [ICC], 2021). According to the ICC (2021), the GoG accounted for over a hundred acts of piracy in 2019 (compared to 25 in the Gulf of Aden) and approximately 95% of global kidnappings at sea in 2020 . This was a 40% increase in kidnappings from the previous year (ICC, 2021). The escalation of piracy is argued to be part and parcel of the growing global interest in the opportunities the GoG bestows. The rush to address it is therefore motivated by the threat it poses piracy international security concerns, including energy, trade and commerce. Despite the high reports of piracy incidences, the region is also victim to other maritime security threats such as maritime pollution, exploitation of natural resources and the trade of prohibited goods. Maritime piracy, however, continues to dominate regional and international maritime security agendas. The objective of this chapter is to present a systematic overview of the perceived state of maritime piracy in the GoG and through this, to understand what exactly is threatened by piracy in this region.

This chapter will therefore address the first research question of this dissertation: *Why is piracy considered a major threat to maritime security in the Gulf of Guinea?*. Following an overview of the reports on the recent trends of maritime piracy in the region, the chapter delves into the factors that are under threat from piracy. Given the word limit, not all perceived threats of piracy can be adequately addressed in this chapter. As such,

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in an attempt to be comprehensive, the focus is on the threat of piracy to global energy security, trade and commerce, as well as piracy as a threat to human security.

## 4.2 Recent Trends of Maritime Piracy in the Gulf of Guinea

Maritime piracy in the GoG has become an issue of global concern and deemed a threat to international peace and security. Reports by both international organizations and private maritime companies, such as the IMB and Dryad Maritime<sup>6</sup>, respectively, highlight the unprecedented growth of piracy incidences in the GoG in terms of scale and sophistication (Lamorena, 2020; Mandanda & Ping, 2016). More specifically, the exclusive economic zones of Nigeria, Benin and Togo have consecutively been reported as holding the highest incidences of piracy globally (Abubakar, 2016; Anyimadu, 2013; Hassan, 2014). Between 2004 to 2009, the threat of piracy was associated with the attack of smaller vessels belonging to companies such as Chevron, Texaco, Shell and Total (Anyimadu, 2013). Today, the reports of piracy in the GoG indicate that the attacks target bulk carrier ships, container vessels and vessels that support the petroleum and fishing industry (Anyimadu, 2013).

At the international level, maritime piracy is considered a threat to international peace and security. When explored deeper, the dominant narrative in published piracy reports and mainstream media suggests that piracy seriously endangers the development of the maritime industry, including oil and gas exploration and extraction, maritime trade routes and transport, as well as communication systems and services. To a lesser extent, piracy is also listed as a contributing factor to environmental degradation, particularly owing to the oil spills from incidences of petro-piracy (Herbig & Fouché, 2017).

Furthermore, to put an economic value on the estimated cost of piracy, data released by *Oceans Beyond Piracy Programme* estimates that between 2016 to 2019, the total cost of piracy has steadily increased to an estimated total of US\$ 818 million (Okafor-Yarwood et al, 2020: 13). Hence, increasing prevalence of maritime piracy is intricately linked to the rising strategic importance of maritime resources and the governance of them thereof (Bueger & Edmunds, 2017).

## 4.3 Strategic Importance of the Gulf to Global Economic Interests

The GoG is one of the richest regions globally in terms of natural resources and home to leading suppliers of global energy (Ondo Mañe, 2005; Raidt & Smith, 2010). The GoG is also recognised by regional and continental actors as a key region for accelerating the development of the Africa's blue economy. Endowed with vital and

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<sup>6</sup> Dryad is a UK based private maritime intelligence company

strategic resources, the region has for centuries served as an important economic, social, political, diplomatic, and military region. Not only is the GoG rich in fisheries, forestry, mineral and hydrocarbon resources, but it is also a vital through-flow for 90% of Africa's trade by sea (AU, 2012: 8). With an estimated market size of 470 million consumers and an average GDP of US\$ 950 billion (*Global Maritime Security Conference*, 2019: 12, in World Ocean Council 2019), the GoG continues to serve as a lifeline to the region, a key facilitator of Africa's Blue Economy agenda and, more broadly, the development of the global economy (Alagoa, 1970; Osinowo, 2015; Ebhohimhen & Agara, 2018).

#### **4.3.1 Historical overview of the Strategic Importance of the Gulf**

Throughout history, the GoG has served as a theatre of exchanges and an area of resource extraction. Today, the GoG sea lanes continue to function as an avenue of interaction and access to resources needed for survival (Okere, 1981; Alagoa, 1970). While colonialism is one of the more well-known periods in history, the GoG's history of mineral exploitation and long-distance trade extends beyond the arrival of European traders in the 1440s. Alagoa (1970) is one such scholar that provides an in-depth analysis of pre-colonial trade in West Africa. Like Hymer (1970), Alagoa's scholarship demonstrates the extent to which European traders established and developed the trans-Atlantic trade routes off pre-existing intra- and inter- trade in the Niger Delta. Trade, as it is today, was necessitated by the natural environment and available resources. For example, the shortage of vegetables and fruit required the residents of the salt-water swamps in the south-Eastern Delta to trade salt and fish for the agricultural and livestock products of the Northern hinterlands. This early internal trade not only led to the development of transport mechanisms, such as canoes<sup>7</sup>, but also port cities and state institutions (Alagoa, 1970). According to Alagoa (1970: 323), in the later centuries, the ...

“... city-states of the Delta used European goods for exchange with the interior producers – and sold to the Europeans on the coast not only slaves, but also the foodstuffs to feed them on the river and during the Atlantic crossing”.

As such, the region's deep history of trade demonstrates that, despite current global excitement surrounding the opportunities of the GoG in fast-tracking Africa's Blue Economy, the GoG has for centuries contributed to both the local and global economy.

Today, piracy is considered a threat to the development of Africa's blue economy and by extension, the global economy, in three specific sectors: (i) energy security, (ii) maritime trade and (iii) fisheries. These sectors are explored below.

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<sup>7</sup> See Alagoa (1970) page 323 – 326 for a detailed account of the role of canoes in facilitating the trade in the region, and as such, the development of the canoe industry.

#### 4.3.1.1 Energy Security

Energy security recognises the critical importance of energy to the development of economies and livelihoods, and therefore forms an integral part of national security agendas and foreign policies. Despite the urgent call for the transition towards renewable energy alternatives, oil and natural gas are still a major concern of foreign affairs. The value of oil and gas reserves in the GoG make it one of the most strategically important regions for socio-economic development in Africa, and for energy security globally (Banchani, 2016; González, 2016). As argued by Rutland (2008), and González (2016), hydrocarbons underpin power relations in international relations, and linked to this, the growing desire to set up military commands in oil rich regions, like the GoG, to protect energy interests. González (2016) further argues that oil will continue to be a dominant energy source for industrial productivity, and as such, the GoG's oil reserves will become increasingly sought after resulting in growing competition for its control. The exploration and exploitation of the GoG's oil and gas dates to the late 1950s when the then British Colonial Petroleum, in partnership with Nigerian Bitumen Company, began exploration in Nigeria (Nigerian National Petroleum Corporation, 2020). Ever since Shell-BP's discovery of oil in the Niger Delta almost 70 years ago (Brown, 2010), the GoG has been described as the "chokepoint for African energy trade" (World Economic Forum, 2022). Oil production in the GoG has predominantly been in the Niger Delta's coastal areas. However, more recent discoveries and developments of commercial quantities of high-quality crude oil and gas along the GoG's coast, has heightened energy politics across the region (Moreno, 2009; Banchani, 2016).

Furthermore, it has also been argued that the turbulent political climate of the Middle East and the impact it has on oil prices and global demands, has made the GoG increasingly attractive to American, European and Asian strategies (Banchani, 2016). At the same time, emerging economies such as Brazil, Russia, India, China, and South Africa (BRICS) as well as countries within the region, are equally interested in the GoG's energy reserves to accelerate economic development, and are thus competing with countries like the US, UK and France to secure oil concessions in the region.

The region contributes over 70% of Africa's oil production and supplies over 25% of the global production of oil (González, 2016). According to González (2016: 86) "one in every four barrels [of oil] that are sold in the world come from the Gulf of Guinea". Nigeria and Angola have historically been among the top oil producers in the region, with Nigeria consistently ranking as the top oil producing country in Africa, exporting an estimated two billion barrels a day (Asala, 2020). Despite the dominance of Nigeria and Angola, the other oil producing states in the region include Angola, Cameroon, Congo-Brazzaville, the DRC, Equatorial Guinea,

Gabon, Ghana, Sao Tome and Principe (known as the MSGBC Basin<sup>8</sup>). Furthermore, ongoing discoveries of oil and gas in the territorial waters between Senegal and Mauritania listed the region as one of the top five spaces to watch in 2020 (Africa Oil Week, 2020; Brown, 2010). The interest in the Gulf's oil and gas is largely driven by the GoG's quality and quantity of oil which has the potential to meet energy shortfalls in Europe and the US (Banchani, 2016). This has resulted in foreign investments into oil-related activities in the GoG, such as the estimated US investment of US\$ 10 billion in oil-related activities (González, 2016; Banchani, 2016).

Piracy poses a direct threat to the security of the GoG's oil and gas industry, especially the economic consequences for the countries in the region and the foreign investors, like the US. In 2015, it was reported by the International Maritime Bureau (IMB) that piracy in the GoG was directly affecting the shipment of five billion barrels of oil per day (De Valminck, 2015), which accounted for 40% and 29% of oil imports for Europe and the US respectively (IMB, 2015). Furthermore, states such as Nigeria that depend on oil revenue to contribute to their economic development, lost an estimated US\$2.3 billion in total revenues for 2018 due to petro-piracy (United Nations [UN] Office on Drugs and Crime, 2018; Husted, 2019). In addition to the costs of stolen oil and damaged infrastructure, the high incidences of kidnapping for ransom where the oil industry is involved, has resulted in premium insurance costs. Between 2019 and 2020, kidnapping at sea in the GoG increased by 40% between 2019 and 2020 (Morcos, 2021). Increases in kidnapping incidences have resulted in the increased total cost of additional risk premiums, and by extension, the cost of operating in the GoG. According to industry experts, businesses must "factor in costs of independent security contractors, extra insurance and sometimes ransom money" (Egbejule, 2019). In 2017 alone, the kidnap and ransom insurance for the GoG totalled US\$20.7 million (Egbejule, 2019). This inevitably increases the cost of doing business in the GoG, and the urgency to eradicate the threat of piracy.

#### **4.3.1.2 Maritime Trade & Communication**

Energy security, maritime trade and communication are significantly dependent on open sea lines of communication and maritime security (Piedade, 2016: 69). Maritime piracy undermines national, regional, and continental visions to expand maritime transportation, shipping, as well as the trade in oil and gas resources, fish and other commodities. Attention to maritime security in the Gulf of Guinea has increased over the years given the growth of international trade through the region (Denton & Harris, 2019). For example, the European Union Maritime Security Strategy Action Plan has a section specifically dedicated towards maritime security

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<sup>8</sup> Mauritania, Senegal, Gambia, Guinea-Bissau and Guinea Conakry (MSGBC) Basin

in the GoG. This is in light of the EU's recognition of the GoG region as "an important shipping zone transporting oil and gas, as well as goods to and from centre and southern Africa" (EEAS Press Team, 2021).

The ocean and its sea lanes have for long been the main conduit through which Africa interacts with the global market, and as such, maritime transport is a crucial factor for the development of Africa's socio-economy (Mbekeani & Ncube, 2011). The GoG's shipping lanes and port facilities serve as strategic conduits of global circulation, including the trade of oil and gas, as mentioned above (Stenmanns & Ouma, 2015: 89; Baker, 2011). The GoG region also hosts critical *Sea Lines Of Communication (SLOC)* and played a major role in facilitating the free transit of international trade during the closure of the Suez Canal. Furthermore, as touched on in the historic overview of trade in the region, the multiple rivers that define the region continue to play a crucial role for internal trade, as well as connecting the landlocked countries with the rest of the world. This includes the Niger and Congo rivers, two of sub-Saharan Africa's largest rivers that flow into the Gulf (González, 2016).

Maritime trade is recognised as the backbone of the global economy, with more than 80% of all international cargo (by volume) carried by sea (Ki-Moon, 2016; White, 2021; Kosowska-Stamirowska, 2020). In 2019 alone, the volume of international trade amounted to nineteen trillion US dollars (Sabanoglu, 2021). In Africa, over 90% of all imports and exports are conducted at sea (UNCTAD, 2020). Yet despite the large volume, Africa accounts for only 2.7% of the global trade value, 4.6% of maritime import and 7% of world maritime exports (UNCTAD, 2020). The development of the African Continental Free Trade Area (AfCFTA), Africa's Integrated Maritime (AIM) Strategy, as well as visions to establish a Combined Exclusive Maritime Zone of Africa (CEMZA), all similarly strive to boost intra- and inter- African trade and enhance the continent's competitiveness at the global scale. However, the prosperities of the AfCFTA and the AIM strategy, including the potential to bring significant investment in relevant infrastructure into the sector and job creation, require safe and secure maritime zones and transport routes (Okafor-Yarwood et al., 2020; Kinyua et al., 2021; Cloete, 2019; Chimbelu, 2019).

The sealines of communication in the Gulf of Guinea, including intercontinental submarine cables and pipelines, equally require secure maritime spaces. As argued by Sakhujia (2008: 689), ...

“...sea lines of communication comprise the umbilical cord of a state's economy and the arteries of a region's economic health”.

Like the rest of the continent, the region has experienced a surge in the development and installation of intercontinental submarine cables, including broadband and high-speed networks and fibre, to enhance the

regions teleportal and internet connectivity. This not only provides opportunities for the creation of new businesses (including mobile telephony), but supports the AU’s Digital Transformation Strategy for Africa (2020-2030). Figure 5 below illustrates the vast number of underwater cables in West Africa, particularly in relation to the rest of Africa. It further showcases the two submarine cables that are under development, with expected completion in 2021 and 2022, SHARE and Equiano respectively. Importantly, the development of these new submarine cables, including Equiano which is privately owned by Google, comes with vested interests to secure the project implementation and maintenance from threats such as piracy. Equiano is a new private subsea cable that plans to connect Europe with Africa, running along the West Coast of Africa from Portugal to South Africa, with branching units to expand connectivity. Nigeria is expected to be home to the first branch unit (Francois, George & Stowell, 2019).

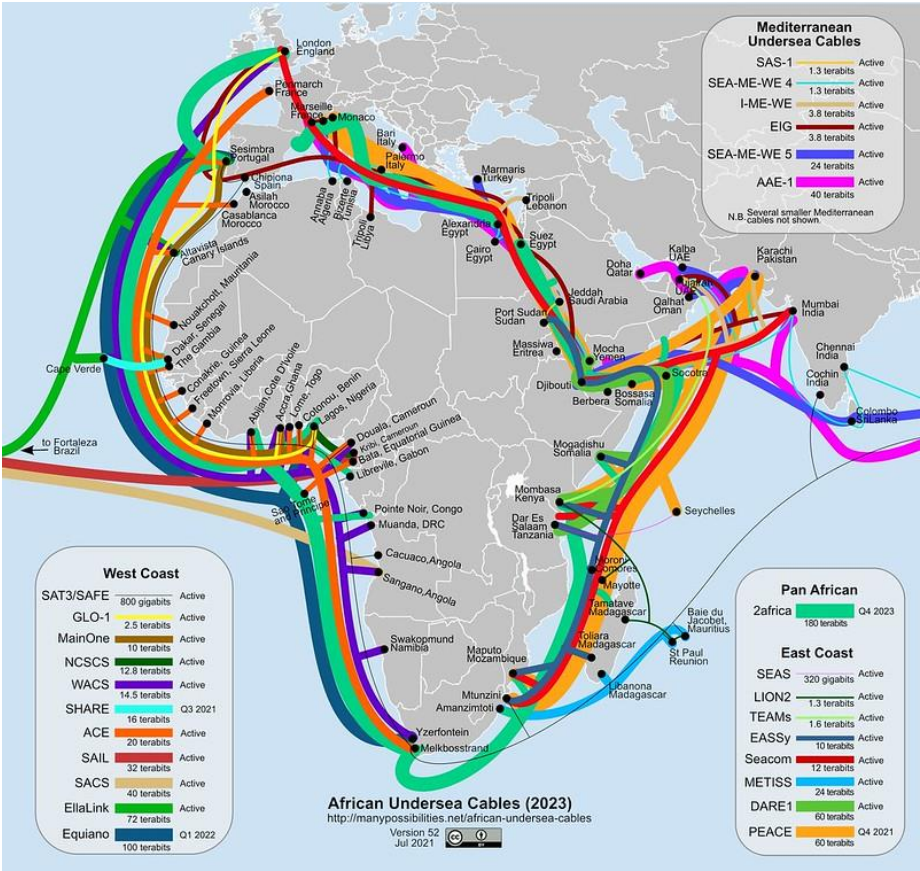


Figure 5: African Undersea Cables in 2023

Source: Song (2021)

Securing the safety of shipping lanes, submarine cables, infrastructure, vessels, and ports is vital to ensure the flow of resources and communication needed to support the socio-economic development of the GoG, and the continent at large. This is particularly the case in the wake of the COVID-19 pandemic, as emphasised by Ghanaian Vice President at the *International Maritime Defence Exhibition and Conference Africa*, in early

2021. Hosted in Ghana, Vice President Mahamudu Bawumia stressed the importance of securing the maritime space from threats such as piracy, to ensure the continued trade into and out of the region, as well as to support countries in the region to build back stronger from the COVID-19 pandemic (International Maritime Defence and Exhibition Conference, 2021). In 2012 and 2016, the then UN Secretary General, Ban Ki Moon, called for urgent action to address the “epidemic of piracy” (United Nations Press Release, 2016) given its “destabilising effects on international navigation and maritime trade” (United Nations Press Release, 2016), and by extension, the achievement of the Sustainable Development Goals (Ki-Moon, 2012). He stated that ...

“...the shipping industry has played an important part in the dramatic improvements in global living standards that have taken millions of people out of acute poverty in recent years” (United Nations Press Release, 2016).

More recently, in a letter to the UN, the secretary-general of the IMO similarly stated that piracy in the GoG continues to be a “serious and immediate threat” to maritime trade and international commerce (White, 2021). Like the threat of energy security, maritime piracy substantially increases the cost of doing business within the region and in this case, it is the trade between the US, Europe and Asia (Martínez -Zarzoso & Bensassi, 2013). Furthermore, maritime piracy poses a serious risk to the development of key infrastructure for Africa’s digital economy, including submarine cables. As demonstrated in Somalia, maritime piracy substantially delayed the cable-laying of the SEACOM submarine cable in 2009, and has the potential to do the same for Equiano (Mbekeani & Ncube, 2011). This is particularly true for the installation of regional units in areas such as Nigeria. Beyond the direct threat that maritime piracy poses to operations, as with the hydrocarbon industry, securing the industry and invested businesses, generally requires high insurance premiums and increased sailor salaries (Martínez -Zarzoso & Bensassi, 2013).

#### **4.3.1.3 Fisheries**

A combination of the GoG’s unique climatic, geographic and ecological conditions makes it one of the most productive marine ecosystems in the world (Hardman-Mountford & McGlade, 2003). This region is defined by the Guinea Current upwelling which has contributed to the region’s highly productive marine and coastal area. As Baker (2011) argues, the maritime domain holds more opportunities than currently perceived by African governments, extending far beyond its hydrocarbon reserves. While the hydrocarbons found in this region have significant strategic importance, the living resources, particularly fisheries, are critical to the development of lives and livelihoods at the local and regional level.

The fisheries sector supports more than 10 million livelihoods in Africa, providing significant contributions to food and income security (Okafor-Yarwood et al., 2020). The continent is also a net exporter of fish, earning about US\$4.3 billion in revenue annually (Okafor-Yarwood et al., 2020). If managed sustainably, the AU

estimates that the fisheries sector could generate an additional US\$ 2 billion annually for African economies (Standing, 2017; World Bank Group, 2012). Despite the potential of the sector, instances of overexploitation, and IUU fishing by local and foreign fishing vessels, critically undermine the fisheries sector's ability to contribute to the sustainable development of the continent (Okafor-Yarwood et al., 2020).

The GoG fisheries industry generated over US\$ 19.7 billion in 2014 alone, making it one of the largest contributors to the total revenue generated by Africa's fishery industries (African Union Development Agency - NEPAD, 2014). Approximately 70% of the total catch in the region is exported to the global market, much of which is caught by large-scale fishing vessels from the EU, Russia and China (Fisheries Committee of the West Central Gulf of Guinea, 2020; Okafor-Yarwood & Belhabib, 2020). Most countries in the region have fishing access agreements that allow foreign fleets access to fish stocks in the GoG. The transfer of fishing rights is estimated to generate US\$ 400 million annually and generate about 300,000 new jobs (Africa Development Bank [AfDB], 2016). However, they have also been under criticism for over-exploitation of fish stocks in the GoG, specifically, Cape Verde, Cote d'Ivoire, Guinea-Bissau, Mauritania, Senegal and Gambia, and a factor resulting in the rise in piracy incidences. According to the African Development Bank, the combined impact of IUU, piracy, weak governance, and environmental degradation, have resulted in the progressive shift of Africa being in a position of a net exporter to a net importer of fish (AfDB, 2016). Since 2001, the performance of the fisheries sector across the continent has increased to a deficit of US\$ 294 million (AfDB, 2016). The latest available data on fish trade from 2014, indicates that the member states of ECOWAS have the highest deficit of US\$ 294 million (AfDB, 2016). Furthermore, it is estimated that 25% of all marine catches are made by non-African states, resulting in a loss of about US\$3.3 billion in potential earnings, directly impacting food and economic security (de Graaf and Garibaldi (2014), cited in Okafor-Yarwood et al., 2020). Part of the AU Blue Economy Agenda is to reverse the current deficit into a surplus, avoiding the forecasted US\$ 1.2 billion deficit by 2025 (Okafor-Yarwood et al., 2020). In this context, one of the priorities to boost the fisheries sector is to enhance the regulation and governance, including addressing the challenges of piracy and IUU.

Piracy threatens the fishing sector in two main ways: (i) attacks of commercial fishing vessels and (ii) IUU fishing. While attacks on commercial fishing vessels are less frequently reported than attacks of oil-related vessels, international and regional organisations claim that piracy attacks on fishing vessels in the region pose a direct threat to the development of the industry. Since 2008, the Nigerian Trawlers Owners Association (NITOA) have called for action to counter piracy given the risk it poses not only to fishing vessels, but also to the trade of fish resources (Whitman & Suarez, 2012). NITOA reports that Nigeria risks losing up to US\$ 600 million in export earnings due to the piracy attacks of fishing trawlers (Mbekeani & Ncube, 2011: 6; Whitman

& Suarez, 2012). Gabon has also recently reported cases of piratic attacks on fishing vessels, particularly foreign vessels operating in the region.

IUU fishing is a threat not only to maritime security, but critically, undermines the process towards achieving national, regional, and global sustainability. While estimations vary, the FAO reports that IUU accounts for 40% of the total catches in West Africa, costing the region more than US\$100 million (Food and Agricultural Organisation [FAO], 2020). IUU fishing and piracy, in theory, are recognised as two separate threats to maritime security. However, given the use of ‘piracy’ as an umbrella concept by institutions and governing bodies operating in the region, IUU fishing is often reported as an incident of piracy. It is therefore used as a further justification to strengthen efforts to combat piracy.

#### **4.4 Piracy as a Threat to Community Development & Human Security**

In addition to the threat piracy poses towards global economic interests, acts of piracy also threaten individual lives including those who work in the maritime industry, and individuals who are dependent on marine and coastal resources and services for their livelihood and well-being.

##### **4.4.1 International Crew**

Piracy poses a direct threat to the safety and security of those working in the maritime industry in the GoG, particularly those working on oil rigs and vessels transporting oil. As mentioned earlier, the number of reported cases of kidnapping has significantly increased in recent years, which is argued to be a consequence of the fluctuating value of global oil prices and the increasing value of ransom demands. In 2019, India’s Directorate General of Shipping banned all Indian nationals from working on vessels in the GoG region. Indian nationals make up the largest contingents of seafarers in the region, and therefore this ban underscores the severity of the threat of piracy in the GoG. As argued by Mair (2011: 18), “states by their very *raison d’être* have a duty to protect their citizens and a responsibility for their security.” Given that piracy presents a threat outside a state’s sovereign territory, this duty becomes harder to achieve, and requires measures with enormous costs (Mair, 2011). Eradicating the threat of piracy, not only increases the safety of seafarers and foreign nationals, but linked to this, increases the capacity for foreign vessels to operate in the region and increase regional and international trade. Furthermore, it reduces the high costs shipping industries are currently enduring when factoring in insurance premiums, private security costs and, in some cases, ransom money.

#### **4.4.2 Coastal Communities**

Maritime piracy in the GoG impacts the livelihoods and lived realities of communities, particularly those residing along the coast whose fortunes are intrinsically linked to the maintenance of safe and secure waterways. Despite the concern of piracy in the region, attention has, for the most part, been focused on the threat it poses to the foreign nationals working in the region, rather than the local communities. However, what is evident in the literature is that while coastal communities can be victim to piracy attacks, given the nature of piracy in the GoG and that it largely targets commercial sectors, the threat of piracy has indirect consequences. A clear example of this is the threat to job security, given the increasing risk of doing business in the region, and thus the reluctance for companies to operate in the GoG. Another example of the indirect threat piracy poses to coastal communities is food security. In addition to the commercial viability of the GoG's fisheries sector, the fisheries sector contributes significantly to food security and livelihoods of millions of people in West Africa. Research by the Food and Agriculture Organisation (2017) and Okafor-Yarwood & Belhabib (2019) find that fish contributes to the food security of more than 200 million people in Africa, most of whom reside in the Gulf of Guinea. The threat of piracy on the fisheries sector (as discussed above) therefore has the potential to impact the over 40% of the West African population residing along the coast who are dependent of fisheries and related industries for employment and food security (Okafor-Yarwood & Belhabib, 2019: 1). Similarly, the most recent findings from the FAO (2017) demonstrate that over 80% of the total Nigerian domestic fisheries production is generated by small-scale artisanal fisheries from the coast, inshore and creeks of the Niger Delta, representing one of the most important dietary needs in Nigeria. This is similarly the case for Guinea Bissau and Liberia, where small-scale fisheries contribute US\$ 47 million and US\$ 133 million annually, respectively (Belhabib et al., 2015). The threat of piracy to the safety of the fishing industry therefore has the potential to risk the food and livelihood security of millions of people.

#### **4.5 Conclusion**

Maritime piracy in the GoG is fast becoming a priority on the security agenda of regional and international states as well as international organizations and industries. This chapter sought to address the first research question of this dissertation.

To understand why piracy is considered a major threat to maritime security in the GoG, the chapter presented an analysis of some of the key sectors threatened by piracy, as reported by dominant institutions invested in this region and topic. A thorough review of the literature demonstrates that, not only is the GoG an extremely attractive and strategically important region to the global economy and energy security, but linked to this, it

demonstrates how piracy has the potential to significantly undermine the resilience and safety of persons, infrastructure, cargo and vessels needed to facilitate the growth of the global economy.

The chapter provided examples of how piracy in the GoG can threaten transport, communication, fisheries and human security, which are all components of the broader ‘maritime security’ agenda, as outlined in Chapter 3. What is evident from this analysis is that piracy ultimately threatens the major investments made in the region to ensure foreign energy and trade security, as well as the ability to develop regional and global supply chains given the rising cost of doing business in the GoG. The following chapter explores some of the main approaches to securing the region’s maritime space from the threat of piracy.

# 5

## Chapter 5: Approach to Countering Maritime Piracy in the Gulf of Guinea

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### Research Question II:

**What are some of the main counter-piracy approaches undertaken by dominant actors in the Gulf of Guinea?**

### 5.1 Introduction

In the last decade, initiatives on the continent have been developed to address the diverse and complex threats to maritime security, notably piracy. Building on from chapter four, chapter five investigates the dominant actors protecting these interests, and in particular, their approach to counter piracy. To do so effectively, this chapter starts with a brief overview of the shift in counter-piracy governance practices over time at the global scale. Following this, the chapter delves into an analysis of the counter-piracy initiatives of international, regional and sub-regional actors and their interactions at the multiple scales of governance. It borrows from Bueger's (2013c) mapping of counter-piracy to better understand some of the nuances of counter-piracy governance.

Bueger (2013c) identifies five broad approaches to counter-piracy governance taken by various actors in the Gulf of Aden, these include: governance, epistemic, military, law enforcement, development and humanitarian practices (Bueger, 2013c). This chapter adopts these findings and applies them to the analysis of the approach to counter-piracy governance in the GoG. Bueger's (2013c) method of mapping counter-piracy governance allows for the study of both the formal mandates that inform organisational behaviour as well as the informal activities of organisations. Adopting this perspective for this dissertation is particularly helpful to critically understand counter-piracy approaches and their impact on the issue of piracy in the GoG. As such, the chapter is broken into two parts: part one analyses the non-military approaches of governing piracy in the GoG, drawing on Bueger's (2013c) findings on governance, legal and epistemic practices. The analysis of part two delves into some of the dominant military-based counter-piracy initiatives in the GoG, drawing on Bueger's (2013c) interpretation of security practices. This enables, fundamentally, a greater understanding of the ways in which

various types of organisations at multiple scales interact to form a common sphere of counter-piracy governance in the GoG (Bueger, 2013c). While the chapter is broken into an analysis of the military and non-military approaches, it is important to note, as the analysis will demonstrate, that these two broad approaches are interdependent.

### **5.1.1 Shift in the Approach to Counter-Piracy Governance**

Dominant scholars on piracy and counter-piracy governance globally and in West Africa similarly note the shift in the approach to the governance of piracy, owing largely to the changing perception and understanding of piracy. Initially, maritime piracy was understood and treated as a specialised challenge of maritime safety, on par with other maritime crimes such as shipping fraud (Bueger, 2013c: 3). Piracy was therefore managed by dominant organisations and institutions involved in the shipping industry, like the International Maritime Organisation (IMO), ICC and the commercial shipping trade organisation, Baltic and International Maritime Council (BIMCO). Increasingly, maritime piracy is internationally recognised as a multi-dimensional challenge that requires the involvement of various organisations and institutions to develop an intersectional approach to its governance. For example, in the GoG, the rise in piracy is largely attributed to the “inability of the coastal states to defend their territorial seas” (Hassan & Hasan, 2017: 38). As such, multiple actors involved in capacity building and socio-economic development, are increasingly participating in efforts to ensure stronger policy and governance.

The challenge of governing piracy in the GoG differs to that previously witnessed and experienced in other regions, such as the Gulf of Aden, given the location of the reported piracy incidences. The majority of reported piracy incidences have taken place within the jurisdiction of the GoG’s coastal states, this includes the territorial waters and exclusive economic zones (Mandanda & Ping, 2016). Consequently, the primary responsibility to address the issue of piracy lies with the national governments in the region, and not with international actors. However, the increasing number of international interventions, both by organizations such as the UN, as well as private sector and foreign state intervention, suggest otherwise. Since 2011, the GoG has experienced multiple internationally supported interventions to suppress the threat of piracy. These include both military and non-military approaches.

## **5.2 Part I | Non-Military Approaches to the Governance of Piracy in the Gulf of Guinea**

Part one explores the non-military approaches to governing piracy in the GoG, analysing the different interactions between organisations and means of suppressing the perceived threat of piracy. What this section

seeks to demonstrate is how the non-military approaches to counter-piracy in the GoG similarly inform, and in so doing, govern piracy. It is important to note that while humanitarian and developmental practices are identified in the scholarship on piracy in the GoG, this dissertation identifies these practices as part and parcel of larger governing approaches. As such, Part I of Chapter Five does not analyse humanitarian and development practices as separate approaches.

### **5.2.1 Governance Practices**

One of the most dominant approaches to governing piracy is through activities that intend to give coherence to the overall understanding of piracy and counter-piracy efforts. Bueger (2013c) refers to this as governance practices. He identifies three main activities: (i) strategy development, (ii) standardisation and (iii) funding. Any actor or platform that facilitates the practice of either funding, standardization and/or strategy development, according to Bueger (2013c), are actively practicing governance. It specifically involves the negotiation, development and institutionalisation of norms, rules and standards to govern piracy (Bueger, 2013c: 5). As such, long-standing regulating institutions such as the UN, and in particular it's specialised agency responsible for regulating shipping, the IMO, as well as the United Nations Security Council (UNSC), play a prominent role in governing piracy. Governance practices also involve newly established institutions, including ad hoc committees. These ad hoc committees are often created as formal and sometimes informal consultation and negotiation mechanisms, designed to carry out specific mandates related to counter-piracy. A clear example of these ad hoc groups is the recently established Coordinated Maritime Presences, created by the EU to serve as a forum for strategy development to address the issue of piracy in the GoG. Critically, governance practices are not only carried out against the backdrop of existing norms and rules, but they too contribute to the re-enforcement of dominant norms and ideologies of the governance of the maritime space (Bueger, 2013c).

Governance practices play out in various ways in the GoG and through different institutions. The UNSC continues to play a prominent role in the governance of maritime piracy in the GoG, particularly in enabling the development of several organisational structures and forums that collectively seek to eradicate the threat of piracy in the region. Notably, the UNSC is active in strategy development and standardization of norms governing piracy. In 2011, within the space of four months, two defining UNSC resolutions were developed and adopted: Resolution 2018 (UNSCR 2018) and Resolution 2039 (UNSCR 2039). These resolutions have since become the foundation of existing regional organizations, frameworks and policies (discussed below). Both resolutions called for the development of a comprehensive regional anti-piracy strategy, to respond to the “upsurge in incidents of piracy, armed robbery at sea and other illicit activities in the Gulf of Guinea” (UN

Security Council, 2016). More specifically, UNSCR 2018 called on the governments of West African states to develop and strengthen domestic laws and regulations that govern the maritime space, including establishing information-sharing institutions that report on piracy incidences. Building on UNSCR 2018, the subsequent resolution urged the countries of the region to cooperate and develop a regional counter-piracy strategy for West and Central Africa. These resolutions were critical in enabling the international community to increase their presence and role in governing piracy in the GoG despite the reality that reports of piracy incidences were taking place within territorial waters. Specifically, the resolutions led to the creation of local and regional forums within which international actors could exert their influence in the governance without undermining the sovereignty of GoG states. For example, the resolutions urged international partners to provide the technical and capacity-building support to these regional efforts, such as the *Yaoundé Code of Conduct*. While this does not constitute direct intervention of foreign states by military force, foreign actors are able to influence the capacity development of local institutions that have the legitimate authority to govern piracy. Not only did the UNSC develop the resolutions against the backdrop of existing norms and conventions, most notably, *UNCLOS* and *SUA*, but the resolutions have contributed to the standardisation of counter-piracy governance in the GoG. It has been able to do so by supporting existing institutions to adopt particular understandings of *piracy* and how it should be governed through the establishment of particular governance mechanisms.

The IMO, through its Regional Programme, is another influential actor in the GoG, working alongside UN sister agencies, international, development and regional partners<sup>9</sup>. The organization has played a dominant role in the region since the passing of the above mentioned resolutions, and importantly, played a critical role in motivating the need for UNSC Resolutions 2018 and 2039. In the GoG, the IMO is particularly active through the *Maritime Association of West and Central Africa (MOWCA)*, and parties to the *Yaoundé Code of Conduct*. With 25 member states, including five landlocked countries, MOWCA serves as a crucial component of the GoG's maritime architecture (MOWCA, 1975). The main objective of MOWCA is to implement international maritime standards, and specifically, to advance the “development of cost-effective maritime transport services with the highest safety and security standards, and to protect the maritime environment” (The International Hydrocarbon Organization [IHO], 2015). As such, through MOWCA, and its partner organisations such as the Port Management Association of West and Central Africa and the Maritime Academy of Nigeria, the IMO is actively involved in trainings and various *capacity building* programmes, that collectively aim to enable the

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<sup>9</sup> According to the IMO, partner UN agencies include UN Office on Drugs and Crime, Food and Agriculture Organization, UN Refugee Agency, UN Regional Office for Central Africa, UN Office for West Africa, and Sahel; International partners include INTERPOL and World Customs Organization; IMO Development Partners include G7++. Friends of the Gulf of Guinea, EU, US Africa Command and NATO; Regional Partners include MOWCA and Ports Management Association of West and Central Africa.

standardisation of international maritime rules and regulations in the region (Jacobsen & Nordby, 2015). An example of governance practice at play by the IMO is the development of the *Memorandum of Understanding on the Establishment of a Sub-Regional Integrated Coast Guard Network (MOWCA MoU)*. In 2006, the IMO, together with the member states to the MOWCA, signed the MOWCA MoU. This MoU provides an institutional framework and guidelines for the “enforcement of international conventions, regulations and codes – principally those of IMO and the UN Convention on the Law of the Sea [UNCLOS]” (International Institute of Sustainable Development [IISD], 2008). According to the IMO, the MoU sets out a number of coast guard functions required of coastal states in order to “effectively counter piracy and armed robbery against ships [and] accelerate the development of a vibrant, sustainable maritime sector” (International Maritime Organisation, 2020: 3).

In 2013, the IMO continued to exercise their influence in the region by mobilising the *Yaoundé Process* and the subsequent development of the *Yaoundé Code of Conduct*. Formally known as the *Yaoundé Code of Conduct for Maritime Safety and Security (YAMSS)*, this institutional framework focuses on harmonizing the governance of maritime security in the region to ensure consistency in addressing and managing maritime crimes, including piracy (Ralby, Soud & Ralby, 2019). As demonstrated in Figure 6, signatories to the *Yaoundé Code of Conduct* include inland countries as far back as Burundi. The design and development of this CoC, borrowed from the *Djibouti Code* developed in 2009, which brought together states from Eastern, Southern and Indian Ocean to cooperate in the fight against piracy in Gulf of Aden. Unlike the *Djibouti CoC*, however, the *Yaoundé Code* was established on pre-existing maritime zones and *Integrated Maritime Security Strategies*. Consequently, the signatories to this Code are grouped into maritime zones according to their respective regional economic communities. Both Codes of Conduct are internationally recognised as founding pillars of the continent’s maritime security architecture. According to the IMO, the *Yaoundé CoC* complements the *MOWCA MoU* “in urging the necessity of an integrated, whole of government approach to maritime security and maritime law enforcement at the regional level” (IMO, 2020: 3). Crucially, Article 15 of the Code of Conduct calls on signatory states to “criminalise piracy and armed robbery at sea under their national law to ensure effective indictment, prosecution and conviction” (Hassan & Hasan, 2017: 60). Like most international agreements, the *Yaoundé Code* and the *MOWCA MoU* similarly demonstrate the extent to which framework and multi-national agreements influence local laws and regulations to govern international concerns such as piracy.

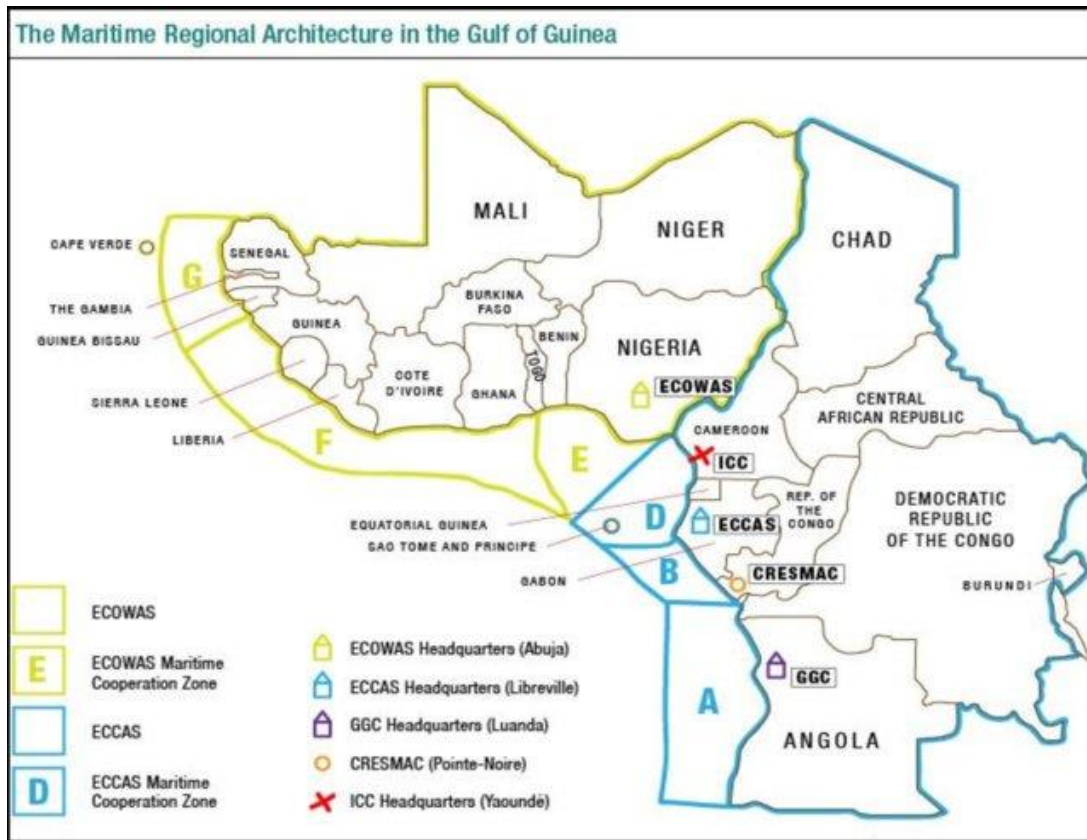


Figure 6: The Maritime Regional Architecture zones in the Gulf of Guinea

Source: Kuppen, 2016

Through regional associations and framework agreements such as *MOWCA*, the *Sub-Regional Integrated Coast Guard Network*, and the *Yaoundé Code of Conduct*, the IMO actively promotes and enables the integration of international plans, policies and strategies into those at the regional and national level to enhance a particular understanding and approach to securing the maritime space. This technical assistance includes training, capacity building, information sharing, promoting and assisting in the creation of legislation and national organizations. Specifically, the IMO has developed a strategy that outlines how it endeavours to bolster West Africa’s maritime sector and a sustainable blue economy (IMO, 2020). To date, the IMO has supported the development of the *Interregional Coordination Centre (ICC)*, the operations of the *Maritime Trade Information Sharing Gulf of Guinea (MTISC-GoG)* and manages the *West and Central Africa Maritime Security Trust Fund*, which was set up to support the implementation of IMO projects in the region. Furthermore, the IMO is actively working with national governments within the region, including Nigeria, through its National Training Programmes. These National Training Programme seek to deliver a needs-based training programme aimed at strengthening “existing efforts to improve their respective maritime domains” (IMO, 2020: 6).

With the support of UNSC resolutions and IMO conventions and regulations, the European Union (EU) is another foreign actor that plays an influential role in the governance of the GoG's maritime space. In addition to the military support the EU provides to states of the GoG (to be discussed in the following section), the EU funds multiple programmes and operations that similarly seek to enhance the governance of piracy to ensure the free flow of goods and services in and out of the Gulf of Guinea. For example, through the *Critical Maritime Routes Monitoring, Support and Evaluation Mechanism*, the EU has invested two-million Euros to promote a greater understanding of all the components of the *Critical Maritime Routes Programme*, a programme which seeks to provide "coherence, visibility and communications, monitoring and evaluation, policy analysis and expert recommendations" (EEAS Press Team, 2021).

Another example is the EU's recently launched pilot case, the *Coordinated Maritime Presences (CMP)*. This concept emerged following an informal meeting<sup>10</sup> of European defence ministers in Helsinki. During this meeting, the GoG was identified as a *Maritime Area of Interest (MAI)* (Council of the EU, 2021b). In an effort to reinforce the EU's efforts in the region, as outlined in the *EU Maritime Security Strategy and Action Plan for the Gulf of Guinea*, the EU Council launched the CMP to "ensure political control and provide strategic guidance [to] West and Central African States" as well as to address threats such as piracy (Council of the EU, 2021b). Identifying the GoG as a MAI is critical in that it legitimises EU calls for the establishment of governing agencies, also known as coordination cells (like the CMP), which enable foreign organizations to provide strategic guidance and political control (Council of the European Union, 2021a).

According to the EU Council, the CMP was motivated by reports suggesting that the Gulf of Guinea "continues to face a challenging environment in which piracy...poses a major and increasing threat to maritime insecurity" (Council of the EU, 2021b). As such, the launch of the pilot seeks to support current efforts by coastal states and organisations to the Yaoundé Architecture to secure the waters from piracy. Specifically, the launch of this pilot serves as an example of governance practice at play, given its role in enabling the EU to "increase the EU's capacity as a reliable partner and security provider, offering greater operational engagement, ensuring a permanent maritime presence and outreach in Maritime" (Council of the EU, 2021b). The CMP is just one example of several ways in which dominant actors at the international scale create mechanisms to influence the governance of the maritime space in the GoG, including identifying what is a threat and how it should be governed.

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<sup>10</sup> According to the EU Council, informal meetings of ministers are organized by Council presidency to discuss initiatives related to specific topics.

For governance practices to be successful, they require the support of regional and sub-regional organisations. On the continent, the AU has become a major site for counter-piracy deliberation. Maritime piracy is increasingly recognised by the AU as a serious threat to the development of the continent's blue economy agenda and the broader continental development vision. Encapsulating Africa's aspirations to transform the continent into "the global powerhouse of the future" (African Union, 2020), *Agenda 2063: The Africa We Want* is described as the "blueprint and master plan for sustainable development and economic" (African Union, 2020). This development vision includes flagship programmes that aim to boost economic growth, including the blue economy and all related plans and strategies. As such, several strategies and framework agreements have been developed and adopted by AU members aimed at ensuring maritime security for sustainable economic growth. These includes eradicating the threat of maritime piracy. Such strategies include *the 2050 African Integrated Maritime Strategy (AIMS)* and the *African Charter on Maritime Security Safety and Development in Africa*, more commonly known as the *Lomé Charter*. These strategies are both the result of governance practice, but also, tools that enable strategy development and the standardisation of international norms and frameworks.

These strategies are discussed under the following headings:

- i) 2050 AIM Strategy
- ii) Lomé Charter - African Charter on Maritime Security and Safety and Development in Africa (ACMS&SDA)
- iii) The Economic Community of Central African States Maritime Strategy
- iv) The Economic Community of West African States Integrated Maritime Strategy

### **(i) 2050 AIM Strategy**

In 2014, the AU adopted the 2050 AIM Strategy to supplement the lacunae presence of maritime security in the *African Peace and Security Architecture* and create a holistic, Africa-wide integrated maritime strategy (Mandanda & Ping, 2016: 121). This recognition derives from the appreciation of the African Marine Domain (AMD) to the continent's socio-economic advancement, including poverty alleviation and employment creation (African Union, 2012). The overall vision of the AIM Strategy is to enhance the sustainable and secure development of the continent's maritime space by 2050. More specifically, it seeks to achieve a comprehensive and overarching, "multi-layered African-driven long-term common vision to address Africa's maritime challenges and opportunities" (Ukeje & Ela, 2013: 29). The following objectives guide the Strategy:

1. "Establish a Combined Exclusive Maritime Zone of Africa (CEMZA);
2. Enhance civil society and all other stakeholders to improve awareness on maritime issues;

3. Enhance political will at community, national, regional and continental levels;
4. Minimized environmental damage and expedite recovery from catastrophic events; prevent hostile and criminal acts at sea, and coordinate/harmonize the prosecution of offenders;
5. Promote the ratification, domestication and implementation of international legal instruments;
6. Ensure synergies and coherence between sectoral policies within and between the RECs/RMs;
7. Project the right of access to the sea and freedom of transit of goods for landly-connected States”  
(African Union, 2012:12).

This Strategy has served as the blueprint to managing the continent’s maritime space and advancing its African sea power. One of the recommendations of the Strategy that is yet to come into being, is the establishment of a *Strategic Foresight Marine Task Force*. This Task Force will be involved in assessing maritime activities and identifying threats as part of the preparation for the proposed *Combined Exclusive Maritime Zone of Africa (CEMZA)* (Egede, 2018). The AIMS 2050 is thus reliant on binding agreements to actualise the vision of a prosperous blue economy for all through binding agreements such as the *2016 Lomé Charter*.

### ***(ii) Lomé Charter - African Charter on Maritime Security and Safety and Development in Africa (ACMS&SDA)***

The role the IMO and supporting organisations like the UN play in the standardisation of international norms and practices on maritime governance - and by extension counter-piracy governance - is clearly demonstrated with the creation, adoption and legitimisation of the *Lomé Charter*. The year 2016 is recognised as a landmark year for Africa’s maritime domain given the adoption of a new charter on maritime security, the *2016 Lomé Charter*, also known as the *African Charter on Maritime Security and Safety and Development in Africa (ACMS&SDAA)*. The development and adoption of this Charter followed urgent calls from the IMO for the continent to develop their response to the threat of piracy. As such, the *Lomé Charter* was developed in view of enhancing the facilitation and approach to address the concern of *African sea blindness* which is argued to be the root of the growing *pervasive insecurity* in the African marine domain (Oladipo, 2017). This Charter, which has the status of an international treaty, was unanimously adopted in October 2016 by the heads of states representing over 30 African countries (Oladipo, 2017). The *Lomé Charter* is organized into seven chapters and 56 articles, covering issues such as, but not limited to:

- “the prevention and control of all transnational crimes at sea, including terrorism, piracy, armed robbery against ships, drug trafficking, smuggling of migrants, trafficking in persons and all other kinds of

trafficking, IUU fishing, prevention of pollution at sea and other unlawful acts at sea, under the jurisdiction of a state party in its area of responsibility;

- all measures to prevent or minimise accidents at sea caused by ships or crew or aimed at facilitating safe navigation; and
- all measures for the sustainable exploitation of marine resources and optimisation of the development opportunities of sectors related to the sea (Article 4)” (Oladipo, 2017).

According to Oladipo (2017), ...

“...the coherence between the Lomé Charter and the 2050 AIM Strategy indicates strategic commitment on the part of governments to combating the numerous threats militating against Africa’s Blue Economy”.

As such, maritime governance features centrally in the *Lomé Charter*. Under this Charter, states are mandated to practice “good maritime governance” (African Union [AU], 2016: Article 14) through several means such as establishing national coordinating structures (AU, 2016: Article 7) and harmonize domestic legislation (AU, 2016: Article 8), delimit their maritime boundaries (AU, 2016: Article 15.), and protect maritime trade routes and enhance the safety of navigation at sea. These Articles, created against the backdrop of international regulations such as UNCLOS, therefore “impose national responsibility on the executive and legislative branches of governments” (Oladipo, 2017).

Aside from these framework agreements and continental visions, support from the AU to counter-piracy remains contained to the design and revision of existing policies, mandates and agreements. This includes endorsement of national, regional and inter-regional maritime security cooperation efforts, as well as the recent restructuring of AU committees which recognise the importance of the blue economy. However, despite the *AIMS 2050 strategy*, which has been developed in accordance with UN rules and regulations, there lacks a locally-owned, whole-of-Africa approach to implement this strategy as well as to work with the *Regional Economic Communities (RECs)* to ensure that maritime safety, security, governance become a reality (Africa Centre for Strategic Studies, 2019). Continental strategies such as the *2050 AIM Strategy* and the *Lomé Charter* have become critical documents to inform the governance of a safe maritime space, and thus the development of the continent’s vision. These strategies are also reliant on sub-regional frameworks to support the continental vision. Linking this to governance practices, the role the AU plays is the critical actor in standardising international norms and rules regarding maritime piracy, and more broadly, maritime governance, to the continental level. The development of these frameworks and strategies are thus not only evidence of

governance practices, specifically strategy development and standardisation, but also, they serve as governance tools that serve to enable the standardisation of dominant international norms and understandings of both piracy and counter-piracy governance on the continent.

Governance practices also show up at the regional level, which to a large extent, demonstrate the dominance of international actors like the UNSC and the IMO in influencing the governance of the maritime piracy and the maritime space at large. Cooperation to tackle issues of maritime insecurity, including the establishment of regional maritime security architectures, is a relatively new phenomena that has emerged part and parcel with the growing international concern about the unconventional threats to the maritime industry. Within the GoG, different actors, including states, public institutions, the military, and the civil society, have mobilised themselves to address the risks posed by maritime threats (Vreÿ, 2013). This mobilisation is also facilitated by a growing number of internationally funded conferences and symposiums focused on addressing the growing threat of piracy in the GoG.

At the regional level, governments work together to establish an interagency process for maritime governance, including the development and implementation of national maritime strategies. Much like the role of the AU at the continental level, RECs, namely the *Economic Communities of Central African States (ECCAS)* and the *Economic Communities of West African States (ECOWAS)*, play a crucial role in facilitating cooperation to achieve continental goals, including, maritime security. As highlighted by Uke and Ela (2013), while both ECCAS and ECOWAS have established maritime strategies, in comparative terms, that of ECCAS is recognised as a more robust maritime security agenda.

### ***(iii) The Economic Community of Central African States Maritime Strategy***

ECCAS was originally established for the advancement of regional economic cooperation in Central Africa. Like the other regional economic communities on the continent, maritime security was not part of the original agenda (Osinowo, 2015). In the context of international concern for the growth in perceived threats to the development of the blue economy, ECCAS member states developed a joint comprehensive maritime security strategy. Developed in 2008, the *Economic Community of Central African States Maritime Strategy* focuses on six key objectives<sup>11</sup> including, amongst others, the need for joint community surveillance through the detection and sharing of assets, and the legal and functional harmonization of states' actions at sea (Osinowo, 2015, Hassan, 2014). This later led to the adoption by all ECCAS states on a protocol that established the

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<sup>11</sup> (i) information sharing and management, (ii) joint community surveillance through the detection and sharing of assets, (iii) self-financing through regional maritime tax, (iv) procurement of logistics, (v) the legal and functional harmonization of states' actions at sea and (vi) the institutionalisations of maritime conference for Central Africa

*Regional Centre for Maritime Security in Central Africa (CRESMAC)*, based in Pointe Noire in the Republic of Congo. As part of the larger *Yaoundé Agreement*, the Centre was established with the intention to promote information sharing and combined naval operations (Hassan, 2014: 95).

#### ***(iv) The Economic Community of West African States Integrated Maritime Strategy***

Despite ECOWAS being one of the more advanced regional economic communities, the issue of maritime security, and piracy in particular, was only first discussed in 2010 by the committee of Chiefs of Defence Staff (CCDS) (Ukeje & Ela, 2013). Ukeje and Ela (2013: 24) suggest that one of the reasons for the delay in initiating maritime security cooperation was because of the “initial widespread perception that the region’s maritime challenges were largely a Nigerian problem”. Following the rise of reported violent attacks in Togolese, Ghanaian and Beninnoise waters, ECOWAS was compelled to take seriously the need for greater cooperation. The *ECOWAS Vision 2020*, adopted in 2008 by the Member States, set the foundation for what has become *ECOWAS’ Integrated Maritime Strategy*. This strategy sets out the “strategic objectives of Community for a borderless region, sustainable development, peace and good governance, and integration into the global market, as well as its transformation from an ‘ECOWAS of States’ to an ECOWAS of people” (Economic Community of West African States (ECOWAS), 2014). Unlike previous development visions, this vision emphasises the importance of the maritime domain and the need for it to be recognized in the region’s security architecture. In light of this vision, and the UNSC call for attention to issues of rising piracy in the region, at the 40<sup>th</sup> Ordinary Session held in 2012, the Heads of State and Government mandated the ECOWAS Commission to develop a holistic maritime policy framework. The *ECOWAS Integrated Maritime Strategy (EIMS)* was adopted by regional leaders in March 2014.

Similar to the ECCAS IMS, EIMS seeks to promote the cooperation of Member states to safeguard the region’s maritime domain in order to effectively harness the value of the maritime industry to accelerate region’s socio-economic development. Governance practices, particularly of standardizing rules, is clearly evident in the aims of EIMS, some of which include:

- To coordinate and reinforce practical cooperation on maritime issues at a national, bilateral and multilateral levels;
- Enhance the capacity of ECOWAS member states to efficiently tackle threats of piracy and other violent acts; and
- Recognize and build institutional mechanisms for the monitoring and enforcement of common standards for the use of the maritime domain (ECOWAS, 2014).

As with the ECCAS model, ECOWAS envisions all member states to coordinate maritime activities including information sharing, asset coordination and integration within their designated zone. The ECOWAS *Regional Maritime Coordinating Centre (CRESMAO)* is hosted in Abidjan and is responsible for the strategic coordination, as well as managing the sharing of information with the *Maritime Inter-regional Coordination Centre* in Yaoundé. What is also important to highlight is the role the UK Foreign Office had been pushing for and enabling the development of this strategy. Their role specifically involved contributing equipment and expertise to states in the region to enhance their capacity and capability to effectively implement this integrated regional strategy at the national level (Hassan & Hasan, 2017).

Institutionalising norms and rules on maritime governance and piracy, as in the case of the GoG, is enabled not only through the development of new mechanisms such as the EU's CMP, but also through capacity building programmes and existing institutions, such as the AU and RECs. Good governance, and the lack thereof, is one of the more popular *root causes* identified by international organisations to explain the issue of piracy in the region, and motivation for capacity building programmes (Hassan & Hasan, 2017; Vircoulon, 2012). As such, actors like the UN and EU justify their capacity building programmes on the premise that to effectively fight and eradicate piracy, states in the GoG need to prioritize long-term “policies that actively focus on improving economic governance and ensuring the socio-economic welfare of the coastal communities” (Hassan & Hasan, 2017: 40).

### 5.2.2 Epistemic Practices

Governance practices are ultimately dependent on epistemic practices for legitimacy. Epistemic practices through the collection of data, generation and distribution of information, create and sustain knowledge and understandings of the piracy phenomenon globally and in the region (Bueger, 2013c). As with the governance of anything, knowledge and discourse is central to counter-piracy, and crucially, the legitimization of various counter-piracy activities.

In the case of counter-piracy, the development of knowledge about contemporary piracy globally, started around the mid-1980s with the systematic collection of data for published reports (Bueger, 2013c: 8). The growth of interest in piracy by several academic disciplines has contributed to the development of generic knowledge of piracy (Bueger, 2013c). Knowledge of piracy takes various forms, such as “incident reports, statistical trend analysis, daily information on (suspected) piracy activity, the analysis of piracy behaviour, the tracing of the root causes of piracy as well as strategic research on the impacts of counter-piracy” (Bueger, 2013c: 9). Consequently, some of the key actors involved in counter-piracy epistemic practices are academics,

news agencies, data collection institutions and reporting centres (Bueger, 2013c). The creation and dissemination of knowledge and discourse is a powerful tool to effectively legitimise and maintain control over space and resources (Said, 1978). In this case, establishing and maintaining legitimate control over the perceived threat of piracy to the resources bestowed in the GoG. Critical scholars of knowledge creation, epistemic practices, and the relationship between discourse and power, such as Edward Said and Stuart Hall, similarly argue that power and the maintenance of hegemony is dependent on the creation and dissemination of knowledge and discourse. They argue that it is the strategic use and practice of language to create knowledge that serves to represent and identify the unknown, and through this, pursue particular interests of a certain group (Said, 1978; Hall, 1992).

The IMO, and the International Maritime Board (IMB), through its Piracy Reporting Centre, have been and continue to be the dominant actors globally in creating and disseminating knowledge on piracy. The Piracy Centre was established in 1992 with the mandate to collect data on incidents of piracy over a 24 hour period. Globally, and in the GoG, the IMB is predominantly reliant on data that derives from reports by shipping companies and maritime personnel, while the IMO is dependent on official reports from flag state authorities (Bueger, 2013c: 9).

Both institutions, as well as private sector companies such as BIMCO, are increasingly invested in developing the data collection capacities of regional organisations, to enhance the role and reliability of these organisations in the production of data and knowledge on piracy. For example, one of the main responsibilities of the architecture of the *African Integrated Maritime Strategy* is facilitating the flow of information on maritime piracy between the AU (via the RECs) and the UN. It is also responsible for reporting on the progress made on the implementation of various strategies pertaining to the governance of the seas. This includes contributing to the UN Secretary General annual oceans report to the General Assembly (Hassan & Hasan, 2017). Therefore, the *Yaoundé Architecture* mentioned above (see Section 5.2.1), not only plays a crucial role in supporting AIMS, but at large, it forms an integral part of the IMO's approach to collecting information on the state of maritime piracy, in disseminating information and through this, governing piracy in the GoG.

The creation of regional centres for maritime security, are examples of endeavours that seek to control the governance of information collection and distribution. The two regional centres for information collection, CRESMAO and CRESMAC, are housed under the ICC located in Yaoundé, Cameroon. Despite the need to enhance the capacity of the *Yaoundé Architecture*, the IMO argues that the coordination network developed under the Code has improved information-sharing and thus has enabled coordinated responses to piracy attacks

(Pigeon & Moss, 2020). Efforts to improve the cooperation between intra-regional actors is supported by various international actors in addition to the IMO, most notably foreign actors such as the EU, UK, France, US and China. These actors play a pivotal role in providing support to GoG states to strengthen local data collection agencies, including the regional centres for maritime security. For example, the UK, through its *Association of Oil Companies International Marine Forum*, established the *Maritime Trade Information Sharing Centre-Gulf of Guinea (MTISC-GoG)*, in Ghana. This Centre aims to serve as a single point of focus for mariners to collect and disseminate information on security incidents in the entire GoG through a secured website. It also serves as an early warning system for security incidences in the region (Mandanda & Ping, 2016: 119-120).

China is another country that has pledged support to enhancing capacity building efforts in the region, calling on the international community to provide the “necessary assistance to the countries concerned and relevant regional organizations by sharing information and experience, providing technological assistance and enhancing capacity building” (Wang Win, 2013 cited in Mandanda & Ping, 2016: 120). The EU, with support from Denmark, has similarly launched a 9.3 million *Euro Project* in 2016, which sought to provide training to support the establishment of the *Yaoundé Architecture Regional Information Sharing Network* (EEAS Press Team, 2021). The information collected through these regional centres is then used to develop fact sheets on piracy in the GoG, reports and IMO and IMB press releases. This data is critical in supporting the motivation for UNSC resolutions (Bueger, 2013c).

International think tank organisations such as *The Oceans Beyond Piracy* and the *Institute of Security Studies* are also not only reliant on the data derived from these information centres, but are also influential role players in producing and disseminating knowing on piracy, the state of it, and guidance on how ‘best’ to deal with the issue. Their influence is through developing critical analyses and facilitating information sharing symposiums and events that seek to share knowledge and raise awareness on the costs of piracy and the threat it poses (Bueger, 2013c). A series of events, conferences, and symposiums have been hosted to address the concern of maritime security in the GoG, specifically, the threat of piracy to the development of the region. The on-set of the COVID-19 pandemic and the shift online, has enabled even more conferences to be held virtually. Such conferences include, but not limited to, the *Global Maritime Security Conference* hosted in Ghana in 2019, the *International Maritime Defence Exhibition and Conference (IMDEC)*, and the annual *Gulf of Guinea Maritime Collaboration Forum Plenary* and the *Symposium of Gulf of Guinea Navies*. Not only do these gatherings bring together key stakeholders and strategic partnerships, they are also largely funded by foreign states and organisations. As argued by scholars like Onuoha (2020: 112), “not only have ‘foreign interests’ bankrolled

such conferences and gatherings, but they have also tended to shape the agenda, discourses and approaches to the understanding of maritime security.”

In summary, epistemic practices play a role in governing piracy globally and in the GoG, given the role they play in collecting information, creating knowledge and reinforcing certain norms on what piracy entails, motivating the need to govern it, as well as how it should be governed. This knowledge is then used in informing the development and legitimisation of governance mechanisms as identified under *Governance Practices* (see section 5.2.1).

### 5.2.3 Legal Practices

Legal practices are defined as “attempts to address piracy by the enforcement of law and in using the legal apparatus of arrest, prosecution and punishment” (Bueger, 2013c: 12). In this regard, piracy is treated according to national and international laws. Legal practices are not bound to activities such as law enforcement or the arrest of suspected pirates, but also includes activities that aim to build the legal capacities of local and regional legal institutions. Suspects of piracy are primarily arrested by the security organisations, such as navies and private security companies, discussed in section 5.3 below entitled ‘*Part II: Military approaches to counter piracy*’. In the case of the GoG, there are several actors undertaking legal activities, including dominant international actors upholding international laws such as UNCLOS and *the Convention for the Suppression of Unlawful Acts against Safety of Maritime Navigation (SUA)*, but also regional and national actors. The role of international actors particularly in their capacity building role, have enabled the development of national laws aimed at governing piracy, such as Nigeria’s *Suppression of Piracy and other Maritime Offences Acts*.

The *UN Office for Drugs and Crime* are a dominant legal actor in the GoG. Against the backdrop of international norms and legislation, such as UNCLOS, and at the request of multi-lateral organizations and the local state, the main role of UNODC in the GoG is to develop the legal capacities of regional and national laws pertaining to maritime security and piracy. It does so by facilitating training workshops for law enforcement bodies, as well as legal actors responsible for the creation of national legislation. For example, at the request of France, the UNODC has been actively involved in providing capacity building support to France’s *Grand African Navy Exercise for Maritime Organisations (NEMO)* initiative (discussed under section 5.3 *Part II: Military Approaches to the Governance of Piracy in the Gulf of Guinea*) (Ebo’o, 2020).

The most significant involvement of the UNODC in the GoG, is through their *Global Maritime Crime Programme (GMCP)*. In 2014, the GMCP shifted its focus from the Gulf of Aden to the GoG to address the

“significant rise in piracy” in the region (Allan, Massey & Blaine, 2021: 53; United Nations Office on Drugs and Crime [UNODC], 2018.). The mandate of the *GMCP Atlantic Ocean Programme* is to deliver programming “within legal reform, maritime law enforcement (MLE) capacity building, and regional cooperation and coordination in the Gulf of Guinea region” (UNODC, 2018). Linking back to the role of epistemic practices in governing piracy, is the influence academic papers have in motivating and legitimizing the involvement of international groups such as UNODC. In this case, creating knowledge that supports the role of international organizations such as the UN, to enhance legal practices as a local and regional level. An example of this is, the ...

“lack of harmonisation in piracy laws among states impedes the process of deterring piracy. To facilitate effective prosecution, the Gulf of Guinea states should favour a uniform legislative framework that comprehensively domesticates the relevant key provisions of the UNCLOS and SUA” (Hassan & Hasan, 2017: 42).

*The Suppression of Piracy and other Maritime Offences Act of Nigeria* illustrates the extent to which practices of governance, law and epistemic play a role in influencing the governance of piracy at a national level. In June 2019, President Muhammadu Buhari signed into law the *Suppression of Piracy and other Maritime Offences Act* in an effort to improve maritime security in *Nigeria’s Exclusive Economic Zone (EEZ)* and on its estimated 10,000km of inland waterways. According to the *Nigerian Maritime Administration and Safety Agency (NIMASA)*, this Bill serves to “ensure safe and secure shipping on Nigerian waters, prosecute infractions and criminalize piracy” (NIMASA statement cited in Larsen, 2019). The United Nations welcomed this bill, stating that “Nigeria is on the path of progress with anti-piracy law” (Adenekan, 2019), demonstrating strong efforts to address maritime insecurity in the GoG (Fisheries Committee for the West Central of Gulf of Guinea [FCWC], 2019). With this bill, Nigeria has become the first state in West and Central Africa to have a standalone anti-piracy law (Ogbonnaya, 2020). The *Suppression of Piracy Bill* is the outcome of a close collaboration between the IMO and NIMASA. The purpose of this bill is to serve as a comprehensive legal framework for the prosecution of piracy and other maritime crimes, including illegal fishing, illicit drug trade, kidnapping and human trafficking, through the Nigerian Navy and NIMASA. Similarly, the Federal High Court is bestowed with the exclusive jurisdiction for the determination of matters related to piracy. The Bill mentions and empowers “relevant authorities” to ...

“...seize vessels or aircraft used for maritime crimes anywhere in Nigeria and in international waters or in the jurisdiction of any country where the ship is reasonably believed to be a pirate-controlled ship or aircraft” (FCWC, 2019).

This Act comes after several calls from the international community, and regional attempts to strengthen maritime security considering the perceived growing threat to maritime security in the GoG. Most notably the call from the UNSC urging “all States to criminalize piracy under their domestic law” and to further combat piracy actively in co-operation with the IMO (United Nations Security Council, *Resolution 2018: 2*). Furthermore, it gives effect to the UNCLOS, and the SUA acts (1988) (discussed in *Section 3.3 and 3.4* respectively). According to Nigeria’s Programme Manager for the UNOCD, this bill is highly beneficial in addressing some of the major challenges to effectively govern the GoG, namely the issue of gaps “in terms of the countries signing on to the conventions and actually putting them into domestic legislations and policies” (FCWC, 2019). Following the passing of this law, Nigeria hosted the first global maritime security conference, in Abuja in October 2019. Convened by Nigeria’s Navy and NIMASA, the conference sought to explore maritime security challenges for states of the GoG with a focus on the safety of maritime trade routes, enhancing the capacity of the maritime security structure, as well as encouraging other countries in the region to follow Nigeria in signing a similar law to criminalize piracy (World Ocean Council, 2019).

The non-military approach to the governance of piracy in the GoG plays out in various ways. As demonstrated above, a myriad of international and regional actors interact through different practices in an attempt to govern piracy in the GoG. Governance, law and epistemic practices are most evident in the region. These approaches are critical in labelling and defining not only the problem of *piracy*, but also drawing attention and urgency to address the issue, as well as guidance on how it should be governed and by whom. Military approaches are the most obvious example of governing piracy, given that it is more overt than non-military practices such as the creation and dissemination of knowledge on piracy. As such, Part I of this chapter served to spotlight some of the practices of governance that are less obvious to the public, yet practices that have a significant influence on the phenomenon of piracy.

### **5.3 Part II | Military Approaches to the Governance of Piracy in the Gulf of Guinea**

Part two focuses on the security practices carried out by various actors in the GoG to govern piracy. These practices are significantly informed and legitimised by the various non-military approaches discussed above. While developing non-military technology and skills is a popular approach for international actors to influence counter-piracy governance, military approaches, specifically the development of military capacities of national security forces, is an approach that has a significant influence on counter-piracy governance in the region. As mentioned earlier, while international naval forces and war ships had the international legitimacy to operate in

the high seas of the Gulf of Aden, direct intervention of international naval forces in the GoG not only undermines the sovereignty of the Gulf states, but as a consequence is likely to trigger regional sensitivities concerning external interference and the presence of foreign vessels. As such, foreign actors that seek to continue the “fight against piracy” (Adejuyigbe, 2021) in the GoG, can rely on alternative approaches to direct intervention. Capacity building programmes aimed at developing the military capacity and operational capability of national and regional security actors and institutions are thus effective means of influencing the governance of piracy while avoiding direct intervention.

### 5.3.1 Security Practices

A more realist perspective suggests that the primary cause of the growth of piracy in the region has been attributed to the inability of states to defend their territorial waters and protect key ports and shipping lanes from the existential threat of piracy. As such, military interventions, through capacity building and technical development, are legitimately based on the presumption that they aim to better equip the military capacity of the state and their operational capabilities (Hassan & Hasan, 2017). Popular approaches include developing a task force as part of the larger effort to create a regional cooperative maritime security approach<sup>12</sup>, enhancing maritime domain surveillance, providing military and naval training as well as donating security equipment such as patrol vessels. These are all examples of the non-direct approach of military interventions in the region.

A military approach to counter-piracy governance, be it through direct intervention or capacity building initiatives, is an example of security practice. Bueger (2013c:10) defines security practices as activities “that attempt to address piracy by mean of military force”. The dominant actors involved in security practices include special forces, navies and private security companies. However, as discussed earlier, other non-traditional security actors, such as UNODC and non-governmental organisations, increasingly play a role in the facilitation of various training workshops aimed at developing the capacity of national and regional security actors. Each actor performs a variety of similar yet different roles. For example, navies typically engage in surveillance, protection, early disruption of attacks (including pre-emptive attacks) and the recapture of vessels (Bueger, 2013c:10).

As of March 2021, just over 30 states are actively involved in security practices to counter piracy in the GoG. Beyond the states of the GoG, some of the other participating states include Belgium, Denmark, France, Germany, the US and the Netherlands. In addition to state actors, organisations including ECOWAS, ECCAS,

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<sup>12</sup>The President of Nigeria initiated the establishment of a regional naval force called ‘Gulf of Guinea Guard Force’. This is yet to materialize (see Hassan & Hasan, 2017: 38).

the EU and the *National Atlantic Treaty Organisation (NATO)* are some of the organisations that participate in the governance of piracy in the region through military means. In the GoG, one of the dominant ways in which several security actors at various scales interact to counter-piracy, is through multilateral naval missions. Two of the most prominent multilateral naval missions initiated in the region is the *Grand African Navy Exercise for Maritime Organisations (NEMO)* and US-led *Obangame*, with headquarters in France and Germany, respectively. Both initiatives similarly stem from the recognition that despite the delivery of modern military technologies to the region, as well as the creation of collective monitoring structures, states in the GoG lack the capacity and experience required to undertake complex anti-piracy operations (Decis, 2020). Both naval missions are enabled by the ...

“Yaoundé Code of Conduct to carry-out naval exercises to counter-piracy. Exercise Obangame Express is an all-domain maritime exercise and the largest of its kind operating in West Africa. Under the umbrella of the US Africa Command, the focus of this Exercise is to develop the military skills of national navies to effectively counter “malign influence, aggression, activity and base establishment in the Gulf of Guinea Economic Exclusive Zones” (United States Africa Command: Exercises, n.d).

With the exception of 2020, and the disruption caused by the COVID-19 pandemic, *Obangame* operations have taken place annually, partnering with regional and international states to strengthen the collective capabilities to counter piracy amongst other crimes such as illegal migration and human trafficking. The first *Obangame Express* exercise was launched in 2010, with a total of nine members. Today, *Obangame* has 32 participating nations<sup>13</sup> as well as the active participation from both ECCAS and ECOWAS (Walker, 2015). According to the US Africa Command, the motivation behind *Obangame Express* is to “increase U.S. access and influence and build partner capacity and capability in interdiction of...illicit and malign maritime activities” (United States Africa Command, n.d.). In March 2021, *Exercise Obangame Express* concluded its 2021 mission. This mission focused on vessel boarding, search and rescue, radio communication and information management and medical-casualty response (Decis, 2020).

Another example of what Bueger (2013) refers to as a military contribution, is the French governed naval operation, NEMO. Since 2013, the French Navy has been actively involved in organising regional maritime security exercises, known as Navy’s Exercise for Maritime Operations. These typically take place three to four times in a year, with a major annual exercise known as the Grand African NEMO (Ministère Des Armées,

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<sup>13</sup> The nations that participated in Exercise Obangame Express 2021 included Angola, Belgium, Benin, Brazil, Cabo Verde, Cameroon, Cote d’Ivoire, DRC, Denmark, Equatorial Guinea, France, Gabon, Gambia, Germany, Ghana, Guinea, Guinea-Bissau, Italy, Liberia, Morocco, Namibia, the Netherlands, Nigeria, Poland, Portugal, Republic of Congo, Sao Tome & Principe, Senegal, Sierra Leone, Spain, Togo, and the US.

2021). As outlined by the France's Ministry of Defence, while the recurrent exercises alternate the location of the operation within the GoG, the objective always remains the same: "to strengthen the ability of the navies of the Gulf of Guinea to cooperate and act together in the context of State action at sea" (Ministère Des Armées, 2021). The Grand African NEMO has garnered international recognition as the most important yearly multilateral maritime security event in region (Archus, 2021; Decis, 2020). In 2021, it had the participation of nineteen local states and ten foreign actors, including the US, UK, Italy, Brazil and Belgium amongst others<sup>14</sup> (Ministère Des Armées, 2021). The most recent NEMO operation involved the deployment of a total 40 naval vessels and six aircrafts to take part in over 40 simulations aimed at improving maritime security in the GoG. This includes the French ship *Germinal*, which is currently deployed in the region as part of *Operation Corymbe* (discussed below), as well as the maritime surveillance aircraft *Falcon 50* (Ministère Des Armées, 2021). According to the French Minister of Defence, Florence Parly, Grand African NEMO...

"brings together a substantial number of military assets at sea, on the ground, and in the air, intends to share know-how and improve operational levels in the fight against illicit fishing [and] piracy" (Ministère Des Armées, 2021).

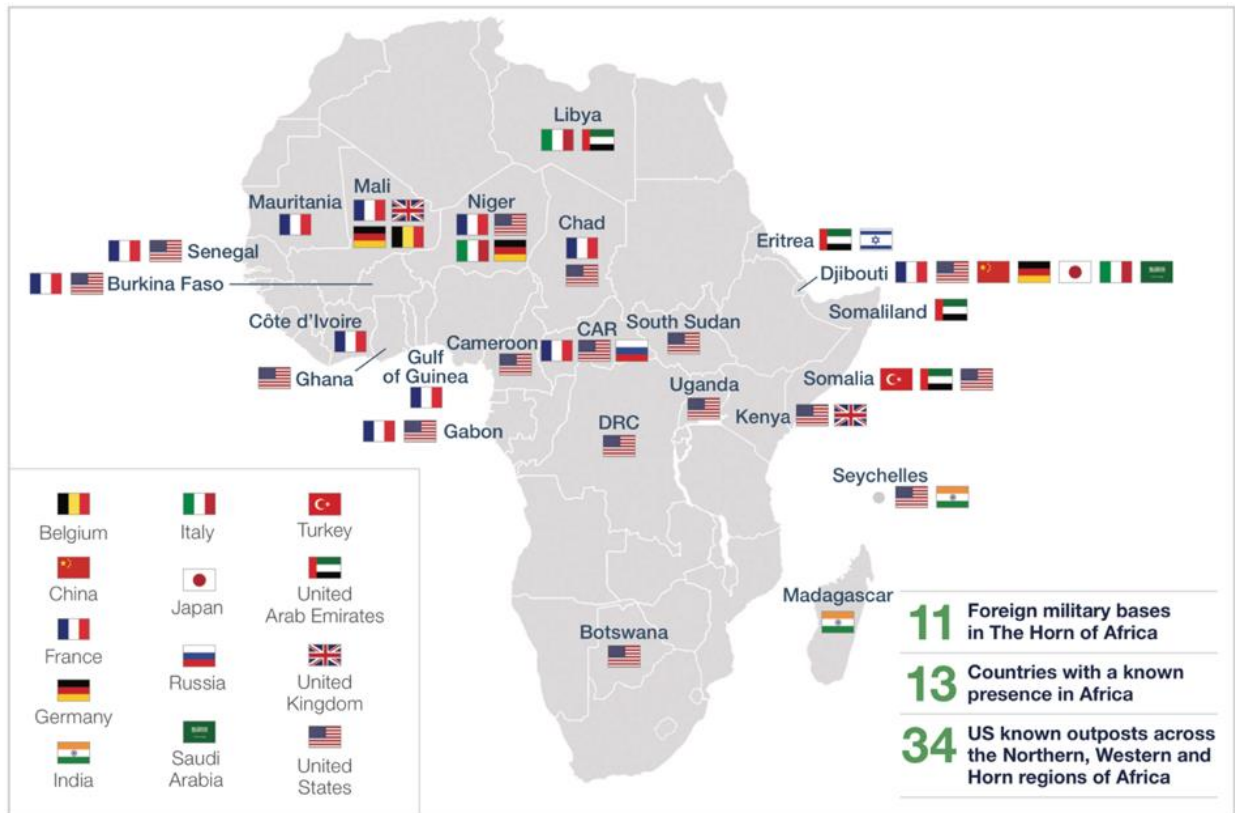
Both multilateral naval operations exist alongside other bilateral agreements between states within the region, as well as with foreign states, which similarly seek to establish a coordinated operation to secure the waters of the GoG. While variations exist between the various naval operations, together they engage in security practices such as (i) surveillance, (ii) protection to infrastructure as well as (iii) providing a safe transit corridor, (iv) pre-emptive disruption of piracy incidences, (v) disruption of attacks and (vi) the recapture of vessels (Bueger, 2013). Core to security practices, however, is the attempt to enhance the national coast guard capacities in the region (Bueger, 2013c).

As demonstrated in Figure 7 below, the US and France have the largest military presence in the GoG and are at the forefront of conducting military operations in Africa (Neethling, 2020). In addition to the multilateral operations discussed above, which are led by the US and France, the large-scale presence is largely made possible by the plethora of bilateral agreements between GoG member states and foreign powers. This is not a unique case to the GoG, as illustrate in Figure 7. Military forces have a substantial presence across the continent

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<sup>14</sup> Participating states in Grande African Nemo include Angola, Benin, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Equatorial Guinea, Liberia, Nigeria, the Democratic Republic of the Congo, Sao Tome and Principe, Senegal, Sierra Leone, and Togo are among the Gulf of Guinea and regional nations taking part in the exercise. Foreign countries represented include the United Kingdom, Italy, Brazil, the United States, Portugal, Denmark, Spain, Belgium, and Morocco.

and particularly in the Gulf of Aden. In addition to non-military capacity building programmes, the US and France have invested substantially into strengthening anti-piracy regimes in the GoG.



**Figure 7: Foreign Military Presence in Africa**

Source: Atta-Asamoah (2019)

One of the early initiatives taken by the US to strengthen anti-piracy regimes in the GoG, and protect their investments in the region, was the launch of the flagship programme of the US Naval Forces Africa for maritime security, the *African Partnership Station (APS)*. The development of APS was strategically designed to build the expertise and capacity of militaries, coast guards and mariners in Africa, to safeguard the US investments in the region, including energy security. The first APS was launched in 2007 in West Africa, focusing particularly on Cameroon, Equatorial Guinea, Ghana, Liberia, São Tomé and Príncipe, Senegal and Togo. The APS has since launched several operations in the region aimed at developing maritime governance in the region and strengthening efforts at the national level to combat the threat of piracy by improving maritime safety and security awareness, response capabilities and infrastructure (United States Africa Command, 2020; Hassan & Hasan, 2017). For example, under the umbrella of the ASP, the US has contributed to the development of Nigeria's *Regional Maritime Awareness Capability (RMAACC)*, donated navy boats and carried out naval training exercises such as *Operation Hot Pursuit* (involving navies from Togo and Benin in 2012) as

well as *Operation Obangame Express*. These operation exercises are aimed specifically at developing the skills and capability of state leaders including the navy and private security companies to effectively eradicate the threat of maritime piracy (Mandanda & Ping, 2016; Decis, 2020).

Like the US, France is committed to strengthening maritime security in the region and particularly in its former colonies. Since 1990, France has deployed warships in the GoG as part of its *Corymbe Operation* (Mandanda & Ping, 2016). This operation seeks to eradicate the threats to maritime security, including piracy, through training African navies and supporting the *Yaoundé Architecture* (Maritime Prefect of the Atlantic, 2021). In addition to being a co-sponsor of the UNSCR 2018 calling for stronger action against perpetrators of piracy, France's engagement in the region is predominantly through bilateral agreements with member states and in support of EU, UN and US operations (Decis, 2020; Neethling, 2020). For example, in 2011, France initiated a three-year project in Benin, Togo and Ghana aimed at developing national maritime security strategies, training civilians and armies in maritime security and improving the cooperation between the three countries to effectively manage maritime piracy (International Crisis Group [ICG], 2012.).

France also supports the three-year long *Support for Maritime Security in the Gulf of Guinea (ASECMAR)* project in collaboration with the US. This project sought to implement its maritime security policy in West and Central Africa by training maritime administrators on the laws of the sea and to share information on maritime crime in the Gulf (Hassan & Hasan, 2017: 63). Nigeria is one of the states in the region known to procure patrol vessels from French companies. For example, between 2011 – 2017, the country procured ten patrol boats and crafts from French company *Ocea* (Mandanda & Ping, 2016; DefenceWeb, 2019).

The presence of anti-piracy naval forces in West Africa is not limited to France and the US as illustrated in Figure 7. China has been particularly active since its initial engagement in maritime security in 2008 when it participated in a multinational anti-piracy mission in the Gulf of Aden (Neethling, 2020). With plans to expand its maritime portion of the *One Belt One Road strategy (OBOR)* westwards, China has increased investment into the construction of maritime infrastructure including ports, as well as developing military cooperation with the *China-Africa Cooperation Framework* (Mandanda & Ping, 2016). This includes the signed bilateral military agreements between China and Cameroon, Ghana, Gabon and Nigeria which allow the *People's Liberation Army (PLA)*, Navy and Anti-Piracy Task Forces to conduct, manage and enable training, weapon acquisition, information sharing, maritime navigation and security in the sovereign waters of these countries (Nantulya, 2019). As a consequence, between 2012 – 2019, China has deployed over 26,000 military personnel

to maritime security operations (Neethling, 2020), in addition to Chinese companies exporting over 13 patrol vessels to Nigeria and Cameroon, including two 1,8000-ton offshore patrol ships (Mandanda & Ping, 2016).

At the regional and national level, several national and bilateral efforts have been made in attempt to counter-piracy and the perceived threat it poses towards economic development. For example, one of the earlier bilateral initiatives was commitment between President Goodluck Johnathan of Nigeria and Thomas Boni Yani of Benin to collaborate in addressing piracy. These bilateral talks led to the launch of a six-month joint naval operation, *Operation Prosperity*, which enabled Nigerian naval vessels to patrol in Benin's waters (Osei-Tutu, 2016; Hassan, 2014). The operation was successful in both enhancing the collective maritime security, and enhancing information sharing and cooperation between the Nigerian and Benin navies (Osei-Tutu, 2016). Similarly in 2012, several bilateral agreements were signed with the intention to harmonise military actions against pirates in the GoG, including the *Joint Cooperation Agreement* between Benin and Ghana, as well as the agreement between Togo, Benin and Nigeria. Despite the promise these agreements make with regards to countering piracy through cooperative security practices, the cooperation for the implementation of these agreements has come at the expense of weak capacities and political will (Hassan, 2014; Mandanda & Ping, 2016).

The role of *private maritime security companies (PSMCs)* and their armed employees, formally known as *privately contracted armed security personnel (PCASP)* in securing the safety of transit corridors, key infrastructure and vessels is another component of security practices active in the GoG. The presence of PSMCs and PCASPs has increased substantially over the years in the GoG as a result of several factors including (but not limited to): the growing recognition of the value of the GoG to the global economy; the inadequate capacity and capability of national navies; and, linked to this, the requirement from insurance companies for merchant vessels to have physical security to minimise the cost of potential piracy attacks (Hassan, 2014; Dryad Global, n.d.). This includes both international security companies such as those affiliated under the UK-based *Association for the Maritime Security Industry (SAMI)*, but also national PSMCs such as the Nigerian based *Global West Vessel Specialists Nigeria Limited* which has partnered with NIMASA to provide physical protection to ships against piracy (Hassan, 2014; Zubaidah, Kader & Abdulrazaq, 2013). PSMCs and PCASPs are only allowed to operate if countries in the region have introduced legislation that allows for shipping companies to have armed guards onboard their vessels as a means to protect the ship from acts of piracy (Dryad Global, n.d.). Initially, the role of PSMCs was largely confined to providing protection to shipping companies largely in the form of training crew members on personal protection, as well as offering support in ransom negotiations (Bueger, 2013c). The role of PSMCs has since expanded to include the provision of armed security

personnel onboard to protect vessel travelling through high risk areas and corridors. According to Bueger (2013c: 12), private security personnel help to deter possible acts of piracy by “show of force and by firing warning shots.”

It is important to note that the above-mentioned security practices in the GoG aimed at countering piracy are not the only efforts existing in the region, but rather serve as an example of some of the major operations carried out by counter-piracy actors. In sum, the non-military approach to counter-piracy governance in the region consists of a variety of different security practices. This ranges the provision of surveillance support, physical protection by armed guards, the disruption of suspected piratic through show of force and warning strikes, and also, more critically, the training and capacity development of national actors involved in the governance of the maritime space.

## 5.4 Conclusion

This chapter has attempted to outline some of the dominant approaches to counter-piracy governance in the GoG in response to the second research question of this dissertation, ‘*What are some of the main approaches to counter-piracy undertaken by key actors in the Gulf of Guinea?*’. Drawing on Bueger’s (2013c) analysis of counter-piracy practices in the Gulf of Aden, this chapter was able to spotlight the complex web of actors and approaches taken to govern piracy, and by extension, the governance of the GoG.

What this chapter demonstrated is that the approach to counter-piracy governance entails a complexity of both military and non-military practices, all of which work together to enforce a particular approach to governing the GoG maritime space. Ultimately, the governance of piracy in the GoG is created, supported, and legitimised against the backdrop of norms and rules developed in 1982 with the development of UNCLOS. Central to this is knowledge development on piracy in the GoG to render the phenomenon of piracy knowable and by extension, what behaviour at sea is considered acceptable.

The governance of knowledge on piracy enables the creation of key governance tools that play a critical role in the standardisation and protection of international norms and interests. The development of tools such as the *Yaoundé Architecture*, not only plays a role in legitimising and localising longstanding international frameworks and agreements, such as UNCLOS, but also provides a platform for a host of local and foreign actors to engage in counter-piracy practices. As this chapter sought to demonstrate, this includes actors such as the EU, US and UN in playing a dominant role in developing the capacity of data collection and information

sharing institutions. The data collected by these institutions is central to the development of knowledge on the *threat of piracy* and mechanisms to control it, but further, this data is used to legitimise security practices to counter-piracy, including by foreign actors. Furthermore, the development of such architectures creates the space for existing bodies like ECCAS and ECOWAS, to serve as forums to deliberate strategies and mechanisms of responsibility.

Fundamentally, what is evident in the analysis of the various approaches of counter-governance in the GoG, is that the governance of the phenomenon is ultimately the actors who are able to fund and sustain the governance of it. Not only can this provide access to more efficient technologies to monitor and control piratic behaviour, but it can also, through the funding of conferences, and various knowledge products, create and sustain a particular understanding of piracy, what it threatens and who the legitimate actors are to govern it.

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## Chapter 6: Conclusion

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The GoG, by virtue of its geographic location, its biodiversity and resource abundance, is a key area of interest for the global economy. Securing the GoG is thus vital for the development of the region's socio-economic development and the broader global economy. Maritime piracy poses a direct threat to this security. The GoG is continuously recognised as one of the most dangerous hotspots for piracy globally. In the last decades, the growth in the number of reports emphasising the proliferation of piracy attacks in the region, has motivated the adoption of several binding resolutions, frameworks and coordinated programmes. This dissertation sought to better understand the motivation for the increased attention, resources and action devoted towards the GoG, including the foreign push to eradicate the phenomenon of piracy in the region. The study was guided by two research questions:

1. *Why is maritime piracy considered a major threat to maritime security in the Gulf of Guinea? and*
2. *What are some of the key measures adopted by major actors in the region to address this?'*

In answering these questions and using existing primary and secondary literature on piracy in the GoG, the study provided a comprehensive overview of why piracy in the GoG is considered a major threat globally, as well as an analysis of some of the dominant approaches to governing this phenomenon.

Since 2011, a substantial amount of time, research, human and financial resources have been dedicated towards eradicating the threat of piracy in the GoG. An analysis of what is at threat to piracy, and the approach to countering this threat reveals two key findings. Firstly, the GoG is one of the most strategic maritime zones globally, home to some of the largest proven reserves of oil and gas, a rich biodiversity hotspot, and hosts critical trade routes and lines of communication. Secondly, the focus on countering piracy in the GoG, is primarily motivated to secure the major investments that have been made into global supply chains and energy security. Critically, the study revealed that the phenomenon of piracy complicates the access to and delivery of resources and services that serve the global economy. As such, the growth in the demand for enhanced counter-piracy governance by multilateral organisations and foreign actors like the US, EU, and France, attest for the importance of the region to the global economy.

Chapter 4 was dedicated to answering the question on *why piracy is considered a major threat to maritime security in the GoG*. The analysis highlighted the rising international concern of piracy towards the security of supply chains and energy security. The analysis highlighted the significant investments made by companies and foreign countries in the GoG, as well as the rising challenge of insurance premiums and the increasing cost of doing business in the region. Ensuring the secure free flow of goods and services is critical, not only to the development of the continent's blue economy agenda, but to the global economy. Operating in the GoG is becoming increasingly expensive given the non-negotiable costs to mitigate and deal with the consequences of piracy. This includes high insurance premiums businesses in the oil and gas, fisheries and communications sectors must pay. In addition to the insurance premiums, companies operating in the region are also having to pay higher salaries given the direct threat to life piracy poses to those working in the region. The urgency to address this has brought together a wide range of national and international actors to create and implement effective counter-piracy measures.

Inspired by Bueger's (2013c) scholarship on the types of counter-piracy practices in the Gulf of Aden, Chapter 5 established that there are several military and non-military approaches to counter-piracy governance in the GoG. Non-military approaches include the practice of knowledge creation and dissemination which is critical to not only informing the military counter-piracy approaches, but also in legitimising foreign norms and understandings of piracy and maritime security. These include the practices of governing the knowledge creation and dissemination of the piracy phenomena in the GoG, including how to define the phenomena, the collection of data to motivate and support critical governing mechanisms, such as UN resolutions, regional frameworks and bilateral agreements and programmes, as well as legitimising this knowledge by legalising it into national acts. These practices fall under non-military approaches to counter-piracy governance. However, they serve as a critical means to legitimise and enable the implementation of military practices to counter piracy. Critically, governance, epistemic and legal practices together serve to both localise international practices of counter-piracy governance, and in so doing, reinforce long-standing Western norms and beliefs.

Furthermore, the development of frameworks like the *Yaoundé Code of Conduct*, and its call for enhanced maritime governance, provide opportunities for foreign actors to engage indirectly in the governance of piracy, and by extension in the governance of the maritime space. The development of regional frameworks such as the *Yaoundé Code of Conduct*, are formally recognised as a regional solution to a regional problem. However, as argued in Chapter 5, such governance mechanisms are developed and legitimised against the backdrop of longstanding Western norms and regulations pertaining to maritime security. Despite the critique that conventions such as UNCLOS are ill-equipped to deal with cases of modern-day piracy, what is more, is that

these global governing frameworks are applied to very localised contexts. The danger in this, is that through the creation of so-called regional governance mechanisms, the dominant knowledge of piracy and standards on counter-piracy are recreated.

A critical analysis of both the interests at stake, and hence the motivation for counter-piracy, as well as the approaches to counter-piracy governance, highlight the reality that current efforts and approaches to countering piracy, are not only western at the core, but as such, do not adequately cater to the needs and concerns of those directly dependant on the resources of the GoG to sustain their livelihoods and lives. By unpacking what is at threat to piracy and approaches to governing it, this dissertation provides an insight into how the GoG is governed by who and for what reason. This study suggests that current counter-piracy practices serve to legitimise some actors over others and contribute to the inequitable access to- and distribution of- the GoG's resources.

Furthermore, by criminalising piracy against the backdrop of international norms, runs the severe risk of further marginalising already marginalised people. Indeed, a wholistic approach to counter-piracy governance is needed. However, central to this is problematising the identity politics of counter-piracy politics. It requires a deeper analysis into not only who is identified as a pirate, but who has the legitimate authority to identify groups. Above all, it calls for the urgent need to critically analyse the knowledge developed on piracy in the GoG, and the role this knowledge creation and recreation has in inhibiting the equitable distribution of resources and the sustainable development of the people of the GoG.

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