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Journal article

**Maritime piracy in Nigeria: The national security implications**

**Moneke, E.**

# MARITIME PIRACY IN NIGERIA: THE NATIONAL SECURITY IMPLICATIONS

by Enuma U. Moneke<sup>1</sup>

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## Abstract

*The phenomenon of piracy in modern-day Africa's maritime sphere brings to the fore a topical issue which is of immense political and economic interest particularly as maritime trade and globalisation reveal a close interface. The increasing tempo of piratic activities in the Gulf of Guinea has metamorphosed in to a serious security threat which must be speedily stemmed. Presently, Nigeria haemorrhages from all angles, with the menace of terrorism in the North, kidnappings and abductions in the centre, the added threat of piracy on her seaways spells doom for the nation's maritime interests and consequently, her economic and national security. This work examines the socio- economic, political and environmental perspectives of the national security implications of sea piracy in the Gulf of Guinea with specific reference to the scourge in the coastal waters of Nigeria. It argues that unless Nigeria heavily invests in capacity building and provision of modern infrastructural support for her maritime defence sector and more importantly, enthrones good governance then her fate may well become worse than that of the failed state of Somalia where it is reported that \$180 million was realised from ransom payments in 2008.*

## Introduction

Maritime piracy is an age-old threat to maritime security and has always presented a problem for mariners as long as ships have gone to sea.<sup>2</sup> In the olden days, even Julius Caesar, the then dictator of the Roman Empire was captured on his way across the Aegean Sea and held for ransom by Cilician pirates. More recently, but still in the historical past, the Barbary corsairs operated from the North African region<sup>3</sup> and captured thousands of ships thereby wreaking devastating impact on the regional economy.<sup>4</sup> By the latter part of the 19<sup>th</sup> century, piratical activities gradually slipped into near oblivion only to re-emerge in South-East Asia in the 20th century.<sup>5</sup> However, in the last

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<sup>1</sup> LL.B (Hons), B.L, LL.M (London), Research Fellow, Nigerian Institute of Advanced Legal Studies (NIALS), Supreme Court Complex, Abuja. Email: [emoneke@gmail.com](mailto:emoneke@gmail.com).

<sup>2</sup> K.K. Mbekeani & M Ncube, "Economic Impact of Maritime Piracy" AFDB Africa Economic Brief, Vol 2, Issue 10, 14th July 2011. Article accessed online at [www.afdb.org/fileadmin/.../Maritime%20Piracy\\_Maritime%20Piracy.pdf](http://www.afdb.org/fileadmin/.../Maritime%20Piracy_Maritime%20Piracy.pdf) on 17/06/13

<sup>3</sup> The Barbary corsairs were based mainly in the ports of Tunis, Tripoli and Algiers.

<sup>4</sup> Prof. T. Neethling, "Piracy Around Africa's West And East Coasts: A Comparative Political Perspective Scientia Militaria, South African Journal of Military Studies, Vol 38, Nr 2, 2010. doi: 10.5787/38-2-91. Article accessed online at [www.wjol.info/index.php/smsajans/article/download/70505/59109](http://www.wjol.info/index.php/smsajans/article/download/70505/59109) on 17/06/13

<sup>5</sup> Previously, maritime piracy was largely rampant in South-East Asia – Indonesia, Malaysia, Singapore and Phillipines, but in 2007 the figures for piratical activities in Africa surpassed those on the Asian seaways.

few years, the focus has shifted back to Africa as her waters have overtaken the choke points and straits of South-East Asia and have become some of the world's most dangerous piracy hot-spots. Piratical activities in the continent's maritime domain have, for the most part, concentrated on the Somali coasts and the Gulf of Aden<sup>6</sup> in the Horn of Africa (East coast of Africa) and the Nigerian territorial waters in the Gulf of Guinea (West coast of Africa), but are not restricted to these waters.<sup>7</sup>

So far, the bulk of international interventions and efforts at combating piracy in Africa have focused largely on piracy off the Somali coasts. This is because piracy in these parts accounts for a significant proportion of the total number of pirate attacks recorded annually in Africa, if not world over. For instance, in 2008, about 300 ships were attacked and of this figure, 111 were off the coasts of Somalia, these attacks continued in 2009 with vessels from various nations seized.<sup>8</sup> Further, it is recorded that Somali pirates accounted for more than half of the 439 piracy attacks that happened worldwide in 2011,<sup>9</sup> turning the region into the world's most dreaded waters. The most audacious incident involving Somali pirates was the hijack on the 18<sup>th</sup> of November 2008 of the United States bound *MV Sirius Star*, laden with two million barrels of oil estimated at over US\$100 million. The pirates demanded US\$25 million for the release of the

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<sup>6</sup> The Gulf of Aden is a gulf located in the Arabian Sea between Yemen, on the south coast of the Arabian Peninsula, and Somalia in the Horn of Africa.

<sup>7</sup> Piracy attacks have also been recorded in the Mozambique Channel, however the Somali coasts and the Nigerian territorial waters remain the most dreaded waters in the world today. The Mozambique Channel is positioned between Madagascar on the East and Mozambique on the West and forms an important shipping route from Southern Africa and South Atlantic to and from the Indian Ocean. Being a major chokepoint, it makes an ideal haven for pirates. Information accessed online at [www.idaratmaritime.com/wordpress/%3...](http://www.idaratmaritime.com/wordpress/%3...) on 02/09/13.

<sup>8</sup> Neethling, *op.cit.*, ft.note 4

<sup>9</sup> F.C Onuoha, "Piracy and Maritime Security in the Gulf of Guinea", Aljazeera Center for Studies. Article accessed online at [studies.aljazeera.net/en/reports/2012/06/2012612123210113333.htm](http://studies.aljazeera.net/en/reports/2012/06/2012612123210113333.htm) on 18/06/13

vessel and did in fact fulfil their promise on the 9<sup>th</sup> of January 2009<sup>10</sup> having secured the sum of US\$3 million as ransom payment.<sup>11</sup>

Now, in yet another African gulf, violence has been brewing and today, the frequency of piratical attacks in the Gulf of Guinea has assumed worrisome proportions. But inspite of the astronomical rise of piracy incidents in this gulf, the scourge tends to receive less public attention than in the case of the Somali coasts.<sup>12</sup> According to the International Maritime Bureau (IMB) maritime, piracy is now more prevalent off the coast of West Africa than around Somalia,<sup>13</sup> with a total of 58 incidents recorded in 2012, including 10 hijackings and kidnap of 207 crew members.<sup>14</sup> Piracy and other criminal activities in the Gulf of Guinea are primarily concentrated on Nigeria's territorial waters.

Nigeria's coastline is a rich source of marine life which provides the country's aquatic food needs as well as a source of living for many Nigerians and foreign fishermen.<sup>15</sup> Her fishing industry is worth billions of naira and provides employment for over 500,000 skilled and unskilled workers.<sup>16</sup> The Nigerian maritime sector facilitates about 90 percent of trade of various commodities particularly crude oil which earns the country over 90 percent of her foreign exchange earnings. Being the sixth largest Oil Petroleum Exporting Countries

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<sup>10</sup> F.C.Onuoha, "Sea piracy and maritime security in the Horn of Africa: The Somali coast and Gulf of Aden in Perspective", African Security Review 18.3. Article accessed online at [kms1.isn.ethz.ch/serviceengine/files/ISN/112050/.../Chapter+3.pdf](http://kms1.isn.ethz.ch/serviceengine/files/ISN/112050/.../Chapter+3.pdf) on 18/06/13

<sup>11</sup> Neethling, *op.cit.*, ft.note 4

<sup>12</sup> *ibid*

<sup>13</sup> "...this is partly because international naval task force has been patrolling the coast of Somalia and also partly because of the peculiarities of the Nigerian economy and widespread corruption there..." -M. Doyle, "Nigeria's Piracy - Another Form of Oil Theft", 18<sup>th</sup> June 2013. Accessed online at [www.bbc.co.uk/news/world-22956865](http://www.bbc.co.uk/news/world-22956865)

<sup>14</sup> International Maritime Bureau.

<sup>15</sup> Punch Editorial Board, "Tackling Piracy in Nigeria's Territorial Waters", 26th October 2012. Article accessed online at [www.punchng.com/editorial/tackling-piracy-in-nigerias-territorial-waters/](http://www.punchng.com/editorial/tackling-piracy-in-nigerias-territorial-waters/) on 18/06/13.

<sup>16</sup> H.I. Hassan & F.C. Onuoha, "National Security Implications of Sea Piracy in Nigeria's Territorial Water", The Nigerian Army Quarterly Journal.

(OPEC) exporter, the nation contributes significantly to the global energy supply.<sup>17</sup>

Piracy and other criminal activities that are perpetuated off the coasts of Nigeria threatens the global flow of goods and services across the world's shipping routes<sup>18</sup> The menace is negatively impacting the cost of shipping, exploration and exploitation of mineral resources (oil and gas), tourism, fishing and other maritime related activities such as port and trans-shipment services.<sup>19</sup> Consequently, the country's fortunes are dwindling as it is estimated that Nigeria loses \$26.3 billion annually to illegal bunkering, piracy and poaching.<sup>20</sup> The situation is dire and poses serious national security risks for the country if left unchecked.

This discourse shall examine the national security implications of piracy in the Gulf of Guinea with specific reference to Nigeria's maritime domain and will conclude by proffering recommendations to stem the ugly tide of piracy in the Nigerian territorial waters.

### **Maritime Piracy – The Conceptual Framework**

The term 'piracy' appears to be definitionally imprecise as there is no single definition that is acceptable to all states, organisations and scholars.<sup>21</sup> In the last few years, the acceptability or otherwise of the various definitions of piracy given by the key players in the maritime safety industry has become a burning issue in the realm of piratic studies.<sup>22</sup>

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<sup>17</sup> NIMASA, "NIMASA and the War against Piracy: Towards a Better Maritime Sector", Paper presentation by Nigerian Maritime Safety Administration Agency (NIMASA) 24<sup>th</sup> June 2013.

<sup>18</sup> Neethling, *op.cit*, ft.note 4

<sup>19</sup> Mbekeani & Ncube, *op.cit*, ft.note 2

<sup>20</sup> Punch Editorial Board, "Tackling Piracy in Nigeria's Territorial Waters", 26th October 2012. Article accessed online at [www.punchng.com/editorial/tackling-piracy-in-nigerias-territorial-waters/](http://www.punchng.com/editorial/tackling-piracy-in-nigerias-territorial-waters/) on 16/06/13

<sup>21</sup> Onuoha, *op.cit*, ft.note 10

<sup>22</sup> Neethling, *op.cit*, ft.note 4

The International Maritime Organisation (IMO),<sup>23</sup> which is the United Nations specialised agency responsible for improving maritime safety and preventing pollution from ships, clearly aligns itself with the definition of piracy as provided by article 101 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS). Under the Convention, piracy consists of any of the following acts:

*“(a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:*

*(i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;*

*(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 an aircraft with knowledge of facts making it a pirate ship or aircraft;*

*(c) any act of inciting or intentionally facilitating an act described in subparagraph*

*(a) or (b).*

In essence, the IMO limits piracy to illegal acts of violence or detention committed on the high seas, or outside the jurisdiction of a coastal state, for

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<sup>23</sup> A specialised agency of the United Nations (UN) which is responsible for improving safety and preventing pollution from ships.

private ends by the crew or passengers of a private ship, directed against another ship.<sup>24</sup> It therefore excludes acts of violence or detention committed against ships that occur within the jurisdiction of a state and classes these as armed robbery against ships.<sup>25</sup>

In contrast, the International Maritime Bureau (IMB) adopts a more inclusive and all-embracing approach when it describes piracy as “*an act of boarding or attempting to board any ship with the intent to commit theft or any other crime and with the attempt to or capability to use force in the furtherance of that act*”. The wider definition proffered by the IMB which is the world’s foremost agency for exchanging and collecting information on maritime crime, allows for a more comprehensive picture about maritime crime as many illegal acts occur within territorial waters even though it is not recognized by international law.<sup>26</sup> For the purposes of this paper we shall align ourselves with the IMB definition.

The phenomenon of maritime piracy has been linked to terrorism. According to the International Maritime Organisation (IMO), maritime terrorism refers to the use of threat or violent action in the maritime environment against persons, installations and shipping in order to achieve political or socio-economic aims or to force government to act in accordance with terrorists’ dictates.<sup>27</sup> Different

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<sup>24</sup> Neethling, *op.cit*, ft.note 4

<sup>25</sup> The UNCLOS definition of piracy developed into international law and the International Maritime Organisation accepted this definition. Thus according to international law, any illegal acts of violence and detention which are committed within State’s territorial waters are not defined as piracy. However, according to the IMB, nearly all illegal acts in Southeast Asia occur within territorial waters and thus would not fall under the definition of piracy. Technically, if an attack occurs within the territorial jurisdiction of a state, the event is only classified as piracy if that nation’s penal code criminalizes it as such. Moreover, the IMO defines any unlawful act of violence or detention or any act of depredation, at anchor, off ports or when underway through a coastal State’s territorial waters as armed robbery against ships -Information available at Maritime Terrorism Research Center - Defining Maritime Terrorism. Accessed online at [www.maritimeterrorism.co/definitions](http://www.maritimeterrorism.co/definitions) on 19<sup>th</sup> June, 2012.

<sup>26</sup> Neethling, *op.cit*, ft.note 4

<sup>27</sup> International Maritime Organization website. Also, the Council for Security Co-operation in the Asia Pacific (CSCAP) describes “maritime terrorism” as, “... the undertaking of terrorist acts and activities within the maritime environment, using or against vessels or fixed platforms at sea or in port, or against any one of their passengers or personnel, against coastal facilities or settlements, including tourist resorts, port areas and port town or cities”. – culled from Neethling, *op.cit*, ft.note 4

from maritime piracy which is usually driven by financial gains, maritime terrorism is more often than not, politically motivated.<sup>28</sup>

Maritime piracy is also closely connected to Maritime Security which is described as “...the freedom from or absence of those acts which could negatively impact on the natural integrity and resilience of any navigable waterway 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...”.<sup>29</sup> Maritime security is crucial for stability within the maritime environment of a coastal state. Also, it is a precondition for the economic utilisation of the sea, because it checks such activities as illegal fishing, pollution, piracy, armed robbery and other criminal activities, all of which constitute a threat to safety on the seas.<sup>30</sup>

### **Nigeria’s Maritime Domain**

The Gulf of Guinea is positioned off the coast of West Africa and stretches from the Western coast of Cote d' Ivoire, past Nigeria, to the Gabon estuary.<sup>31</sup> Apart from Nigeria, the Gulf of Guinea region plays host to over a dozen other countries.<sup>32</sup> These countries border an important sea lane that reveals a visible connectivity with essential mineral resources, agricultural and local energy commodities<sup>33</sup> and as such, these areas are alive with various maritime activities. The maritime activities of a coastal state are usually conducted within

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<sup>28</sup> Neethling, *op.cit*, ft.note 4

<sup>29</sup> M. Pugh, “Towards a maritime regime?” In: Michael Pugh (ed), *Maritime Security and Peacekeeping: A Framework for United Nations Operations*, 1994. In: Onuoha, *op.cit*, ft.note 10

<sup>30</sup> Neethling, *op.cit*, ft.note 4

<sup>31</sup> M. Uadiale and Y.Ebitubo, “Maritime Piracy in Contemporary Africa: Context, Issues, Actors and Dynamics”, 2011 In: M. Uadiale, “The Security Implication of Sea Piracy and Maritime Insecurity in Contemporary Africa Economy”, *International Journal of Economic Development Research and Investment* Vol. 3 No. 3, Dec. 2012. Accessed online at [www.icidr.org/.../The%20Security%20Implication%20of%20Sea%20Pir....](http://www.icidr.org/.../The%20Security%20Implication%20of%20Sea%20Pir....) on 16/09/13.

<sup>32</sup> The Gulf of Guinea region is made up of Angola, Benin, Cameroon, Central African Republic, Cote d’Ivoire, DRC, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea Bissau, Liberia, Nigeria, Republic of Congo, Sao Tome and Principe, Senegal, Sierra Leone and Togo.

<sup>33</sup> M. Uadiale, “The Security Implication of Sea Piracy and Maritime Insecurity in Contemporary Africa Economy”, *International Journal of Economic Development Research and Investment* Vol. 3 No. 3, Dec. 2012. Accessed online at [www.icidr.org/.../The%20Security%20Implication%20of%20Sea%20Pir....](http://www.icidr.org/.../The%20Security%20Implication%20of%20Sea%20Pir....) on 16/09/13.



its maritime domain or Exclusive Economic Zone (EEZ), in geographical parlance.<sup>34</sup> According to the United Nations Convention on the Law of the Sea (UNCLOS) an Exclusive Economic Zone (EEZ) is a sea zone over which a country possesses special and sole exploitation rights over all marine resources in the zone such as mineral and oil. The EEZ of a coastal state extends to a distance of 200 nautical miles (370 km) from its coast and consists of its territorial waters,<sup>35</sup> contiguous zone<sup>36</sup> and continental shelf.<sup>37</sup> Nigeria, with a coastline of 420 nautical miles, lays sovereign claim to 12 nautical miles of territorial waters and jurisdictional claim to 200 nautical miles of Exclusive Economic Zone (EEZ).<sup>38</sup> This maritime area of interest translates to an area of about 84000 square nautical miles and compares to about one-third of the land size of Nigeria.<sup>39</sup>

Nigeria's maritime area is home to abundant living resources like fish and shrimps which accounts for about 40 percent of the total animal protein in the diet of the average Nigerian and non-living resources such as crude oil, which earns the country approximately 95 percent of her foreign exchange earnings.<sup>40</sup> With abundant oil reserves, Nigeria's maritime area has the world's largest oil

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<sup>34</sup> Mbekeani, *op.cit.*, ft.note 2

<sup>35</sup> Territorial waters is a zone that extends 12 nautical miles from the coast, and over which the state is free to set laws, regulate and use any resource. Vessels from other countries are given the right of "innocent passage", i.e. "passing through waters in an expeditious and continuous manner not prejudicial to peace, good order or security of the coastal state". Countries can temporarily suspend innocent passage in specific areas of their territorial sea for security reasons - Mbekeani, *op.cit.*, ft.note 2

<sup>36</sup> Contiguous zone is a zone that extends a further 12 nautical miles beyond the territorial waters, or 24 nautical miles from the coast. Within the contiguous zone, a state can continue to enforce laws with respect to pollution, taxation, customs and immigration - Mbekeani, *op.cit.*, ft.note 2

<sup>37</sup> Continental shelf is the natural prolongation of the land territory up to 350 nautical miles (648 km) from the coastal baseline over which states also have the exclusive right to harvest mineral and nonliving material in the subsoil.

<sup>38</sup> M.E.Usoro, "Assessing the Efforts of the Nigerian Government in Combating Maritime Security Issues". 24<sup>th</sup> June 2013. These areas equate to about 5,040sq nautical miles of sovereign territory and 84,000 sq nautical miles in terms of the scope of Nigeria's maritime domain.

<sup>39</sup> Countries can make requests to extend their EEZ to expand control and exploration of maritime economic opportunities such as minerals and oil. Requests for extension of EEZs must be submitted to the UN Commission on the Limits of the Continental Shelf. Apart from Nigeria, other countries that have made requests for expansion are Ghana, South Africa, Kenya, Mauritius (in the region of Rodriguez Island), Seychelles (concerning the Northern Plateau Region), Joint submission by Mauritius and Seychelles (in the region of the Mascarene Plateau), Cote d'Ivoire, Namibia, Mozambique – culled from Mbekeani, *op.cit.*, ft.note 2

<sup>40</sup> Nigerian Navy, "Nigerian Navy and Global Challenges in Maritime Security". Paper presentation by Nigerian Maritime Safety Administration Agency (NIMASA) 24<sup>th</sup> June 2013.

reserves of offshore deep water oil. Figures reveal that the area accounts for about 15% of United State's oil imports and it is envisaged that imports of oil from the country's maritime area would rise to about 25% by 2015.<sup>41</sup> Nigeria relies on revenue from this sphere and in fact, it is estimated that an average sum of N11.00 trillion was generated annually for the period 2006 – 2011 from Nigeria's maritime domain.<sup>42</sup>

Apart from oil exploitation and fishing, other economic opportunities abound in the Nigeria's maritime environment. Nigeria like other coastal African states, places a high value on maritime transport as it a crucial factor in economic development.<sup>43</sup> In fact maritime transport enables access to international markets for the Continent's exports. The World Trade Organization (WTO) figures reveal that a significant proportion of Africa's international trade (agricultural commodities, crude oil and mineral resources) is transported by sea.<sup>44</sup> In addition to enabling access to international markets, Nigeria's maritime domain provides a platform for the trade facilitation role played by port facilities to landlocked countries and this serves as yet another source of revenue generation. So, through the Nigerian Ports Authority (NPA), the country earns the much needed foreign exchange by providing port services to landlocked countries.<sup>45</sup>

## **Maritime Piracy in Nigeria: The Dimensions**

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<sup>41</sup> Usoro, *op.cit.* ft.note 38

<sup>42</sup> *ibid*

<sup>43</sup> Mbekeani, *op.cit.*, ft.note 2

<sup>44</sup> *ibid*

<sup>45</sup> Apart from Nigeria other countries that serve as international gateways to the Africa's exports include Cameroun, Egypt, Ghana, Kenya, Mozambique, Namibia, South Africa, and Tanzania. – Mbekeani, *op.cit.*, ft.note 2

The Gulf of Guinea is today the most perilous maritime region with regards to piracy and other criminal activities. In 2012, the region accounted for the highest number of maritime attacks globally surpassing East Africa's coastal waters, which for long time, had been regarded as the world's most dangerous waterways for both private and commercial seafarers.<sup>46</sup> A significant number of piratical or criminal activities which are perpetrated in the Gulf of Guinea occur off the coasts of Nigeria, around the economic capital which is Lagos and the oil rich waters of the Southern Niger Delta,<sup>47</sup> to be precise. These activities include, illegal oil bunkering, stealing of crude oil or derivatives from tankers and pipelines for the trans-shipment into larger ocean-faring marine vessels, as well as illegal fishing in Nigerian waters.<sup>48</sup> Initially confined to the seaways and estuaries of the Niger Delta region which has been the centre of almost ten years of insurgency against the Federal government, attacks by Niger Delta based pirates are now increasing in regularity across the length and breadth of the Gulf of Guinea. Particularly bothersome, is the manner in which criminal activities in Nigerian waters have metamorphosed from oil siphoning and bunkering to increasingly well organised and often violent attacks on merchant vessels and their crew.<sup>49</sup> According to figures collected by the International Maritime Bureau (IMB) there were 33 pirate attacks in the Gulf of Guinea off the coast of Nigeria in 2010 and in 2012 the number of attacks increased to 58.<sup>50</sup> However, of the 734 piracy incidents recorded between 1991 and 2012 in the Gulf of Guinea, Nigeria alone accounted for 335 cases.<sup>51</sup> Some instances of pirate attacks on Nigeria's turf include the hijack, in 2009 of an oil supply vessel and a subsequent attack on a Royal Dutch Shell tanker and the attack on 21<sup>st</sup> January

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<sup>46</sup> Africa Press, "The Rise and Rise of Piracy in the Gulf of Guinea". Accessed online at [thinkafricapress.com/politics/gulf-...](http://thinkafricapress.com/politics/gulf-...) on 10/09/13.

<sup>47</sup> Mail & Guardian, "Nigeria Becomes World Piracy Hot Spot", 20<sup>th</sup> May 2008. Accessed online at [www.mg.co.za/article/2008-05-20-nigeria-becomesworld-piracy-hot-spot](http://www.mg.co.za/article/2008-05-20-nigeria-becomesworld-piracy-hot-spot) [19th June 2013] on 17/06/13.

<sup>48</sup> Usoro, *op.cit*, ft.note 38

<sup>49</sup> Africa Press, *op.cit*, ft.note 46

<sup>50</sup> J. Bavier, "Insight – Nigerian Pirate Gangs Extend Reach Off West Africa", Reuters, May29, 2013. Accessed online at [www.havocscope.com/tag/sea-piracy](http://www.havocscope.com/tag/sea-piracy)

<sup>51</sup> F.C.Onuoha, "Piracy and Maritime Security in the Gulf of Guinea: Concerns and Propositions", 24<sup>th</sup> June 2013.

2010 by Niger Delta militants on the MT *Meredith*, a tanker carrying 4,000 tons of diesel fuel, and the subsequent kidnap of a Romanian crew-member.<sup>52</sup>

Professor Neethling<sup>53</sup> opines that piracy and related activities in Nigerian waters should be viewed from two perspectives. First, a broad look at piracy in the Gulf of Guinea reveals that it is not unconnected with the fact that the region is one with a large population and abundant energy resources typified by the proximity of large oil producers (Nigeria and Angola), maturing oil producers (Congo Brazzaville), mature oil producers showing signs of decline (Cameroon and Gabon), and new producers (Equatorial Guinea and Chad). Second, a narrower approach to understanding the phenomenon reveals a link between oil development and the resulting socio-economic and environmental conditions in the Niger Delta. There is a clear nexus between a feeling of alienation and marginalisation on the part of some inhabitants of the Delta region and the occurrence of militancy and criminality in the Delta region. For instance hostage-taking, especially of employees of foreign oil companies is a common criminal activity which extends to the Gulf of Guinea on a broader scale in the form of attacks on ships and destruction of energy infrastructure.<sup>54</sup> In a comparative context, maritime piracy off the coasts of Somalia usually appears to be for monetary gains as opposed to piracy in the Gulf of Guinea which is said to be politically driven. Pirates in these parts often claim to be fighting for a fairer distribution of Nigeria's vast oil wealth and protesting against the damage caused by oil production in the Delta.<sup>55</sup> However, observers just as often, point out that there is a very thin and blurry line between political grievances and criminality in the Gulf of Guinea.<sup>56</sup> Professor Neethling citing Nincic<sup>57</sup> states:

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<sup>52</sup> International Maritime Organisation (IMO) Report

<sup>53</sup> Prof. T. Neethling, "Piracy Around Africa's West And East Coasts: A Comparative Political Perspective Scientia Militaria, South African Journal of Military Studies, Vol 38, Nr 2, 2010. doi: 10.5787/38-2-91. Article accessed online at [www.wajol.info/index.php/smsajans/article/download/70505/59109](http://www.wajol.info/index.php/smsajans/article/download/70505/59109) on 17/06/13.

<sup>54</sup> *ibid*

<sup>55</sup> *ibid*

<sup>56</sup> *ibid*

*“In fact, the majority of attacks have been motivated by financial and not political gains. Massive unemployment and a lack of meaningful economic opportunities are the order of the day in Nigeria, especially in the Delta region. This has drawn young people into a variety of maritime criminal activities, including kidnapping, piracy and bunkering (oil theft). Crime and opportunity are motivational factors as many armed groups in the Delta region view maritime crime as a purely money-making endeavour. Pirates are often young unemployed men without job opportunities who admit that they were enticed into pirate gangs by monetary gains, fancy cars, luxury consumer goods and weapons.”*

The paper argues that piracy and criminal activities in the Delta region are driven by a combination of the two factors - one being the resultant effect of the other. The activities of oil exploration multinationals have damaged the once booming fishing and agricultural industries of the region thereby reducing the options available to the local youths to eke an honest living. The Nigerian government's alleged insensitivity to the resulting grievances has provoked militancy in the region. Over the years, militant activities have gradually spilled over into the Gulf of Guinea in the form of piracy. It therefore goes without saying that inadequately addressed political grievances have resulted in the strong resolve to survive by using the same weapon of political protest i.e. piracy and criminality.

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<sup>57</sup> D. Nincic, “Maritime Piracy in Africa: The Humanitarian Dimension”, 2009 African Security Review 18(3): 1. In: Neethling, *op.cit*, ft.note 54

Regardless, the scourge continues to fester and must be decisively addressed. It spells doom for the national security of the country as it impacts on oil production, food security, seaborne trade, shipping costs amongst others. National security according to Hassan et al<sup>58</sup>, relates to the capacity of a state to promote the pursuit and realisation of the fundamental needs and vital interests of its citizens and society, and to protect such from threats which may be economic, social, environmental, political, military or epidemiological in nature. So what then are the national security implications of sea piracy in Nigeria? The paper shall tackle this question from its socio-economic, political and environmental perspectives.

### **Maritime Piracy in Nigeria: The National Security Implications**

**Loss of lives:** the most obvious and direct impact of piratic activities is the loss of human lives. Also where there is infliction of grievous bodily injuries which results in permanent disability or where psychological trauma is suffered it could mean that the seafarer may never go back to sea.<sup>59</sup> In the first month of 2008 alone, over 50 cases of attacks on fishing trawlers resulted in 10 deaths. Of the 30 deaths recorded in the first half of 2009, half occurred in Nigeria's territorial waters, according to IMB.<sup>60</sup>

**Drop in Oil Production:** Since 2006, oil production in Nigeria has dropped by some 20 % as a result of illegal maritime activities thereby costing the Nigerian economy an estimated \$202 million for the period 2006 to 2008.<sup>61</sup> Even though these costs are borne by oil companies and the Nigerian government, the loss in revenue still translates to less funding for social and economic development for

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<sup>58</sup> H.I. Hassan & F.C. Onuoha, "National Security Implications of Sea Piracy in Nigeria's Territorial Water", The Nigerian Army Quarterly Journal.

<sup>59</sup> F.C Onuoha, "Piracy and Maritime Security in the Gulf of Guinea", Aljazeera Center for Studies. Article accessed online at [studies.aljazeera.net/en/reports/2012/06/2012612123210113333.htm](http://studies.aljazeera.net/en/reports/2012/06/2012612123210113333.htm) on 18/06/13

<sup>60</sup> Punch Editorial Board, "Tackling Piracy in Nigeria's Territorial Waters", 26th October 2012. Article accessed online at [www.punchng.com/editorial/tackling-piracy-in-nigerias-territorial-waters/](http://www.punchng.com/editorial/tackling-piracy-in-nigerias-territorial-waters/) on 16/06/13

<sup>61</sup> Neethling, *op.cit*, ft.note 54

much needed development in the country and particularly the Niger Delta region.<sup>62</sup>

**Threat to the Fishing Industry:** Fishing is very important as it is the second highest non oil export industry in Nigeria. In addition to the revenue realised from the export of fish, the industry also earns additional income through the issue of fishing licenses to foreign operators. The Food and Agricultural Organisation (FAO) statistics show that in 2007, Africa's fishing industry took home a whopping \$1.73 billion.<sup>63</sup> Attacks on fishing vessels, in Nigerian waters have included theft of fish cargoes, equipments and other material on board and in some instances, fishermen have been killed. Due the spiralling incidence of piracy, the Nigerian Trawler Owners Association (NTOA) in 2008 recalled about 200 vessels from shore. This resulted in a temporary work stoppage for an estimated 20,000 workers and consequently over 100 percent increase in the price of seafood in the local market.<sup>64</sup> Even with the disturbingly high figures recorded by the IMB, it is still estimated that attacks on fishing vessels in Nigerian waters are under-reported.<sup>65</sup>

**Threat to Food Security:** In addition to being the main income-earning activity for many Africans, fish plays a vital role in nutrition and food security as it provides the most important source of protein to the majority of the African population. It provides food for 200 million Africans and income, for over 10 million.<sup>66</sup> The negative effect of piratic attacks on fishing boats on the Nigerian coastal waters is that seafood prices in Nigeria have skyrocketed because of the

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<sup>62</sup> *Ibid.*

<sup>63</sup> K.K. Mbekeani & M Ncube, "Economic Impact of Maritime Piracy" AFDB Africa Economic Brief, Vol 2, Issue 10, 14th July 2011. Article accessed online at [www.afdb.org/fileadmin/.../Maritime%20Piracy\\_Maritime%20Piracy.pdf](http://www.afdb.org/fileadmin/.../Maritime%20Piracy_Maritime%20Piracy.pdf) on 17/06/13

<sup>64</sup> F.C. Onuoha, "Violence: The Ramifications of Maritime Piracy in Nigerian and Somali Waters for Human Security in Africa", Research Review NS 25.2 (2009) 21-44

<sup>65</sup> Neethling, *op.cit.*, ft.note 54

<sup>66</sup> E, Mwencha, "The Geostrategic Importance of Africa's Maritime Domain: Opportunities and Challenges", October 13, 2010. In: Mbekeani & Ncube, *op.cit.*, ft.note 64

resulting scarcity thereby placing this important source of protein out of reach for many ordinary Nigerians.

**Increased Insurance Premiums/Cost of Shipping:** The sea lane through the Gulf of Guinea is of global importance and Nigeria accounts for over 65 per cent of the total maritime trade traffic in size and financial worth, within the West and Central African sub-region.<sup>67</sup> The interception of merchant ships will result in diversion of maritime traffic to neighbouring countries, and the result would be high cost of insurance and freights which would in turn, drain the economy of the much needed foreign exchange. Further, there would be a reduction of the derivable revenue that would otherwise have accrued to the country through its agencies such as NIMASA, Nigeria Ports Authority and Nigeria Customs Service etc.<sup>68</sup> Also, for Nigeria and other economies that are dependent on oil, the increased insurance premiums and cost of shipping will translate to increased pump price of gasoline.<sup>69</sup>

**Reduction of Income of Regional Ports:** Due to increased piracy attacks, the territorial waters of Benin and Nigeria have been designated high risk areas by the International Bargaining Forum (IBF).<sup>70</sup> The implication of this is that these waters are treated the same as the high risk areas in the Gulf of Aden near Somalia due to increased pirate attacks. Also seafarers will have the right to refuse to enter these waters and will be entitled to double the daily basic wage and death and disability compensation for death or injuries which occur while

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<sup>67</sup> Mbekeani, *op.cit*, ft.note 64

<sup>68</sup> Usoro, *op.cit*, ft.note 38. Some of the world's largest shipping lines such as Denmark's A.P. Moller-Maersk, have suspended transits through the Suez Canal and are now routing their ships around the Cape of Good Hope, thereby incurring extra billion of dollars in fuelling costs and prolonging journeys from the Middle Eastern refineries to the Mediterranean by 15 to 30 days – Mbekeani, *op.cit*, ft.note 64

<sup>69</sup> Mbekeani, *op.cit*, ft.note 64

<sup>70</sup> Vanguard News Stand, "International Bargaining Forum declares Nigeria 'high risk area'", 27<sup>th</sup> March, 2012. Information accessed online at [www.vanguardngr.com/2012/03/international-bargaining\\_forum-declares-nigeria-high-risk-area/](http://www.vanguardngr.com/2012/03/international-bargaining_forum-declares-nigeria-high-risk-area/) on 17/06/13



within the areas of risk. The follow-on effect of the above would again, reflect in the income of regional ports and the cost of goods destined for the region.<sup>71</sup>

**Potential to Undermine Diplomatic Relations/ Foreign Violations and Human Rights Violations:** If piracy in the Gulf of Guinea, particularly on Nigerian waters remains unchecked, diplomatic relations with other countries could become undermined. Also, this could trigger the intervention of external forces, the ramifications of which may not be in the best interests of the region. For instance, the intervention of foreign Naval Forces and Private Security Companies (PSC) in the piracy infested coasts of Somalia appears to have created other problems as there are emerging concerns over human rights violations by foreign naval forces or PSC targeting Somali fishermen because they are unable to differentiate them from pirates.<sup>72</sup>

**Environmental Degradation:** With the interception of oil carrying vessels, there is always the underlying danger of oil spillage. This could be deliberate or unintentional depending on the goals and aspirations of the interceptors. The *Sirius Star* which was laden with two million barrels of crude oil at the time of its hijack made history as the largest oil tanker ever to be intercepted. One particular cause for concern at the time was the nature of the cargo. The concern was that the hijacking might represent an escalation in the goals and ambitions of the pirates and that an oil tanker of that size could cause significant environmental damage if run aground, sunk or set on fire.<sup>73</sup>

**Proliferation of Small Arms and Light Weapons (SALW):** The activities of pirates increases the quantity of SALW in circulation and the reason for this is

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<sup>71</sup> Onuoha, *op.cit*, ft.note 9

<sup>72</sup> F.C Onuoha, "Piracy and Maritime Security in the Gulf of Guinea", Aljazeera Center for Studies. Accessed online at [studies.aljazeera.net/en/reports/2012/06/2012612123210113333.htm](http://studies.aljazeera.net/en/reports/2012/06/2012612123210113333.htm)

<sup>73</sup> Mbekeani & Ncube, *op.cit*, ft.note 64

not farfetched as they apply the huge pay outs towards the procurement of even more sophisticated arms and the latest in navigation technology.<sup>74</sup>

**Maritime Terrorism:** World over, terrorism is increasingly being used a weapon of warfare by non-state actors and this gives a lot of cause for concern. The maritime environment has not been spared as the scourge has gradually found its way onto the global waterways. On this side of the globe, it imperative that security on our territorial waters is strengthened because without a formidable strategy to forestall terrorism in our maritime sphere, Nigeria and the entire sub-region will remain vulnerable to terrorist attacks on maritime resources and oil infrastructure.<sup>75</sup>

In light of the dire implications highlighted above, it is indeed heart warming to find that the Federal government has made some efforts towards combating sea piracy. Amongst other things, the Nigerian government entered into a bilateral cooperation agreement with the Republic of Benin in 2011. Under this initiative combined maritime patrols of the territorial waters of Benin and Nigeria were established to tackle the menace. Further, the Nigerian Navy initiated projects aimed at providing the operational framework for efficient deployment of its fleet to combat piracy and other criminal activities in Nigeria's waters and in the Gulf of Guinea. These projects are ongoing.<sup>76</sup> Also, other related agencies such as NIMASA and NPA have taken steps, either alone or in collaboration with the Nigerian Navy, to stem the ugly tide of piracy. However, as the scourge in this part of the world continues to rocket each passing day, it can only mean one thing – that there is more work to be done. So, what more could be done in order to entrench the much desired good order on Nigeria's territorial

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<sup>74</sup> Onuoha, *op.cit*, ft.note 9

<sup>75</sup> Usoro, *op.cit*, ft.note 38

<sup>76</sup> Usoro, *op.cit*, ft.note 38

waters? Next, the paper will highlight, some recommendations and suggestions as have been proffered by experts and observers in maritime circles.

### **Proposals: The Path to Success**

**Increased Funding for the Maritime Defence Sector:** Maritime surveillance and defence should be afforded more priority by the Nigerian government. This should be reflected in increased budgetary allocation to Nigerian Maritime and Safety Administration Agency, Nigerian Navy, Marine Police, Nigerian Customs Service, Nigerian Immigration Service and other relevant agencies and parastatals which make up the Maritime Defence sector. Because of the urgency of the situation, funding for this sector should take priority over land and air space security. Further, the Maritime Defence and National Security Infrastructure Development Fund draft bill 2012 which was presented to stakeholders in March 2013 for suggestions and inputs should be passed into law without further delay.<sup>77</sup>

**Provision of Modern Infrastructural Support:** The Nigerian Navy and other relevant agencies involved in the fight against piracy should be equipped with the latest gadgets and technologies for effective policing of the seas. For instance, long range tracking systems will enable tracking and monitoring of the activities of all ships operating up to 30 nautical miles from the baselines of Nigerian waters to ensure they are not engaged in maritime violence or piratic activities.<sup>78</sup> Further, more capable and competent hands should be employed to assist with policing of our vast territorial waters.<sup>79</sup>

**Enactment of an Adequate Legal Framework:** Presently, prosecution of pirates and perpetrators of other criminal activities on our waters is proving to

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<sup>77</sup> The Bill was presented in March 2013 to various stakeholders, including the Nigerian Institute of Advanced Legal Studies, for necessary inputs and criticisms.

<sup>78</sup> Uadiale, *op.cit*, ft.note 33

<sup>79</sup> *ibid*

be an uphill task as there is no Nigerian legislation that effectively addresses and punishes the offence.<sup>80</sup> The legislature should see to the enactment of an effective local regulatory framework or better still, the passage of the Piracy and other Unlawful Acts at Sea (and other related offences) Bill presently before it should be expedited. Further, in the bid to promote regional cooperation in the fight against piracy the littoral states in the West African region should consider working towards a regional legal framework for this purpose.<sup>81</sup>

**Capacity Building:** The Federal government should solicit assistance from foreign Navies as this would afford the Nigerian Navy, which is the agency statutorily vested with the authority to police our seas, the opportunity to build their capacities for policing their waters. Also, in furtherance of its Technical Cooperation Programme, the IMO is helping countries to build capacity so that they can effectively contribute to overall efforts to combat piracy.<sup>82</sup> Nigeria should take advantage of this to strengthen the Nigerian Navy for effective service delivery.<sup>83</sup> The African Development Bank (ADB) can also assist in this regard by supporting the capacity building efforts of led by the IMO.

**Improving Ports Infrastructure:** It is observed that shipping companies deploy their smaller, older and slower ships for transport to and from Africa because the African ports cannot handle modern fleets. This increases the number of easy targets for pirates and further impedes Africa's ability to export

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<sup>80</sup> Some Nigeria legislation which slightly touches on piracy and related activities include the Miscellaneous Offences Act, Cap M17, LFN 2004 and the Criminal Code Act, Cap C38, LFN 2004. Even though the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988 applies in Nigeria by virtue of the Merchant Shipping Act 2007, it still leaves a lot to be desired because the relevant regulations prescribing punishment for piracy and related acts are yet to be put in place.

<sup>81</sup> Highlights Of The Papers On Maritime Security Issues In Nigeria. Information accessed online at [www.mikeigbokwe.com/new2/Highlights.pdf](http://www.mikeigbokwe.com/new2/Highlights.pdf) on 17/06/13.

<sup>82</sup> The IMO's Maritime Safety Committee has an approved guidance for operators titled "Recommendations to Government for preventing and suppressing piracy and armed robbery against ships" and "Guidance to ship owners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships." - Mbekeani & Ncube, *op.cit.*, ft.note 64

<sup>83</sup> E. Akinkuotu, "Piracy: Nigeria Navy Embraces ICT, Increases Sea Patrols, 9<sup>th</sup> September 2012. Article accessed online at [www.punchng.com/business/close-up-on-ict/piracy-nigerian-navy-embraces-ict-increase-sea-patrols/](http://www.punchng.com/business/close-up-on-ict/piracy-nigerian-navy-embraces-ict-increase-sea-patrols/)

products efficiently. The African Development Bank has a role to play in this regard and can contribute to combating piracy by financial contributions to improve port infrastructure.<sup>84</sup>

## **Conclusion**

The bulk of the maritime safety challenges facing Nigeria and indeed Africa, are rooted in poor governance. Although most of the littoral states in the Gulf of Guinea are richly blessed with energy resources, they still exhibit the worst indices of human development like pervasive poverty, low mortality rate and high rate of unemployment. These underlying socio- economic issues no doubt fuel piracy and other illegal maritime activities because as a result of the dearth of opportunities to earn a legitimate living, it is easy to resort to criminality. The much desired good order at sea should therefore, be seen as a function of how Nigeria exercises her jurisdiction at sea to secure busy sea lanes and ensure safe extraction of resources.<sup>85</sup> And so, good governance is completely essential to accomplishing sustainable maritime security and economic growth in Nigeria and pains must be taken to enthrone same by strengthening and creating an effective network system for all institutions and mechanisms employed in the fight against corruption and undemocratic tendencies.<sup>86</sup>

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<sup>84</sup> Mbekeani & Ncube, *op.cit*, ft.note 64

<sup>85</sup> Neethling, *op.cit*, ft.note 54

<sup>86</sup> Onuoha, *op.cit*, ft.note 10