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14. ABSTRACT
The growing threat of piracy in the Gulf of Guinea poses a direct threat to the economic and security interests of Nigeria and the entire West African region. With the largest population and economy in the region, Nigeria arguably stands to lose the most if the maritime security environment continues to decline, but the entire region will suffer. Additionally, major international powers like the United States and Europe are increasingly dependent on oil from the region and the continued decline of maritime security holds that revenue stream, which is sorely needed for regional development, at risk. As evident by the rising maritime threat level in the region, no single nation has the capacity to unilaterally combat piracy and subsequently improve maritime security. Recent improvements in maritime security, both in the Malacca Strait and along Africa's East Coast, demonstrate how regional approaches can create opportunities for coastal regions to apply the principle of unity of effort through cooperation. This paper will show these regional bodies share common lines of effort that improve maritime security by reducing the gaps where pirates operate. Given the nature and extent of the current maritime security environment in the Gulf of Guinea, it is clear that a realistic strategy on the part of Nigeria and the other gulf nations must begin at the regional level.

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**"Maritime Piracy in the Gulf of Guinea, Regional
Challenges and Solutions."**

by

Jimmie E. Sullivan

Lt Col, USAF

A paper submitted to the Faculty of the Naval War College in partial satisfaction of the
requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily
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PAPER ABSTRACT

The growing threat of piracy in the Gulf of Guinea poses a direct threat to the economic and security interests of Nigeria and the entire West African region. With the largest population and economy in the region, Nigeria arguably stands to lose the most if the maritime security environment continues to decline, but the entire region will suffer. Additionally, major international powers like the United States and Europe are increasingly dependent on oil from the region and the continued decline of maritime security holds that revenue stream, which is sorely needed for regional development, at risk. As evident by the rising maritime threat level in the region, no single nation has the capacity to unilaterally combat piracy and subsequently improve maritime security.

Recent improvements in maritime security, both in the Malacca Strait and along Africa's East Coast, demonstrate how regional approaches can create opportunities for coastal regions to apply the principle of unity of effort through cooperation. This paper will show these regional bodies share common lines of effort that improve maritime security by reducing the gaps pirates where operate. Given the nature and extent of the current maritime security environment in the Gulf of Guinea, it is clear that a realistic strategy on the part of Nigeria and the other gulf nations must begin at the regional level.

<u>INTRODUCTION</u>

A 14 September 2012 Google search on the words "piracy" and "pirates" yielded over nine million results. A search for those same terms on Google News produced over forty-two hundred news articles for the preceding 30 days. Clearly, piracy's resurgence in the globally connected world of the twenty-first century has captured the attention of the international media. With such a pervasive presence in the news, one might wrongly assume maritime piracy is having a significant impact on global shipping and world trade. While there are no concrete facts to firmly establish the annual costs of piracy on international shipping, estimates put it, at most, on the order of 0.3%.[1] This cost, estimated to be as high as twelve billion U.S. dollars globally, can be of more significance to the fragile economies of coastal states in regions where most pirate activity is concentrated, such as the Gulf of Guinea along West Africa's coast.[2]

The Federal Republic of Nigeria anchors the Gulf of Guinea region of West Africa and shares borders with Benin, Cameroon, Niger and Chad. It is Africa's most populous country and has extensive oil reserves, which make up some 80% of the country's budgetary revenues. In the modern era, Nigeria's political instability, corruption, and infrastructure have hampered its progress, but of late the government has shown the will to implement market oriented reforms mandated by an international debt relief package. As a result, the country's GDP has grown steadily since 2008 as Nigeria modernized its banking system,

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[1] Martin N. Murphy, Contemporary Piracy and Maritime Terrorism: The Threat to International Security. (New York: *Adelhi Papers*, no.38 (2007) pp. 19-20.

[2] Oceans Beyond Piracy, "The Economic Cost of Maritime Piracy, One Earth Future Working Paper," December 2010, pp. 1 http://oceansbeyondpiracy.org/sites/default/files/documents_old/The_Economic_Cost_of_Piracy_Full_Report.pdf (accessed 12 September 2012).

removed subsidies, and resolved disputes over oil industry revenues.[3] As Nigeria's GDP has

risen, so has pirate activity along its coastline, as well as the economic toll it takes on the

country and the region. Attacks in the first six months of 2012 tripled those reported for all

of 2011,[4] and a United Nations' report now estimates that 7% of Nigeria's oil wealth is lost

to pirate activity, resources it can ill afford to lose.[5] Piracy's impact on Nigeria's is real and

increasing. To combat piracy in the Gulf of Guinea, Nigeria should pursue regional maritime

strategies that promote cooperative arrangements, building capacity, and sharing information.

<center>THE GULF OF GUINEA: A COMPLEX MARITIME ENVIRONMENT</center>

The Gulf of Guinea stretches some fifty-three hundred miles along Africa's West

Coast. Eighteen coastal and eight landlocked states complete the region. Their two hundred

nautical mile economic exclusion zones combine to make up a maritime domain containing

numerous boundaries and over one million square nautical miles of open sea. Numerous

tributaries flow into the Gulf, and some, like the Niger, are navigable for commercial

shipping well inland. There are over 200 ports serving deep draft vessels, and unlike the

Gulf of Aden or the Malacca Strait, the Gulf of Guinea has no maritime chokepoint.[6]

The region is rich in natural resources, with abundant reserves of oil, natural gas, and

minerals, to include bauxite, gold, and iron. In total, the Gulf of Guinea countries produce on

the order of five million barrels of oil per day, as well as more than three quarters of the

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[3] Central Intelligence Agency, *The World Factbook,* Washington DC.
https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html (accessed 9 October 2012).
[4] ICC International Maritime Bureau. *Piracy and armed robbery against ships report*, *1 January-30 June 2012,*
Q2 Report. London, United Kingdom. (2012) pp. 25.
[5] United Nations, *Gulf of Guinea Piracy Clear Threat to Security, Economic Development of Region; Countries
Need United Front in Response Top UN Official Tells Security Council*, United Nations Security Council, 27
February 2012, http://www.un.org/News/Press/docs/2012/sc10558.doc.htm (accessed 12 September 2012).
[6] Raidt, John, and Kristen E. Smith, *Advancing U.S., African, and Global Interests: Security and Stability in the
West African Maritime Domain.* (Washington, DC: The Atlantic Council, 2010),
http://www.acus.org/files/publication_pdfs/3/advancing-us-african-global-interests-security-stability-west-
africa-maritime-domain.pdf (accessed 13 October 2012). 21.

<center>2</center>

world's supply of cocoa.[7] West Africa is largely dependent on the Gulf of Guinea to transport these natural resources, with international exports concentrated around four of its principal port facilities, Lagos in Nigeria, Abidjan in Cote d'Ivoire, Dakar in Senegal, and Douala in Cameroon.[8] Despite the wealth created by these resources, the states in this region are hampered by instability due mainly to poor governance. This, coupled with the region's extended coastline, multiple maritime boundaries, vast expanse of open seas, and abundance of ports and inland waterways combine to create a maritime security environment that is ripe for pirate activity.[9]

PIRACY AND ITS IMPACTS IN THE GULF OF GUINEA REGION AND NIGERIA

Piracy reemerged onto the world stage in the last decade of the twentieth century, and while the number of attacks in regional hotspots like the Malacca Strait and the Gulf of Aden are currently on the decline, Gulf of Guinea attacks are rising at an alarming rate. According to the International Maritime Bureau (IMB), the number of reported incidents rose 33% in the Gulf of Guinea during the first six months of 2012 as compared to the same period in 2011. In Nigeria, reported incidents almost tripled during the same period. Furthermore, pirates operating from Nigerian waters attributed to noticeable increases in other areas along

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[7] United Nations, *"Report of the United Nations Assessment Mission on Piracy in the Gulf of Guinea (7 to 24 November 2011),"* United Nations Security Council, 19 January 2012, pp.11. http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Guinea%20S%202012%2045.pdf (accessed 12 September 2012).

[8] Raidt, John, and Kristen E. Smith, *Advancing U.S., African, and Global Interests: Security and Stability in the West African Maritime Domain.* (Washington, DC: The Atlantic Council, 2010), http://www.acus.org/files/publication_pdfs/3/advancing-us-african-global-interests-security-stability-west-africa-maritime-domain.pdf (accessed 13 October 2012). 21.

[9] The United Nations Convention of the law of the Sea's (UNCLOS) official definition of piracy applies only to acts that occur beyond the 12-nautical mile limit. Similar acts committed inside the 12-nautical mile limit are considered armed robbery at sea. For the purposes of this paper, piracy refers to acts committed inside and outside the 12-nautical mile limit.

the Gulf of Guinea like Togo and Benin.[10] To further exacerbate the problem in West

African waters, the actual number of attacks may be double the numbers officially reported

to the IMB.[11]

Unlike their Somali counterparts, West Africa's pirates tend to focus on the theft and

resale of cargo rather than hostage taking for ransom. [12] Consequently, they tend to control

the ships only long enough to offload high-value cargo, which is then sold on the black

market. Furthermore, with a focus on theft of cargo rather than hostage taking for ransom,

West African pirates are more likely to use high levels of violence against crew members.[13]

Finally, pirates operating in the Gulf of Guinea are beginning to carry out attacks further out

to sea, with 55% of the incidents in the first quarter of 2012 occurring more than 70 miles

from the coast, suggesting the use of mother ships.[14]

Because West Africa as a whole is dependent on the export of natural resources,

pirates operating in off the coast of Nigeria and throughout the Gulf of Guinea have a direct

impact on the economic future of the entire region. The annual total cost of piracy in the

Gulf of Guinea is now estimated at two billion dollars.[15] More than just stolen cargo factors

into this cost. For example, in 2011 maritime insurers expanded the higher-risk zone off the

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[10] ICC International Maritime Bureau. 2009a. "Piracy and armed robbery against ships
report," 1 January-30 June 2012. Q2 Report. London, United Kingdom. July 2012. pp. 25.
[11] Peter M. Swift, Managing Director, INTERTANKO, to Efthimios Mitropoulos, Secretary-General,
International Maritime Organization, February 18, 2009,
http://www.intertanko.com/upload/17124/Piracy%20-%20Gulf%20of%20Guinea.pdf. (accessed 13 October
2012).
[12] United Nations, *"Report of the United Nations Assessment Mission on Piracy in the Gulf of Guinea (7 to 24
November 2011),"* United Nations Security Council, 19 January 2012, pp. 11.
http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-
CF6E4FF96FF9%7D/Guinea%20S%202012%2045.pdf (accessed 12 September 2012).
[13] International Chamber of Commerce Commercial Crime Services. "Piracy increasing in West Africa, latest
report shows," *ICC-CCS News,* 23 April 2012, http://www.icc-ccs.org/news/737-piracy-increasing-in-west-
africa-latest-report-shows (accessed 12 September 2012).
[14] ICC International Maritime Bureau. 2009a. "Piracy and armed robbery against ships
report," 1 January-30 June 2012. Q2 Report. London, United Kingdom. July 2012. pp. 25.
[15] Scott Baldauf, "The Next Pirate Hotspot: The Gulf of Guinea," Christian Science Monitor, 28 February 2012,
http://news.yahoo.com/next-pirate-hot-spot-gulf-guinea-150051939.html, (accessed 8 Oct 12)

coasts of Nigeria and Benin, which allows insurance underwriters to charge additional premiums for vessels transiting these waters or visiting ports or terminals. Moreover, high risk zones drive wages higher as crew members assume additional risk for transiting and docking in these zones.[16] In addition, on more than one occasion in the last 12 months, the IMB released warnings for ships to steer clear of Gulf of Guinea waters, thereby increasing costs to shippers. Furthermore, some Gulf economies, like Benin, are heavily dependent on the ports for fees, while the landlocked nations of Burkina Faso, Mali, and Niger rely on the ports for imports and exports. When insurers raised premiums for ships docking at Benin's Port of Cotonou in 2011, the number of ships docking dropped more than 70%, which directly impacted Benin's economy, and then rippled outward to its landlocked neighbors.[17]

Finally, the Gulf of Guinea states, including Nigeria, run the risk of declining foreign investment as a consequence for failing to pursue a state of improved maritime security. Major international powers like the United States, the European Union, and India have a stake in the free flow of goods through the Gulf. Europe imports more than a quarter of its oil from the region and India receives more than 10% of its supply as well.[18] The United States currently imports 18% of its oil from Nigeria, with additional imports coming from other regional states like Angola and Congo.[19] Furthermore, the United States is expected to

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[16] Michelle Wiese Bockmann, "Piracy Spurs Insurers to Extend Nigeria War-Risk Zone, Add Benin," Bloomberg News, 4 August 2011, http://www.businessweek.com/news/2011-08-04/piracy-spurs-insurers-to-extend-nigeria-war-risk-zone-add-benin.html (accessed 8 Oct 12)

[17] United Nations, *"Report of the United Nations Assessment Mission on Piracy in the Gulf of Guinea (7 to 24 November 2011),"* United Nations Security Council, 19 January 2012, pp. 4 http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Guinea%20S%202012%2045.pdf (accessed 12 September 2012).

[18] U.S. Energy Information and Administration, *Nigeria*. http://www.eia.gov/countries/cab.cfm?fips=NI (accessed 8 Oct 2012)

[19] U.S. Energy Information and Administration, *U.S. Imports by Country of Origin for Petroleum & Other Liquids in 2011.* http://www.eia.gov/dnav/pet/pet_move_impcus_a2_nus_ep00_im0_mbbl_m.htm (accessed 8 Oct 2012)

increase its imports from the area considerably in the coming years.[20] An interruption in foreign investment is something none of the fragile Gulf of Guinea states can afford.

Nigeria, as the region's largest oil producer and exporter, feels the direct effects of piracy. In one eighteen month period, attacks on Nigeria's oil platforms at sea cut oil exports from 2.2 million barrels per day to 1.6 million,[21] and a United Nations' report now estimates that 7% of the nation's substantial oil wealth is lost to pirate activity.[22] Piracy and its associated violence have also taken a devastating toll on the country's fishing industry. A Nigerian Maritime Security Task Force reported almost 300 attacks on fishing vessels in a recent five year period. These attacks cost Nigeria an estimated six hundred million dollars in annual export losses, threaten fifty thousand jobs in the fishing industry, and have driven the cost of seafood up as much as five times for local populations dependent on it for a major source of protein.[23] Furthermore, when crime disrupts a livelihood system like fishing, it often perpetuates the cycle by creating the next ready pool of criminals.

MARITIME SECURITY GAPS IN THE GULF OF GUINEA

Piracy is, as Daniel Heller-Roazen so aptly put it, "The Enemy of All." [24] Like other criminals, pirates operate in society's gaps. The lack of maritime domain awareness and response mechanisms is one of the gaps pirates exploit in the Gulf of Guinea. To shrink this

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[20] Atlantic Council. *Advancing U.S., African and Global Interests: Security and Stability in the West African Maritime Domain*. Washington, DC, November 30th, 2010, pp. 2.
[21] "Country Profile: Nigeria," Library of Congress-Federal Research Division, (July 2, 2008), http://lcweb2.loc.gov/frd/cs/profi les/Nigeria.pdf. (accessed 14 October 2012). 13.
[22] United Nations, *Gulf of Guinea Piracy Clear Threat to Security, Economic Development of Region; Countries Need United Front in Response Top UN Official Tells Security Council*, United Nations Security Council, 27 February 2012, http://www.un.org/News/Press/docs/2012/sc10558.doc.htm (accessed 12 September 2012).
[23] J. Peter Pham, *West African Piracy: Symptoms, Causes, and Responses*, The Dubai Papers, Dubai School of Government (Dubai, UAE, 2011), 30.
[24] Daniel Heller-Roazen, *The Enemy of All.* (New York: Zone Books, 2009). 4.

gap requires the ability to gather and disseminate information, and the capability to respond. There are currently no means to monitor maritime traffic in a coordinated fashion across the region. While the Central African States have a fledgling agreement to establish information sharing centers, there is no similar system for the West Africa. In addition, there is no agreement to share coastal radars, or monitor ship traffic via electronic, air, or surface based platforms.[25] Similarly, there is no region wide response capability. Nigeria has the regions' largest maritime force, but it has no dedicated coast guard, relying on its navy for maritime law enforcement. This is just the opposite of most Gulf of Guinea nations, which have coast guards comprised of small patrol vessels, but no blue water capability. Further, most coast guards in the region focus on fisheries management and search and rescue missions, rather counter piracy.[26] Information sharing among sovereign states is challenging at its core and permeated with legal, military, and political implications. However difficult, it builds the foundation for trust, which leads to cooperation, unity of effort, and economy of scale. In other words, it is a force multiplier in the fight against piracy.

Gulf of Guinea pirates also exploit gaps associated with the rule of law. The first, which is common in developing regions, is that many nations do not have sufficient national legislation to arrest and prosecute pirates.[27] According to a recent United Nations' report, most nations in the central and western regions of Africa do not have adequate national legal

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[25] United Nations, *"Report of the United Nations Assessment Mission on Piracy in the Gulf of Guinea (7 to 24 November 2011),"* United Nations Security Council, 19 January 2012. 16.
[26] Raidt, John, and Kristen E. Smith, *Advancing U.S., African, and Global Interests: Security and Stability in the West African Maritime Domain.* (Washington, DC: The Atlantic Council, 2010), http://www.acus.org/files/publication_pdfs/3/advancing-us-african-global-interests-security-stability-west-africa-maritime-domain.pdf (accessed 13 October 2012). 32.
[27] James Kraska, *Looking for Law in all the Wrong Places: Maritime Piracy as a Domestic Legal Problem*, The Dubai Papers, Dubai School of Government (Dubai, UAE, 2011), 104.

frameworks to address piracy and its associated actions at sea.[28] This gap most often

involves the absence of a legitimate, complete, and current body of law. In addition, a lack

of resources and ineffective institutions contribute to this gap by limiting the enforcement

and judicial agencies' ability to arrest, investigate, and prosecute pirates.[29] For pirates, these

gaps most often result in their release, rather than prosecution and imprisonment. Secondly,

pirates exploit the lack of cooperation between neighboring states.[30] For example,

International Law allows any nation's enforcement vessels, operating outside a state's twelve

nautical mile territorial sea, to arrest pirates, seize their vessels, seek jurisdiction, and

prosecute them. There are no such provisions, however, for pirates operating within a twelve

nautical mile territorial sea. In other words, in areas where coastal states are closely grouped

along a shore, pirates fleeing an enforcement vessel can attain safety by crossing into a

neighboring state's territorial sea if that state is unable to act, or a cooperative agreement is

not in place.[31] This is happening more and more in the Gulf of Guinea as Nigerian pirates

expand operations into neighboring Benin, Togo and Cameroon.[32] The negative impacts

pirates create by exploiting these gaps is not limited to individual nations. Therefore,

regional institutions have a role to play in the overall effort to reduce these gaps.

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[28] United Nations, *"Report of the United Nations Assessment Mission on Piracy in the Gulf of Guinea (7 to 24 November 2011),"* United Nations Security Council, 19 January 2012. 16.

[29] Raidt, John, and Kristen E. Smith, *Advancing U.S., African, and Global Interests: Security and Stability in the West African Maritime Domain.* (Washington, DC: The Atlantic Council, 2010), http://www.acus.org/files/publication_pdfs/3/advancing-us-african-global-interests-security-stability-west-africa-maritime-domain.pdf (accessed 13 October 2012). 34.

[30] Douglas Guilfoyle, *Towards a Robus Legal Framework on Piracy: Law and Politics*, The Dubai Papers, Dubai School of Government (Dubai, UAE, 2011), 96.

[31] James Kraska, *Looking for Law in all the Wrong Places: Maritime Piracy as a Domestic Legal Problem*, The Dubai Papers, Dubai School of Government (Dubai, UAE, 2011), 105.

[32] ICC International Maritime Bureau. 2009a. "Piracy and armed robbery against ships report," 1 January-30 June 2012. Q2 Report. London, United Kingdom. July 2012. pp. 25.

EXISTING GULF OF GUINEA REGIONAL INSTITUTIONS

There are four institutions dedicated to promoting security and economic growth in the Gulf of Guinea region. The Economic Community of West African States (ECOWAS) was created in 1975 to promote trade, national cooperation, and economic development throughout West Africa. It is made up of 15 states, to include Nigeria, situated on and around the north western half of the Gulf of Guinea. ECOWAS has a mature structure with heads of state meeting annually, a Council of Ministers responsible for community development, a Tribunal for settling treaty disputes between the members, a Court of Justice to address noncompliant members, and a Parliament with membership coming from the member states' national parliaments. In addition, ECOWAS has a Mutual Defense Protocol aimed at settling conflicts among the members, which includes a non-standing armed force, the Economic Community of West African States Monitoring Group (ECOMOG).[33]

The Economic Community of Central African States (ECCAS) was created in 1983 to promote cooperation, economic growth, and establish a Central African Common Market. It is made up of 11 Central African states situated on and around the south eastern half of the Gulf of Guinea. ECCAS also has a mature structure, which parallels ECOWAS.[34] Moreover, in 2009 ECAAS adopted a maritime security strategy with mechanisms to implement information sharing, community surveillance and asset management, the strengthening of national legal frameworks, common training, and cost sharing. To date,

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[33] African Union. *Economic Community of West African States. http://www.africa-union.org/root/au/recs/ecowasprofile.pdf (accessed 13 October 2012).*
[34] African Union. *Economic Community of Central African States.* http://www.africa-union.org/recs/eccasoverview.pdf *(accessed 13 October 2012).*

ECCAS has built a regional center for maritime security, divided its maritime space into three zones, instituted a small number of joint patrols, and created a revenue generating tax.[35]

The Gulf of Guinea Commission was created in 2001 and includes seven member states in the central African subregion and Nigeria from the western subregion. The commission became operational in 2007 with aims to provide a structure for member states to address challenges, particularly in maritime areas. Its mandate includes the promotion of collaboration with regard to the exploration and exploitation of subregion's natural resources in order to prevent conflict arising from disputes among member states. The commission is currently seeking an expanded role in the fight against piracy by advocating for the expansion of its membership to include all ECOWAS and ECCAS member states.[36]

Finally, the Maritime Organization of West and Central Africa (MOWCA) is a mature partnership created in 1975 primarily focused on the safety of ships, passengers and goods for vessels operating in the Gulf of Guinea. In 2006, its 20 coastal and 5 landlocked members began drafting a plan to develop an integrated coast guard network, which can also be viewed as the initial step in developing a regional maritime security strategy. To date, little progress has been made. Some analysts attribute the lack of progress to simply casting too wide a net as the first step toward building such a network.[37]

[35] United Nations, *"Report of the United Nations Assessment Mission on Piracy in the Gulf of Guinea (7 to 24 November 2011),"* United Nations Security Council, 19 January 2012, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Guinea%20S%202012%2045.pdf (accessed 12 September 2012). 12.

[36] United Nations, *"Report of the United Nations Assessment Mission on Piracy in the Gulf of Guinea (7 to 24 November 2011),"* United Nations Security Council, 19 January 2012, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Guinea%20S%202012%2045.pdf (accessed 12 September 2012). 21.

[37] Raidt, John, and Kristen E. Smith, *Advancing U.S., African, and Global Interests: Security and Stability in the West African Maritime Domain.* (Washington, DC: The Atlantic Council, 2010), http://www.acus.org/files/publication_pdfs/3/advancing-us-african-global-interests-security-stability-west-africa-maritime-domain.pdf (accessed 13 October 2012). 49.

ECOWAS, ECCAS, The Gulf of Guinea Commission, and MOWCA possess the institutional structures and mature relationships to form the basis of a comprehensive regional maritime security strategy. What is lacking to date is a coordinated and focused, cooperative approach. The next section examines how two recent, regional approaches are achieving success in the fight against piracy.

REGIONAL MODELS FOR REDUCING GAPS: THE MALACCA STRAIT AND THE DJIBOUTI CODE OF CONDUCT

Regional approaches create opportunities for coastal states to apply the principle of unity of effort through cooperation. History shows the most effective use of limited resources is usually achieved through unit of effort. In the quest for improved maritime security in shared coastal waters, true unity of effort requires a willingness to sacrifice some level of sovereignty and share in the costs of security efforts. There is some recent evidence suggesting that when coastal states are willing to pursue comprehensive regional approaches to improve maritime security, progress can be made.

In 2004, when international pressure mounted due to rising insurance premiums, Malaysia, Indonesia and Singapore, began to address piracy in the Malacca Strait, which in 2000 had peaked at 242 reported attacks according to the IMB.[38] In response, the three states introduced a Trilateral Coordinated Patrol, which involved their navies patrolling their own territorial waters, but in a coordinated fashion.[39] While a step in the right direction, territorial concerns hampered the overall effectiveness of these patrols by denying them the ability to

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[38] ICC International Maritime Bureau. 2003a. "Piracy and armed robbery against ships report," 1 January-31 December 2002. Annual Report. London, United Kingdom. January 2003

[39] Catherine Zara Raymond, "Piracy and Armed Robbery in the Malacca Strait: A Problem Solved?" *Naval War College Review* 62, no. 3 (Autumn 2009): 36.

pursue pirates across sovereign maritime boundaries. The three states expanded the program

in 2005 to include joint air patrols, with each state contributing two aircraft to the effort. The

states further agreed to permit these aircraft to fly, with a representative from each state on

board, up to three miles into each other's twelve nautical mile territorial waters to help

coordinate the surface patrols, which remained limited to their own waters. This marked the

first time Malaysia, Singapore, and Indonesia placed unity of effort over sovereignty

concerns, if only a minor concession.[40] To date, these surface and air patrols remain in

effect.

Also in 2004, the ten members of the Association of Southeast Asian Nations, along

with four additional regional states began working on what was to be the first treaty

dedicated solely to combatting piracy. The result was the Regional Agreement on

Combatting Piracy and Armed Robbery (ReCAAP), which was ratified in 2006. Member

states voluntarily contribute operating funds with added funding from additional international

contracting parties such as Denmark, Norway, and the United Kingdom. ReCAAP promotes

a coordinated, multilateral approach to maritime security and focuses on three lines of effort:

sharing information, building capacity, and pursuing cooperative arrangements.[41]

To promote the sharing of information, the treaty established an advanced

Information Fusion and Sharing Center in Singapore capable of rapidly gathering and

disseminating information to individual nations and the commercial shipping industry.[42] The

center connects the member countries via a secure network 24/7, which allows members to

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[40] Catherine Zara Raymond, "Piracy and Armed Robbery in the Malacca Strait: A Problem Solved?" *Naval War College Review* 62, no. 3 (Autumn 2009): 38.

[41] The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, *ReCAAP ISS,* 2011. http://www.recaap.org/Home.aspx (accessed 9 Oct 2012).

[42] James Kraska. "Fresh Thinking for an Old Problem: Report of the Naval War College Workshop on Countering Maritime Piracy." *Naval War College Review* 62, no. 4 (Autumn 2009): 146.

manage incidents in their territorial waters, facilitate judicial and law enforcement actions, and coordinate maritime surveillance and tracking with neighboring countries. To accomplish this, each member country designates a Focal Point with the authority, responsibility, and means to integrate internal law enforcement agencies with the marine industry, as well as exchange information and coordinate external actions with Focal Points throughout the network. [43]

In the area of capacity building, ReCAAP focuses on a strategy of personal engagement aimed at establishing trust and building teams, especially among the members of the Information Fusion and Sharing Center in Singapore and the member country Focal Points. To do this, ReCAAP conducts workshops in the member states bringing together regional and international subject matter experts who can engage in personal dialogue, share best practices, and forge additional support networks with Focal Points and their interagency partners. In addition, ReCAAP conducts periodic Focal Point information sharing exercises, as well as on the water operational exercises with member nations' various law and marine enforcement agencies.[44]

To support the cooperative arrangement line of effort, ReCAAP focuses on gap analysis, improving command and control, and leveraging the strengths of individual members for the common good. In 2011, ReCAAP began conducting subregional Cluster Meetings aimed at improving cooperation in these areas. Cluster meetings, hosted by one of the member countries, and attended by subject matter experts and political leaders, bring a small number of neighboring states together who share common challenges in the same

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[43] Catherine Zara Raymond, "Piracy and Armed Robbery in the Malacca Strait: A Problem Solved?" *Naval War College Review* 62, no. 3 (Autumn 2009): 38.
[44] The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, *ReCAAP ISS,* 2011. http://www.recaap.org/Home.aspx (accessed 9 Oct 2012).

geographic area. While still relatively new, the goal of these engagements is to produce additional subregional cooperative agreements addressing challenges like pursuit of suspected pirates across maritime boundaries and their subsequent arrest and prosecution, as well as the search and seizure of their vessels. [45]

With these ongoing initiatives in place, incidents of piracy in the Malacca Strait have steadily declined. In contrast to the previously recorded high of 242 in 2000, there have been only fifteen reported attacks in the strait from 2007 through the first half of 2012.[46] There is some evidence that other factors may have played a role in these reductions. The 2004 tsunami appeared to play a role in reducing attacks in the months immediately following, when pirates lacked the resources to carry out attacks, but that would not seem to account for the continued decline since 2005.[47] There is also some evidence, that the increased focus in the strait has driven pirates to adjacent areas as the overall number of attacks in throughout Southeast Asia has risen from a total of seventy in 2007 to eighty-two in 2011.[48] Regardless, from 242 attacks in the Malacca Strait alone in 2000 to eighty-two attacks in the entire region is a marked reduction. This data suggests the Trilateral Coordinated Patrols and establishment of ReCAAP and its associated endeavors are having a positive impact on maritime security.

In 2009, with assistance from the international community and the International Maritime Organization (IMO), 20 Eastern African and Gulf of Aden states adopted the

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[45] ReCAAP press statement, "The ReCAAP ISC conducts Cluster Meeting #2 in Dhaka/Chittagong, Bangladesh." *ReCAAP ISS,* 2011. http://www.recaap.org/Portals/0/docs/News%20and%20Press%20Releases/2011-10-14%20Press%20Statement.pdf (accessed 9 Oct 2012).

[46] ICC International Maritime Bureau. *Piracy and armed robbery against ships report*, *1 January-30 June 2012,* Q2 Report. London, United Kingdom. (2012) pp. 25.

[47] Catherine Zara Raymond, "Piracy and Armed Robbery in the Malacca Strait: A Problem Solved?" *Naval War College Review* 62, no. 3 (Autumn 2009): 37.

[48] ICC International Maritime Bureau. 2012a. "Piracy and armed robbery against ships report," 1 January-31 December 2011. Annual Report. London, United Kingdom. January 2012. 5.

Djibouti Code of Conduct. This legally non-binding agreement, modeled after ReCAAP,

provides a comprehensive regional roadmap toward an improved maritime security

arrangement. Using a trust fund established by contributions from international powers with

economic and security interests in the free flow of goods through the Gulf of Aden and the

Western Indian Ocean, the signatory countries are institutionalizing a maritime strategy built

around four focus areas: information sharing, regional training, reviewing national

legislation, and maritime situational awareness. To implement the strategy, the member

states established a Project Implementation Unit (PIU) aimed at developing and delivering

initial projects along the following lines of effort: the rule of law, naval operations, regional

training, and coordination. Two additional states joined in 2012, and since 2009, the member

states, through the PIU, have made steady progress along their lines of effort.[49]

For the rule of law line of effort, member states are obligated to ensure appropriate

national laws are in place to criminalize piracy and pursue the investigation and prosecution

of pirates. To assist in these efforts, the PIU has hosted numerous workshops with member

states aimed at demonstrating how states can review and adjust national legislation that

sufficiently enables law enforcement and justice agencies, as well as how law enforcement

agencies can use sufficient rule of law to detain and investigate alleged offenders. In

February of 2012, three member states signed a trilateral agreement allowing navies and law

enforcement personnel to pursue suspected pirates across each other's maritime boundaries,

as well as conduct coordinated patrols, searches, arrests, and seizures that are supported by

the rule of law in each other's waters.[50] This trilateral agreement is an excellent example of

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[49] International Maritime Organization. "Djibouti Code of Conduct," London, UK: http://www.imo.org/OurWork/Security/PIU/Pages/DCoC.aspx (accessed 9 October 2012)
[50] Oceans Beyond Piracy, "Djibouti Code of Conduct," http://oceansbeyondpiracy.org/matrix/activity/djibouti-code-conduct (accessed 9 October 2012).

how these lines of effort are mutually supportive, with the rule of law line of effort in this case supporting the naval operations line of effort.

For the naval operations line of effort, all member states have agreed to combine regional naval operations and share patrol areas. The members have also agreed to exchange law enforcement forces to embark on each other's patrol crafts, which helps alleviate sovereignty concerns and assists with specific national rule of law procedures.[51] To maximize this naval effort, the small navies and coastal patrol craft of the region require a comprehensive maritime domain awareness capability in order to effectively coordinate and employ their limited resources.

To accomplish this, the members have established three information exchange centers, each with an assigned area of responsibility. These centers, which became fully operational in 2011, collect, exchange, and disseminate threat and incident information with member states and the shipping community.[52] To further build this capability, the members have partnered with the IMO and USAFRICOM to link civil and military maritime situational awareness pictures throughout the region. Moreover, the centers also coordinate with the NATO shipping center and ReCAAP to assist in developing a real time maritime domain awareness operating picture that extends from the Gulf of Aden, through the entire Indian Ocean, and into South East Asia.[53]

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[51] Oceans Beyond Piracy, "Djibouti Code of Conduct," http://oceansbeyondpiracy.org/matrix/activity/djibouti-code-conduct (accessed 9 October 2012).

[52] International Maritime Organization. "Djibouti Code of Conduct / Information Sharing" London, UK: http://www.imo.org/OurWork/Security/PIU/Pages/Information%20Sharing.aspx (accessed 9 October 2012)

[53] ReCAAP press statement, "Signing of Standard Operation Procedures (SOP) between the three Djibouti Code of Conduct Information Sharing Centres (ISCs) and the ReCAAP ISC." *ReCAAP ISS,* 2011. http://www.recaap.org/Portals/0/docs/News%20and%20Press%20Releases/2011-11-11%20Press%20Release.pdf (accessed 9 October 2012)

Finally, the PIU has pursued several initiatives along the regional training line of effort aimed at building capacity for the individual member states and the region as a whole. Using the trust fund, the PIU established a regional training center in Djibouti and fielded several training courses in which all signatories take part. For subject matter experts, the PIU partnered with the NATO Maritime Training Center, the United Nations Office of Drugs and Crime, and the European Union's Maritime Security Project. To date, member states have participated in multiple maritime interdiction training sessions, law enforcement and prosecution workshops, and classroom training on maritime security and safety.[54]

The demonstrated will and efforts of the member states since 2009, along with continued international support for capacity building and international navy patrols in the Gulf of Aden and the Western Indian Ocean, are cause for cautious optimism. In the first half of 2012, the IMB reported Somali pirates launched sixty-nine attacks against vessels at sea, a significant decline from the 163 attacks reported for the same period in 2011, and the 219 attacks recorded during all of 2010.[55] The IMB attributed the decrease to a combination of regional cooperation and international support combining to reduce the maritime security threat in the Gulf of Aden and along Africa's East Coast.

<u>CONCLUSION</u>

The growing threat of piracy in the Gulf of Guinea poses a direct threat to the economic and security interests of Nigeria and the entire West African region. With the largest population and economy in the region, Nigeria arguably stands to lose the most if the

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[54] Oceans Beyond Piracy, "Djibouti Code of Conduct," http://oceansbeyondpiracy.org/matrix/activity/djibouti-code-conduct (accessed 9 October 2012).
[55] ICC International Maritime Bureau. *Piracy and armed robbery against ships report*, *1 January-30 June 2012*, Q2 Report. London, United Kingdom. (2012) pp. 25.

maritime security environment continues to decline, but all Gulf of Guinea states will suffer. Whether exporting oil, collecting port fees, or importing goods for coastal and landlocked states, the entire region is dependent on the Gulf of Guinea for economic success. Additionally, the international community is a stakeholder in the free flow of goods through the Gulf of Guinea. Major international powers like the United States and Europe, who already depend on oil from the region for considerable percentages of their overall imports, are planning to increase imports in the coming years. The continued decline of maritime security holds that potential revenue stream, which is sorely needed for development, at risk. As evident by the rising maritime threat level in the region, no single nation has the capacity to unilaterally combat piracy and subsequently improve maritime security.

Recent improvements in maritime security, both in the Malacca Strait and along Africa's East Coast, demonstrate how regional approaches can create opportunities for coastal regions to apply the principle of unity of effort through cooperation. Since 2004, Indonesia, Malaysia, Singapore, and the remaining states of Southeast Asia have steadily brought down the incidents of piracy in the Malacca Strait. In 2009, twenty-two Eastern African and Gulf of Aden states adopted the Djibouti Code of Conduct to combat piracy collectively. Their progress since 2009 demonstrates sustained will and provides cautious optimism as Somali pirate attacks in the first half of 2012 declined dramatically from the same period in 2011. These regional bodies share common lines of effort that focus their combined efforts on connecting and reducing the gaps where pirates operate. These efforts demonstrate that collecting and sharing information contributes to a common maritime operating picture, facilitates law enforcement and judicial actions, builds trust among neighbors, and reduces the areas where pirates find sanctuary. Furthermore, building

capacity through common training, networks of subject matter experts, and joint exercises develops trust and builds the capability to combat piracy more effectively. Finally, seeking cooperative agreements that ensure national legislation enables the investigation and prosecution of pirates, allow enforcement vessels to cross maritime boundaries when in pursuit of pirates, and combine naval patrols strengthen the rule of law and further reduce pirate sanctuaries. Given the nature and extent of the current maritime security environment, it is clear that a realistic strategy on the part of Nigeria and the other Gulf of Guinea nations must begin at the regional level.

RECOMMENDATIONS

- Nigeria should advocate for and support ECOWAS efforts to adopt a comprehensive maritime strategy for West Africa

- Nigeria should advocate for and support ECOWAS efforts to partner with and expand the ECCAS maritime security initiatives to West Africa

- Nigeria should advocate for and support Gulf of Guinea Commission efforts to expand its membership to all ECOWAS and ECCAS member states and serve as the primary body to coordinate efforts on a single maritime security strategy for the entire region

- Nigeria should advocate for and support efforts to incorporate the MOWCA integrated coast guard network initiative into a regional maritime security strategy

- ECOWAS, ECCAS, the Gulf of Guinea Commission, and MOWCA should uniformly seek international stakeholder assistance for regional capacity building resources and coordination of maritime security assistance

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