

PIRACY IN AFRICA: THE CASE OF THE GULF OF GUINEA

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Abstract: Piracy in Africa's Gulf of Guinea has long-range and potential long-term strategic implications for the economic, physical, and energy security concerns of the United States and its global allies. Unlike the situation off the coast of Somalia, piracy attacks in the Gulf of Guinea have increased in severity over the past decade. Piracy – a transnational threat – typifies the unique challenges posed by non-state actors operating within non-traditional boundaries. The United States must lead in stemming the tide of piracy by empowering a unified, sub-regional security force and – more importantly – must address the root causes of this transnational and emerging threat by fostering stable governance in the region.

Introduction

In April of 2009, the world's attention turned to the waters off the eastern coast of Africa, as Somali pirates took the *Maersk Alabama's* US skipper, Richard Phillips, hostage. The situation reached its climax when US Navy Seal snipers, under the direction of Admiral Mark Fox, conducted a rescue operation and freed Captain Phillips (Boot, 2009). Throughout the United States, this was the first time in several decades that piracy was widely discussed in a context excluding Hollywood actor Johnny Depp.

The news coverage surrounding the daring rescue of Richard Phillips demonstrated that piracy has become an increasingly visible source of conflict in the global arena, but it has yielded a seemingly weak and limited international response. This lack of action by international coalitions is due in part to the ambiguity of transnational conflict; that is, without clearly defined borders on the high seas, the role of coastal nations and their global partners is not immediately apparent. The benefits of intervention in an illicit industry which yields approximately \$120 million in annual net revenues does not seem to offset the monetary and human resource costs borne by intervening states (Besley, 2013). Furthermore, piracy in the region reflects a typical “tragedy of the commons” situation in which states act in their own self-interest and deplete a common resource – in this case, security – suggesting that regional partnerships may be the key to targeting the crime.

Translated into its original Latin form, “pirates” literally mean “enemies of mankind” (Ibid). Thus, by definition, pirates are “not enemies of one state but of all states” and therefore present a unique, shared security risk at the international level (Tepp, 2012: 181). Poor governance, high corruption, and the lack of meaningful economic opportunities in the region hamper the effectiveness of international anti-piracy practices and allow piracy to flourish, resulting in increased maritime insurance costs, higher global oil prices, and the growth of regional black markets.

This paper introduces the historical roots of piracy and details the current maritime security situation in the Gulf of Guinea. It then presents a comparative analysis between piracy in the Gulf of Guinea and in the Gulf of Aden, using a new interview with US Navy Admiral

Mark Fox. Lastly, it recommends specific actions by the US to combat this transnational threat going forward.

The History of Piracy

After attaining independence from Great Britain following the end of the Revolutionary War in 1783, the newly formed United States quickly turned to face an unconventional threat: the Barbary Pirates. In attacking the Barbary pirates based at Tripoli, then President Thomas Jefferson learned that “the surest way to create peace at sea was to impose rule of law on the land where pirates hid” (Boot, 2009: 102). Historically, piracy reflects the governance situations of coastal states. Between 1970 and 1980, piracy reappeared as a serious threat to commercial shipping, and over the course of the last decade, pirate attacks have tripled. “Motivated by economic factors and encouraged by the lack of law enforcement,” pirates largely originate from countries with unstable government and – due to ineffective law enforcement – face few consequences (Tepp, 2012: 183). Inaction off the Horn of Africa only changed when pirates began directly attacking international ships throughout the last decade, focusing global attention to the threat of piracy in the region (Vrey, 2009: 21). However, even as piracy has decreased off the Horn of Africa due to mounting international pressure, it has grown rapidly throughout the Gulf of Guinea.

In 2008, the United Nations called for “even sterner military action by countries to eradicate piracy,” leading to some progress as local naval forces increased surveillance of territorial waters, maritime codes became increasingly enforced, and port control improved. Yet, there remains minimal presence in the exclusive economic zone and there are currently no regulations supporting hot pursuit across maritime borders. Additionally, although ultimately proving to be effective, public-private partnerships meant to ensure security in the region remain extremely controversial, with many critics claiming that private companies are filling the roles intended for state armed forces (Ibid: 26). This predominance of private companies reflects the failure of states in the region to effectively address the issue of piracy. This inaction reflects the typical response of today’s global community to transnational threats. In relatively ungoverned, non-traditional arenas – climate change, cybercrime, and piracy – there is no impetus for states to

act unilaterally to address emerging threats. Thus, piracy persists as an internationally salient issue, particularly in the Gulf of Guinea region (Tepp, 2012: 188).

The Current Situation

In 2004, the International Maritime Organization (IMO) rated the Gulf of Guinea second in the number of piracy attacks only to the Strait of Malacca (Shafa, 2011:2). Since then, piracy has increased in the area. Despite this, Gulf of Guinea piracy has only recently gained international attention and little concrete action has been taken. In August of 2011, part of the Gulf of Guinea became classified as “a war risk zone for shipping” by Lloyd’s Joint War Committee, achieving the same risk category as Somalia (Bockman, 2011). In November of the same year, the President of the African Union (AU) requested a United Nations delegation to assess the issue of piracy in the Gulf of Guinea and to make recommendations to the UN concerning what role the UN could play in combating piracy. Based on the delegation’s recommendations, the UN adopted UNSC Resolution 2039 in 2012, condemning piracy and armed robbery in the region and calling for a comprehensive strategy among all affected nations. However, the UN has yet to assign a maritime security taskforce, and the resolution has had little impact on the number of piracy incidents in the region.

Currently, eight oil states with coasts on West Africa’s Gulf of Guinea produce 5 million barrels of oil per day, and possess one-tenth of all oil reserves in the world (Oliveira, 2007). At the heart of this region is Nigeria, a nation whose population of 150 million accounts for 25 percent of the entire population of Africa. Nigeria is also the 14th largest oil producer in the world with 2.3 million barrels produced each day, and ranks among the weakest states in the world according to the failed states index (The Failed States Index, 2011). The most underdeveloped, unstable, and conflict-prone part of the country is in the south along the Niger River Delta, the region directly connected to the Gulf of Guinea. Weak and corrupt government officials in this region rely on the profits from foreign oil companies, which ship the majority of their oil overseas. As a result, high unemployment, poverty, and mismanagement of resources are rampant throughout the region (Tepp, 2012: 191). The Movement for the Emancipation of the Niger Delta (MEND) is a group of militants fighting against the Nigerian government to

address perceived injustices and social grievances. Pirates sell stolen goods to – and buy weapons and equipment from – MEND, helping to fund its continued operations. In this way, pirates profit from the region’s lawlessness and from easy access to small arms. This relationship also benefits MEND, demonstrating how actions at sea influence decisions on land (Vrey, 2009: 24).

Piracy in the Gulf of Guinea affects the supply of oil and the price of shipping throughout the region as insurance for vessels increases due to piracy risks (Tepp, 2012: 193). As the number of piracy attacks continues to increase in the Gulf of Guinea, maritime insurers may stop insuring commercial vessels completely, or insurance premiums will simply skyrocket to impossible levels. Should this happen, oil exports from Nigeria will dramatically decrease, raising the cost of oil, posing a severe threat to the United States’ energy security – an estimate from 2012 predicts one-fourth of all of the oil consumed in the United States will come from Nigeria by 2015 (Ibid: 297). A sizeable percentage of the profits from piracy also directly benefit Islamic extremism groups, namely Nigeria’s Boko Haram, which has direct connections to Al Qaeda in the Islamic Maghreb (Boot, 2009: 103). However, the United States should be wary of overestimating the threat of these contributions in comparison to its overall energy concerns.

Causes of Piracy in the Gulf of Guinea and Obstacles to Resolution

In his article examining piracy in the Gulf of Guinea region, Major Eero Tepp identifies eight major factors contributing to piracy in the region. These factors include “legal and jurisdictional weakness, favorable geography, conflict and disorder, underfunded law enforcement, inadequate security, permissive political environments, cultural acceptability, and promise of reward” (Tepp, 2012: 188). More specifically, “maritime piracy in Nigeria is directly linked to oil development and the resulting economic, social, and environmental conditions in the Niger Delta” (Ibid: 7). The inhabitants of this region depend predominantly on oil revenue, yet – due to government corruption and exploitation – only a small percentage of the revenue reaches the local populace. Unemployment and the lack of economic opportunities encourage many to turn to piracy as a means of livelihood. Although terrorist organizations benefit from cooperating with pirates, attacks are largely motivated by financial and not political gain, and

thus do not stem from terrorist organizations. This is in keeping with the assertion by economist Paul Collier that on a larger scale, greed and not grievance underscores the emergence of conflict (Collier, 2007).

Despite the growing tide of piracy in the Gulf of Guinea, many countries in the region, particularly Angola, Equatorial Guinea, and the Democratic Republic of Congo have largely ignored the issue. These nations have instead focused on inter-state issues on land, paying little attention to serious maritime security issues (Vrey, 2009: 23). Combined with the poor socioeconomic conditions of these countries, this lack of foresight concerning piracy encourages individuals with limited economic opportunities to turn toward maritime crime, feeding in to the self-propagating relationship between maritime piracy and regional instability.

In a narrower context, this regional instability is not simply a security issue at sea, but is a by-product of state failure and poor governance. State failure quickly leads to insecurity, and insecurity on land can easily extend to maritime security. Nigeria specifically has increasing incidences of piracy based on “the culmination of years of inattention, desperation and lawlessness in the area bordering the globally vital shipping route” (Neethling, 2010: 102). Thus, the prevalence of piracy off the coast of Nigeria can be attributed both to the country’s dependence on oil production and the politicians’ mismanagement of natural resources.

Compounding the problem, most local ship owners are unwilling to properly outfit their ships to protect them from piracy because such costs would significantly cut into their profits. Moreover, West Africans see piracy as a threat to be addressed by government forces rather than by private effort (Boot, 2009: 101). However, local navies are not equipped to patrol the vast Gulf territory, and because insurance companies cover the cost – and sometimes pay more than the value – of stolen goods, there is little incentive for the maritime industry to combat piracy. Additionally, rampant corruption often makes local patrols effectively worthless as Nigerian naval forces may be easily bribed.

Despite the obvious need for international aid in stemming piracy, there exists both a lack of legal authority and a lack of international will to prosecute pirates, two major obstacles to international anti-piracy operations. In fact, Western nations prefer not to try pirates themselves because they often lack the legal jurisdiction to punish those found guilty. Instead, they prefer that pirates be tried locally, requiring pirates to be transferred to local governments capable of prosecution. Rather than Western nations following through with this difficult and unpromising

process, pirates are often simply freed. Max Boot argues that piracy would cease altogether if governments throughout Africa become stable and capable of enforcing law and order (Ibid: 104). Without international efforts to end maritime piracy, however, unstable governments may not be capable of reaching a state of stability. More importantly, the uncoordinated nature of various initiatives aimed at addressing security problems in the Gulf of Guinea currently prevents international efforts from being effective (Shafa, 2011: 15).

A Comparison of Piracy in the Gulf of Aden and the Gulf of Guinea

When attempting to address piracy in the Gulf of Guinea, it is important to first understand the role of the international community in quelling maritime piracy in the Gulf of Aden. International Maritime Bureau (IMB) data indicate that the number of piracy attacks off Somalia increased drastically between 2001 and 2008, and far outpaced the incidence of piracy attacks in Nigeria in the same period. Moreover, attacks drastically decreased off Somalia following the mobilization of international anti-piracy forces from 2010-2011. In the Gulf of Guinea however, Nigerian pirates continue to operate increasingly far from shore, equipped with rocket-propelled grenades (RPGs) and AK-47s (Nincic, 2009: 5).

In order to stem the growing tide of piracy in West Africa, it is critical to understand the unique differences between piracy in East and West Africa. Unlike in the Gulf of Aden, piracy in the Gulf of Guinea focuses on robbing ships of their cargo and valuables, rather than taking hostages and demanding ransoms. IMB data support this claim, indicating that in Gulf of Guinea attacks, the occurrence of robberies without injury to crew substantially exceeds that of hijackings, with hostage-taking more common in the Gulf of Aden (ICC International Maritime Bureau Report, 2012). Additionally, the West African model of piracy seems to be more lucrative. A report published by Reuters states that: “hijacking an entire tanker to steal its fuel cargo is a far more efficient criminal business model than the Somali style of hijacking for ransom. Attackers can see a substantial financial return within a week if a pre-arranged buyer for the stolen cargo is found in West Africa. In comparison, Somali ransom payments regularly take over a year to negotiate” (Saul, 2013).

Piracy is also different in the Gulf of Guinea since the subregion is as a major consumer market with vast resources such as cocoa, diamond, gold, and timber. More importantly, newly discovered oil reserves and increased exploitation of existing reserves makes the region an emerging hub of economic activity. Since 2006, piracy has caused oil production to drop 20 percent and has cost the Nigerian economy \$202 million from 2005 to 2008. Piracy has also harmed the Nigerian fishing industry, causing seafood prices to skyrocket (Nincic, 2009: 7). Without external pressure, piracy will continue to increase in the Gulf of Guinea, leading to deteriorating conditions for its inhabitants and serious consequences for the security of the region.

Assessment of Contemporary Counter-Piracy Efforts

In reference to the successful operations he led against Somali pirates in late 2011, Vice-Admiral Mark Fox, former US Naval CENTCOM commander and current Deputy Chief of Naval Operations, notes that the international community “created an opportunity and willingness for international cooperation that was unprecedented – [we had the] authority of the UN Security Council resolution [and] legitimacy” (2013). Lawlessness in the Gulf of Aden necessitated a multilateral international response, and by creating conditions that respected individual nations’ maritime policies, the coalition force succeeded in quelling the Somali pirate threat. However, Fox also recognizes the need for increased cooperation and latitude in prosecuting pirates at the regional level. Most significantly, Fox argues that counter-piracy efforts should not be led by the US Navy. Allocating a multi-billion dollar guided missile destroyer to track and chase down pirates is simply a “waste of assets” (Ibid).

Similar to the response to piracy off the coast of Somalia, the international community will act when the “pain” caused by piracy in the Gulf of Guinea reaches a critical threshold. For the United States, this threshold will likely involve the price of oil. As the number of piracy attacks continues to increase in the Gulf of Guinea, insurance costs to commercial shipping will skyrocket. Should this happen, oil exports from Nigeria will dramatically decrease, raising the cost of oil in the United States. Although AFRICOM (United States African Command) is already playing a small role in the fight against piracy, the US must actively address this issue – in a different manner than in the Gulf of Aden – before it becomes increasingly dependent on Nigerian oil.

While international anti-piracy efforts in the Gulf of Aden ultimately proved successful, the response cannot simply be replicated in the Gulf of Guinea due to budget constraints as well as key differences in the nature of the piracy. Furthermore, without the development of stable institutions, good governance, and economic opportunities, piracy will continue because tactical successes will prove unsustainable. Moreover, the actual threat to US security posed by pirates in the Gulf of Guinea is low compared to that posed by higher capacity regimes, like Iran and North Korea. Therefore, military action, especially without capacity-building, seems untenable.

The Way Forward

The issue of maritime piracy in the Gulf of Guinea seems to derive from a lack of good governance and security capabilities of countries along the coast of the Gulf of Guinea. Therefore, the United States must foster capacity building in the region. In May 2012, representatives from more than 20 African nations attended the ECCAS (Economic Community of Central African States) and ECOWAS (Economic Community of West African States) Maritime Safety and Security Conference in Benin, an event hosted by AFRICOM (Owolabi, 2013). Along with guests from the United Nations, the African Union, Europe, and the United States, African representatives strategized on ways to cooperatively fight maritime piracy, and produced a Memorandum of Understanding between the different groups. Although this is a step in the right direction, future efforts must result in concrete action.

Spearheading this effort will require the US to inspire increased regional cooperation and to coordinate an effective response to stem the tide of piracy. However, the US should not lead anti-piracy efforts at the tactical or security level, and anti-piracy efforts should not involve US warships. Aside from the need to develop institutions and foster good governance, recent discretionary defense budget cuts and negative public perception of US involvement in the wars in Iraq and Afghanistan do not favour large-scale deployment of troops and resources. Rather, through AFRICOM, the US should partner with regional organizations, specifically ECCAS and ECOWAS, empowering these groups to combat piracy through a multi-faceted approach as sanctioned by UN Resolutions 2018 and 2039. Although this may sound reasonable, this theoretical assertion begs a practical question: what would this partnership look like?

In June 2013, AFRICOM staff planned and executed a two-week exercise that was held in Ghana and used to prepare a multinational, ECOWAS force to deploy to Mali in support of the UN mission. AFRICOM personnel, partnering with French officers who came from Mali, spent one week instructing their African counterparts in the classroom, while simultaneous field training took place with soldiers at the tactical level. The second week consisted of a scenario-driven exercise in which the multinational African force was required to respond strategically to realistic crises. This exercise, termed Western Accord, successfully demonstrated the ability of US forces to empower regional security forces in West Africa.

Similarly, AFRICOM should partner with its international allies to empower and sustain an ECOWAS maritime force dedicated to combating piracy. In order to be effective, these separate security forces must first be organized and trained together in order to establish a common understanding of maritime security operations across the multinational force. They must also be granted “robust rules of engagement,” allowing them to pursue pirates into territorial waters or onto shore. Finally, this force should receive funding from organizations like the EU, UN, and the AU, as well as from countries like the United States and China which have an enlightened self-interest in keeping shipping lanes open.

The effectiveness of anti-piracy efforts will also depend on the ability of regional governments to prosecute perpetrators and provide the foundations for increased economic opportunities. Local nations must partner with the international community to ensure that institutions are in place to prosecute captured pirates while simultaneously encouraging good governance that will stem corruption and promote socioeconomic stability (Boot, 2009: 105). Specifically, the US State Department can improve regional stability by sending experts to advise local governments on best practices and to act as watchdogs for corruption.

Vice Admiral Fox concurs, holding that “the real solution to prevent piracy is good governance on shore, the rule of law, and a competent and capable [indigenous] coast guard” Moreover, while the future of maritime security relies on partnerships with regional security forces, Fox encourages private security companies to meet the demand for maritime security in the region where local navies and international efforts will not suffice, highlighting the fact that “no ships with embarked security teams have yet been taken by pirates” (Fox, 2013). Understandably, the use of private security teams – which operate outside of traditional government oversight – raises some concerns, especially in terms of their ability to adhere to

established laws of war. However, with proper oversight from regional nations and the establishment of reputable prosecuting authorities, the region can mitigate these concerns and private security companies can fill the gaps left by regional security forces.

The US government could prohibit companies that pay off pirates in order to freely conduct business in the Gulf of Guinea from engaging in the US market (Boot, 2009: 104). Similar to the way in which it is influencing the Syrian conflict, the Department of Treasury would aid in these efforts by placing sanctions on banks and financial institutions that handle the proceeds of piracy, as well as other corporations that conduct transactions with these institutions (Bronin, 2011). However, by definition, piracy is a nebulous, de-localized criminal activity, and it is difficult to track and target specific funds related to the act. Furthermore, the pervasiveness of privacy within existing communities might create situations wherein sanctions unduly harm legitimate, day-to-day economic activities. Thus, it is prudent to avoid such tactics, and instead focus on capacity building to counteract the transnational threat.

Conclusion

Since the attacks on 11 September 2001, international cooperation has focused on defeating terrorism. Simultaneously, nations continue to prepare for conventional wars. As typified by the international responses to similar transnational threats, like cybercrime and climate change, the global community has done little to stem the rising number of pirate attacks over the course of the last decade. Piracy in the Gulf of Guinea poses a unique, shared energy threat and funds terrorist groups throughout West Africa. Responding to this “tragedy of the commons” will require an organized and cooperative response and leading this response falls within the role and capability of US Africa Command. However, unlike in the Gulf of Aden, success cannot depend on international warships, but will depend on the ability of US and other international forces to empower a unified, regional maritime security force. As demonstrated by their response to the situation in Mali, it is evident that ECOWAS countries are prepared to work together at the tactical, operational, and strategic level in order to counter emerging security threats in West Africa. By funding, training, and monitoring an ECOWAS maritime security force, AFRICOM and other international partners can help to stem the growing tide of piracy and

restore order to the Gulf of Guinea. Further development of good governance and stable institutions in the region will help target the root causes of these issues and ensure long-term stability.

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