Maritime Security in the Gulf of Guinea

March 2013

Report of the conference held at Chatham House, London, 6 December 2012
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The following report is based upon the presentations and discussions at a conference on ‘Maritime Security in the Gulf of Guinea’, held at Chatham House on 6 December 2012. The event was a follow-up to a conference held on HMS Dauntless in Luanda in June 2012.

The keynote speech was given by Ambassador Florentina Adenike Ukonga, Deputy Executive Secretary of the Gulf of Guinea Commission. This was followed by two sessions on ‘Challenges in the Gulf of Guinea’ and on ‘Institutional Cooperation in the Gulf of Guinea’.

The purpose of the conference was to encourage policy-orientated sharing of views. Particular attention was paid to piracy and oil theft in and emanating from Nigeria, illegal, unreported and unregulated (IUU) fishing, and other maritime issues, in order to explore potential regional solutions to these problems.

In attendance were representatives from the Gulf of Guinea Commission, the Nigerian Navy, the International Maritime Organization, INTERPOL, the UK Foreign & Commonwealth Office, and the UN Department of Political Affairs. The conference was held in collaboration with the African Studies Centre, Coventry University. This conference report was written by Chris Vandome, Administrative Assistant, Africa Programme, Chatham House.

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Map 1: The Gulf of Guinea

Source: Googlemaps
Introduction

Maritime security is an emerging issue in the Gulf of Guinea region.\(^1\) Energy security and trade depend to a large extent on sea-based transport, and the region is currently the source of around 5.4 million barrels of oil per day (bbl/d). This is equivalent to more than the total amount imported by EU27 countries in 2008 (4.9 mbbl/d) and over half of US crude oil imports in 2008 (9.8 mbbl/d). Oil supply from the region in 2011 was equivalent to 40% of total EU27 and 29% of total US petroleum consumption in the same year. Angola and Nigeria account, respectively, for 34% and 47% of the region’s total oil supply.

Piracy in the Gulf of Guinea accounted for nearly 30% of attacks (427 of 1,434) in African waters between 2003 and 2011, and that proportion is increasing. This is partly due to successful counter-piracy operations off the coast of Somalia (operation EU NAVFOR Atalanta) that have reduced piracy east of Suez, but instances of piracy in the Gulf of Guinea are also on the increase: 53 cases were recorded in 2011, compared with 39 in 2010, and a number of cases go unreported. Map 2 shows the locations of the 62 reported attempted and actual attacks in 2012. This trend has continued into 2013 with attacks off the coasts of Côte d’Ivoire, Nigeria and the Republic of Congo.

Maritime security is essential to maintaining the flow of revenues from oil and gas, which have the potential to contribute significantly to development in the region. At the same time maritime resources such as fish, aquaculture and intact ecosystems directly contribute to the livelihoods of many Africans.

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\(^1\) There is no clear definition of the Gulf of Guinea. In its narrowest definition it is bounded by the intersection of the Equator and the Prime Meridian (0°0'0", 0°0'0" – see Map 1). In its widest definition it includes the region from Guinea to Angola (-15°0'0", -15°0'0").
Map 2: International Maritime Bureau Piracy and Armed Robbery, 2012

Source: www.ics-ccs.org/piracy-reporting-centre/live-piracy-map
Fish stocks are an important source of protein for the region. Angolan annual per capita food supply from fish and fishery products over the period 2002–07 was 14kg per person – above the sub-Saharan average of 8kg – which is fairly typical of regional coastal nations. The poorest 40% of the regional population depend on fish as a crucial component of their diet. Illegal, unreported and unregulated (IUU) fishing by both foreign and African vessels is now a serious problem. The continuation of this activity will have an impact on the world fish markets as stocks are depleted. This global dynamic increases the incentive for a global solution.

Maritime security is important for exploiting maritime resources, securing livelihoods and development. It should, however, be framed within national and regional policy that goes beyond immediate needs and reactive engagement. Such an integrated strategy includes environmental protection, management of fish stocks, tourism and the transport needs of landlocked countries. Neglect could result in acute security challenges in the future (food insecurity due to overfishing or environmental degradation of the seas, for example).

Much of the problem of oil theft may have root causes in Nigeria. The country has a population of around 150 million, and the average age is only 19. The Niger Delta is home to 30 million people, 30% of whom are unemployed. This does not just present an immediate domestic economic problem, but the toxic mix of organized crime, rising small-arms proliferation and insurgency, and high levels of youth unemployment has regional implications too. Increased violence in the Delta region would lead to increased numbers of refugees and internally displaced persons. If 10% of the Niger Delta population were displaced, then three million people would be dispersed around West Africa, dramatically escalating the problem.

On the other hand, the underlying problems and root causes cannot simply be pinned on Nigeria, and maritime security is a regional rather than a purely Nigerian issue as pirates cross international boundaries and attack foreign ships, and as many are located in different countries. This is evident in the rise of attacks elsewhere in the region. Some of the comparative scale of the problem in Nigeria may be the result of the country being by far the largest oil producer in the region. Beyond the issue of piracy, general maritime insecurity leading to IUU fishing is not only a regional
Maritime Security in the Gulf of Guinea

Fishing in the Gulf of Guinea
but a global problem, as stock depletion caused by West African IUU fishing has an impact on the global market.

Ensuring the security of the Gulf of Guinea is beyond the capacity of any existing regional body acting alone. A number of regional organizations share an interest in maritime security; these include the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS), the Maritime Organization of West and Central Africa (MOWCA) and the Gulf of Guinea Commission (GGC). Geographical and mandate overlap argues for greater integration and coordination of maritime initiatives.

Of these various bodies, the GGC has the largest mandate for dealing specifically with maritime issues. It was established in 2001 as a permanent framework for collective action, with a view to ensuring peace, security and stability conducive to economic development in the region. Most recently, on 29 November 2012, the GGC signed the Luanda Declaration on Peace and Security in the Gulf of Guinea Region.² The declaration states that in response to increasing maritime insecurity, GGC member states need to establish regional cooperation and inter-state dialogue. There are a number of transboundary issues that require an inter-state approach, such as arms proliferation, crude-oil theft, terrorism and migration. As such, the declaration calls for the consideration of a permanent mechanism to enforce and monitor peace and security in the region. The potential for establishing such a mechanism was the subject of this conference.

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Ambassador Florentina Adenike Ukonga, Deputy Executive Secretary, Gulf of Guinea Commission, speaking at the Chatham House conference
This section is an edited version of Ambassador Ukonga’s keynote address in which she provides an introduction to the discourses later in the conference.

Ambassador Ukonga stated that the consequences of these unresolved issues include an increased number of attacks on ships, presenting a serious problem to maritime transportation; increased costs of maritime transportation in the region through higher insurance premiums; decreasing revenues for ports of the region as fewer ships call at them; serious oil theft, with some countries losing up to a third of production to offshore theft; poaching and overfishing, with disastrous consequences for artisanal fishermen of the region and depletion of fish stocks; and political unrest leading to disruption of hydrocarbons production.

The countries of the region have taken some actions to curb the incidence of criminal activities in their territories both on land and at sea. Ambassador Ukonga said that at the national level they are trying to resolve the political and economic causes of criminality, including poverty reduction and establishing good governance practices. There has also been an increased military focus on the issue with the establishment of Special Forces to deal with criminal activities. This has been in joint efforts with domestic law-enforcement agencies and coastguards, with more patrols and better equipment. In some cases private security firms have also been used to patrol maritime borders.

Some neighbouring countries are already working together. Benin and Nigeria established a joint maritime patrol mechanism, Operation Prosperity, from October 2011 for an initial period of six months. This succeeded in reducing the number of pirate attacks off the coast of both countries. However, pirate attacks increased along the less well patrolled coast of Togo.
In response to the growing menace of piracy and armed robbery at sea, ECCAS set up a maritime security strategy for its region. According to the strategy, each participating member state of ECCAS is expected to contribute men and equipment for the operation of maritime surveillance groups. Ambassador Ukonga argued that the experience with the different types of initiatives, whether national, bilateral or international, has shown that all these mechanisms have met with limited success. The operations have been very expensive and there are doubts as to their sustainability, partly because the criminals move from the well-patrolled areas to those that are not so well patrolled.

National, bilateral and international actions in tackling issues of maritime security in the Gulf of Guinea will be more effective if they fit into a region-wide strategy for maritime security. According to Ambassador Ukonga it is at the level of international institutions that a comprehensive maritime security strategy can be decided upon, adopted and implemented. This will require a strong political will and
political commitment from the leaders of the region to give the necessary political support and the financial and human resources that such a project will require.

Ambassador Ukonga argued that what may be required for a successful battle against criminal activities in the Gulf of Guinea is a common maritime security strategy that will cover its whole maritime domain. The strategy’s long-term objective would be the establishment of a Gulf of Guinea Guard Force based on the forces of the Regional Economic Communities (RECs) but reorganized to cover the whole region. This would require the development of maritime-domain awareness capabilities in each state of the region.

In order for such a strategy to work a number of measures would need to be implemented. Sub-regional centres could be designated as well as a regional coordinating centre, building on the work and facilities of ECCAS. More emphasis is needed on information and intelligence-sharing and capacity, with a further need for systematic coordination in counter-piracy operations among countries of the region.

What are the challenges faced?

- **Area:** The Gulf of Guinea is a vast expanse of water, stretching almost 6,000km from Senegal to Angola, with weak surveillance and uncoordinated security patrols. An over-concentration on land security in the region over a long period of time has left the maritime domain unpatrolled.

- **Economic:** There has been increased incidence of armed robbery at sea and piracy; theft of hydrocarbon resources on the high seas/illegal bunkering; pipeline vandalism; illegal trafficking in arms, drugs and persons; and illegal unreported and unregulated fishing in the waters of the region.

- **Political:** The maritime domain becomes a good breeding ground for dissent to grow and fester, with devastating effects on the home governments of dissidents. One specific political challenge is poverty among the host communities of the rich natural resources of the region.

- **Environmental:** Particularly pollution from exploitation and exploratory activities, and accidents from oil spills.

- **Legal:** There are unclear definitions of piracy and armed robbery at sea, as well as an inadequate legal framework for prosecuting criminals when intercepted.
Such a level of coordination and cooperation would have to include an agreement allowing member states to pursue criminals across maritime territorial boundaries.

Ambassador Ukonga argued that in order for these prescriptions to be effective they would have to be underpinned by large-scale capacity-building of the naval and coastguard personnel, as well as investment in appropriate equipment to enable them to confront criminal gangs that are heavily armed with sophisticated and modern weapons. She said that there was potential for this to be supplemented by an increase in the use of private armed security companies.

In conclusion, Ambassador Ukonga said that the GGC was in a unique position to have a maritime security mechanism that can take care of the entire region, if such a mechanism is decided upon, adopted and established. No country in the region is capable of devising a solution alone. There is therefore a need for assistance from partners and the international community at large that will be geared towards improving the security situation in the region.
Challenges in the Gulf of Guinea

Oil theft and illegal ‘artisanal’ refining in the Niger Delta are increasing problems, causing significant environmental and economic devastation. These activities are not new, but since the end of the militant crisis in 2009 their scale has grown beyond recognition as thousands of demobilized militants have turned to crime as a source of income. While they may appear chaotic, these activities are structured and organized. Some of those involved are working for local markets, inefficiently refining products for communities desperate for fuel and power. Some – far larger in scale, organization and significance – are managing an international export business with tentacles across the globe.

Aerial view of an illegal refinery in the Niger Delta (photo courtesy of Shell Petroleum Development Company).
By mid-2012, the Nigerian government estimated as many as 400,000 barrels of oil were being stolen each day, costing the country up to $1 billion per month in lost revenues. These are criminal organizations posing a clear, hard security threat, and in some cases they have replaced the government in building roads and providing schools and hospitals, competing for the loyalty of the local population.

Drawing on his experience of community engagement, **Tony Attah** of Shell spoke about the oil industry’s perspective on these issues. He started by highlighting the extent of the problem, stating that it is a highly organized criminal phenomenon involving a parallel industry with a developed supply chain and growing sophistication. It involved trained engineers returning each night to siphon oil, and boatyard operators who helped construct and supply barges to the thieves to transport crude oil around the creeks. A small amount of the stolen oil remained in the local market, although rudimentary refinement techniques resulted in up to 80% of this oil being dumped into the creeks. The refined element of the oil that remained in the local market was used to fuel small generators used by the local population. But the vast majority of the oil was exported. It was taken to larger tankers waiting offshore, which transported it to refineries outside the country. These transfers were conducted out at sea, making them difficult to detect.

Attah identified the underlying problem as being the widespread poverty and unemployment in the Niger Delta, which made crime an attractive option despite the high risks. However, he said those involved in the Niger Delta were just the foot soldiers. The networks were orchestrated by individuals both inside and outside Nigeria, running an industry worth billions of dollars, the foundations of which were corruption and violence. The proceeds of this industry entered the global financial system, as well as funding other criminal structures.

He emphasized that the impact on the legitimate oil industry put an enormous strain on staff and operations, diverting time and resources to battle the consequences of criminal activities. Contractors had been killed in reprisal attacks for clampdowns. Crime also increased operating costs in terms of higher insurance premiums and lost revenue.
While there have been claims that Shell is voicing concerns on the environmental effect of the illicit oil trade to divert attention away from its own failings, Attah asserted that this was definitely not the case. He said that Shell had invited the International Union for the Conservation of Nature to set up an independent scientific panel to advise on conservation and spill-site restoration, especially recommending new technologies and methodology, and these efforts were already delivering results.

For Attah, the solution required coordinated action, both at the national and local level inside Nigeria, and at a regional and international level outside. It required detection and the collection of evidence, military or police intervention, arrests and effective judicial action. It also depended on transparency and the publicizing of punishment to act as a deterrent.

Attah said that the Shell Petroleum Development Company of Nigeria had taken steps towards making it harder for thieves to attack pipelines. But at the same time
the thieves were becoming more innovative. Given that the company operated 6,000km of pipeline, it was virtually impossible to secure the entire network. When efforts were made in one area, the criminals moved to another. Recognizing this problem, the company had initiated a public campaign to raise awareness among politicians, the media and other stakeholders. Subsequently, the government had amended the operational mandate of a joint task force to include the prevention of oil theft. While this had resulted in the destruction over 1,000 illegal refineries and the seizure of tankers, as yet there had not been a single conviction for oil theft.

Despite domestic responses, little has been done at the international level. Attah argued that regional security structures and international governments needed to start using the available satellite technology to track and intercept illicit cargoes of stolen oil to and from the Gulf of Guinea. Shell has also started lacing its crude oil with unique synthetic tracers, enabling identification of stolen oil at the point of purchase when it re-enters the legitimate market.

There is more to be done in tracing the international financial flows and networks that profit from these activities. Attah stated that current legislation targeting organized crime and terrorism appeared to provide ample legal instruments to do the job.

He also highlighted a number of domestic issues that needed to be addressed in conjunction with targeting oil theft. Development aid must be used effectively to create alternative and sustainable livelihoods, especially for young men. Investment in the power and refinement sectors was also necessary to provide fuel and power to local populations in the area, reducing their demand for illicit fuel. In turn, that required legislative reform in Nigeria to create attractive investment conditions and commercial returns to encourage the private sector to invest the tens of billions of dollars needed.

Attah noted that there was a long list of priorities, and given the broad nature of the various problems many partners and organizations had a role to play. He acknowledged that some of these actors were in the room and that events such as this conference were effective in bringing them together and producing dialogue, but also said there was an urgent need for others to be more involved.
In order to optimize existing options, Attah argued that there needed to be a clear legal framework that was adhered to by the various countries in the region.

The overriding legal document on maritime security is the UN Convention on the Law of the Sea (UNCLOS), and its definitions and precedents are applied by most major maritime organizations. The document defines ‘Territorial Sea’ as extending up to 12 miles from the shore; and ‘High Seas’ as everything beyond this limit. More importantly, the document sets out what the obligations of states are in these different maritime areas.

Article 101 of UNCLOS defines piracy in such a way that it is possible only on the high seas, outside the 12-mile range, whereas criminal actions within territorial seas are classified as armed robbery against ships. The difference is one of jurisdiction. Beyond 12 miles from shore, piracy is a universal crime and any state can establish jurisdiction to prosecute pirates, and states have an obligation to intervene. Within the 12-mile limit, responsibility lies with the coastal states. This distinction becomes very important when one talks of private maritime security companies and armed personnel aboard ships.

This difference was emphasized by Chris Trelawny, the deputy director of the Maritime Safety Division of the International Maritime Organization (IMO). He pointed out that the vast majority of attacks over the past few years had occurred within the jurisdiction of coastal states and therefore were not piracy per se. In 2012 most attacks were against chemical, oil and gas tankers. In total over the last 10 years there have been 108 attacks in international waters, 173 in territorial waters and 270 in port areas. Since 2002 there have been fluctuations in the number of attacks reported, and despite much talk about rising piracy in the region, reported attacks decreased by 10% from 2011 to 2012.

Types of piracy in the region include attacks directed at cargo, attacks carried out for logistic purposes (e.g. to steal fuel, food and other resources to keep the piracy operations going) and mugging. This is markedly different from the piracy taking

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3 The IMO publishes information and statistics on global piracy trends on its website (www.gisis.imo.org). Statistics are based on reported incidents and the IMO is aware that there is a level of under-reporting.
place off the coast of Somalia, which is based on a kidnap-and-ransom model. It is also a lot more violent than Somali piracy.

Trelawny stated that piracy and armed robbery, or in this case wider maritime crime, was a land-based issue and was a symptom of wider problems ashore, most significantly governance practices. He argued that more focus on these broader issues was required, rather than stalking pirates at sea. Given that piracy in the Gulf of Guinea was largely related to hydrocarbon theft, one should ask who was ‘not noticing’ the 4,500 tons of stolen crude oil entering the market.

There are a number of initiatives for the region, but Trelawny was sceptical as to whether multilateral policies and initiatives received adequate support from individual sovereign states.

There are obligations to implement initiatives such as the International Ship and Port Facility Security Code, aimed at making ports more effective, cutting down on theft in ports and preventing terrorism threats. There are also environmental concerns given the appalling statistics on pollution, which is killing off the fish and minimizing the potential for tourism in West Africa.

According to Trelawny, issues relating to safety of navigation also need to be addressed. This would help to develop intra-African trade by sea, thereby promoting economic development as countries trade more within Africa instead of sending raw materials to the West, and helping to raise profits by processing the resources closer to their place of origin.

The wider maritime security issues that the IMO is concerned about are illegal, unregulated and unreported fishing, which is a massive problem and probably far more important in West Africa than piracy; and illegal trafficking of guns, oil, humans and stolen goods, which is another major factor affecting Africa’s sustainable development. The fishing business in this area has an estimated value of $10–23 billion. In most West African countries this represents much of national incomes; moreover fish provides over 50% of the edible protein consumed in the region. The current fishing levels off the coast of West Africa are unsustainable; and the destruction of the fishing grounds creates a security problem.
Sovereign countries need to develop their own maritime security strategies. Once the need is established and the potential for making money exists, then these countries will be more able to implement such strategies. Similarly, illegal fishing, dumping, piracy, armed robbery, and search and rescue all require legal frameworks, situational awareness and the capacity to deal with the issues and ultimately prosecute offenders. A potential role for the international community is the development of domestic capacity to do so through technical assistance and training.

Lt Cdr Stephen Anderson, executive officer and second-in-command on HMS Dauntless, provided an overview of the warship’s recent AURIGA 12 deployment to West Africa in 2012. Four out of the seven months of the deployment were spent operating in and around the west coast of Africa, demonstrating a growing awareness of the risks to maritime security in this region, and the United Kingdom’s recognition that a deployed warship can do much to highlight these problems and tackle them in conjunction with host-nation support. Parts of sub-Saharan Africa have become the favoured staging area for narcotics smuggling across the Atlantic.
owing to the effectiveness of maritime policing in the Caribbean. The majority of this trafficking takes place by air and sea in the vicinity of latitude 10 degrees north, known as ‘Highway 10’. Furthermore, human trafficking along the west coast of Africa, particularly towards the Canary Islands, has exacerbated the criminal element in maritime trade in the region. This is closely related to piracy and robbery as all revolve around the acquisition of weapons and illegal monetary transactions, and represent a direct threat to the safety of mariners.

Anderson said that functions the Royal Navy can fulfil include preventing conflict by providing political influence and political choice; providing security at sea to the United Kingdom’s interests around the globe and playing a key role in maintaining good order at sea; promoting partnerships by encouraging and developing stable and cooperative relationships around the world; promoting humanitarian assistance by providing independent humanitarian aid around the world without the need to draw on a country’s infrastructure or resources; protecting the international economy by safeguarding trade routes and the flow of energy resources; and being ready to fight, thereby providing the British government with the option to employ military force at a time and place of its choosing.

A key element of the deployment was working with other nations and agencies to help develop capacity in the maritime environment and improve maritime safety and security. This included training in seamanship, leadership, and tightrope and boarding for maritime and Special Forces personnel in support of their own efforts.

As well as training functions, HMS Dauntless was able to provide an accurate White Shipping Plot, and was the sole provider of a Recognized Maritime and Air Picture in the region during its deployment. This demonstrated the need for local capacity-building in this area. Anti-piracy efforts rely on having an accurate and timely intelligence assessment based upon organic and external sources, as

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4 Under international maritime law all merchant shipping has to transmit its position and identification using the Automatic Identification System (AIS) that, on detection, make up a white shipping plot. Contacts are then classified and colour-coded to give the full RMP – Recognized Maritime Picture.
Yaron Gottlieb, senior counsel at INTERPOL, suggested that a more holistic approach must be taken to combat piracy from a law-enforcement perspective. He agreed that piracy was a symptom and there needed to be a corresponding land-based solution as well as securing the maritime domain.

INTERPOL established an anti-piracy task force in 2008 and has established regional bureaus in Abidjan and Yaoundé. This task force has struggled with the problem of under-reporting. Of all red notices received relating to piracy, almost all come from countries in the Horn of Africa, while there have been no such requests from those in West Africa. A red notice is the highest-priority level of request for the arrest of a person issued by INTERPOL, which cannot issue international arrest warrants. An overview of INTERPOL’s notices and policing efforts can be found in ‘Policing INTERPOL’, Chatham House Roundtable Summary, 2 December 2012, www.chathamhouse.org/sites/default/files/public/Research/International%20Law/051212summary.pdf.
With regard to maritime security issues there needs to be cooperation between four main types of actors – navy and coastguard, police, judiciary, and private industry – that are not used to coordinated action, as was also the initial experience in Somalia.

In the case of East Africa, naval forces have achieved a lot, but their experiences there highlighted their inability to collect evidence. They are not law-enforcement forces, and they lack the necessary institutional knowledge for evidence-gathering and investigation. There have also been cases where information has been withheld on the grounds that it is classified.

In November 2012 the UN Security Council, for the first time, discussed piracy from the global rather than a regional perspective. Gottlieb argued that this should be the general policy direction because local problems often require global solutions. This was part of what he referred to as a ‘glocalization’ of anti-piracy efforts. As criminals take global ideas and implement them at a local level, addressing the problem requires global solutions that are tailored to local environments or conditions. For example, local political and economic conditions can be conducive to global organized crime. The weak institutions and poor governance of some West African states make them ideal routes for drugs originating in South America.

Gottlieb said that discussions of piracy will inevitably draw comparisons with what has been happening off the coast of Somalia. There are some similarities. For example, in both Somalia and Nigeria piracy started as a local initiative in reaction to domestic issues. Then, once organized criminal networks saw the potential, they stepped in. However, Somali piracy has been about financial gain following a kidnap-and-ransom model. Vessels and hostages are taken for ransom; pirates tend to avoid violent confrontation; and they operate far out to sea. Piracy in the Gulf of Guinea has been markedly different, following an armed-robbery model involving heavily armed groups, high levels of violence, operations close to the shore, political corruption and direct, violent engagement with local police forces that are also often corrupt.

Gottlieb remarked that post-9/11 there has been a tendency to relate any large-scale criminal activity to terrorism but this is not necessarily the case. There has been
little evidence suggesting that the pirates operating in Nigeria are cooperating with Boko Haram, for example, but there are links to other forms of criminal activity. This follows a fairly normal pattern of global organized crime. Once established in a certain domain, organized criminal groups will identify all available opportunities, such as trafficking in drugs, people, arms, counterfeit medicine and cigarettes. This is currently happening in West African ports such as Abidjan and Dakar, which have become hotspots for the processing of illegal fishing. A UN assessment mission concluded that counter-piracy operations also lead to success in operations to counter illegal fishing, which demonstrated that a certain relationship did exist.

Further problems are lack of communication and insufficient use of communication networks, and law-enforcement challenges such as lack of personnel, training and resources.

Gottlieb argued that the typical response of the international community to a new phenomenon such as this was to adopt a new convention and create a new institution, but in this case it would be more effective to address the issue using existing legal frameworks such as the UN Convention on Transnational Organized
Crime. This can be used in the case of counter-piracy on the open seas and it has a sufficient legal framework to serve as the basis for extradition requests.

Gottlieb acknowledged that until recently piracy in the Gulf of Guinea had not been considered serious enough for engagement by the international community, although there had been good recent responses with the two UN Security Council resolutions and a number of conferences discussing the issue and strengthening political resolve in the region to combat corruption and organized crime.

Summary of debate

A number of concerns were raised during the discussion regarding private maritime security companies (PMSCs). They are keen to get involved in the Gulf of Guinea following their perceived success in the Gulf of Aden, with floating armouries already preparing to deploy.
The Nigerian Navy’s concern over the use of PMSCs is based on a fear of different ships coming into Nigerian territorial waters without being under the control of any authority in Nigeria. The Navy is responsible for putting armed personnel onto a vessel, but PMSCs are already providing equipment and boats that are then manned by members of the Nigerian Navy. Nigeria is not averse to PMSCs per se as they are already being used in operations, but there are concerns regarding their legitimacy, especially if their participation increases.

PMSCs are already used for gathering intelligence that is then communicated to the Nigerian Navy. The Nigerian military focus is on the accumulation of hardware and personnel, but surveillance and satellite technology are crucial. This needs to be provided by the government or, if not, by the private sector.

It was asked whether the potential for violent confrontation between the pirates and the PMSCs had been considered. As already noted, piracy in West Africa tends to be more violent than that in the Gulf of Aden and elsewhere. There was a concern that putting armed personnel on vessels would lead to unmanaged violence in the Gulf of Guinea.

On the topic of PMSCs it was emphasized that the use of armed personnel on a vessel is a last resort. Their role must be restricted to organizational knowledge such as the ensuring of well-planned routes. Effective anti-piracy measures can be taken without using these companies by using non-lethal defences and anti-boarding mechanisms such as the placing of barbed wire on vessels. When armed personnel are deployed, they need to be very highly trained and to be there mainly to advise the captain. The PMSCs used so far in West Africa have been ill-trained, which has led to firefights. Furthermore, effective counter-piracy operations are dependent on the use of expensive hardware, most notably helicopters. The fact that, so far, this has not been the case in the region was seen as demonstrating why the use of PMSCs, especially local ones, needs to be regarded as a last resort rather than as an effective counter-piracy mechanism.

It was argued that increased peer pressure on states was needed to address underlying governance and legal issues. A law-enforcement void presents a threat to
other countries as well. Given that fish are migratory, a state that fails to protect its fishing grounds affects other countries in the region.

Beyond maritime law enforcement and maritime development more generally, there need to be attractive alternative options to criminal activities for young men, such as the rebuilding of industry.

It was mentioned that in some countries in the region members of military and police forces have links to international drug cartels, pirates, illegal fishers and smugglers. The first stage in tackling such a problem is to recognize its existence. Countries often try to hide or avoid these problems because they are ashamed of the fact that they are unable to tackle them.

On the subject of information-gathering, it is important to manage expectations regarding the information gathered up to now regarding illegal activity, as well as on the involvement of the wider international community. International actors such as INTERPOL can provide training, equipment and resources, but however much they do, this cannot replace the engagement of local institutions.

It was pointed out that a number of countries in the region lack enforcement structures on land, and this extends into the maritime domain. Arguably, this lack is a symptom of failing agencies and institutions. Individual agencies are failing. However, Trelawny challenged this by saying that maritime law enforcement writ large is a matter of national rather than departmental or institutional concern. Recognizing this, the IMO is trying to push for joined-up maritime thinking, establishing national maritime security commissions within these countries. In Ghana there are 15 different agencies represented on such a commission, all of which have a stake in the maritime sector. For example, the Navy is used to transport fishery-protection officers and customs officers. Such operations are beneficial because the more agencies work together, the more they are able to monitor one another.

Finally the issue of ‘insider piracy’ was covered. It was asked whether or not there was any evidence to suggest that sometimes the crews of the vessels attacked were implicated. It was stated that the IMO data on piracy attacks are based on what is reported. It is accepted that under-reporting occurs, in terms both of not reporting
attacks and of reporting them but withholding some information. Trelawny said that the IMO had received anecdotal evidence of crew who were not being paid regularly taking part in oil theft, but because such incidents were not officially reported the IMO did not know who was involved. It had also received anecdotal evidence of security teams boarding boats with empty bags and leaving with full ones. This is a major law-enforcement and governance issue, and highlights yet again the importance of having well-trained security personnel.
Institutional Cooperation in the Gulf of Guinea

There are many relevant stakeholders in the Gulf of Guinea: global institutions such as the UN and IMO; regional institutions such as the AU, GGC and MOWCA; sub-regional institutions such as ECOWAS and ECCAS; and numerous states with interests there, as well as the countries of the region themselves.

Commodore Kenneth B. Ati-John of the Nigerian Navy spoke about the priorities and efforts of regional institutions in the Gulf of Guinea, areas of cooperation and challenges for regional institutions, and Nigeria’s perspective on institutional cooperation in the region.

He noted that until recently there had been relatively low levels of cooperation between regional institutions, but there now seems to be a shift in regional cooperation, in recognition of the importance of the maritime security challenge. This relates to the issue of ‘sea appreciation’. At the political level in the region a better understanding of the value and the usefulness of the sea is called for.

In March 2012 a conference on maritime security in the region, facilitated by AFRICOM and the Africa Centre for Strategic Security Studies, resulted in an agreement between ECCAS and ECOWAS to continue towards a memorandum of understanding (MoU) and the adoption of multilateral agreements for regional cooperation.

Ati-John highlighted the challenges facing these institutions as inadequate surveillance systems leading to a lack of maritime domain awareness and funding. There are dramatic differences in the ability and willingness to pay. For example, the joint patrols by the Nigerian and Equatorial Guinean navies are 90%-funded by Nigeria.
According to Ati-John, Nigeria is fully committed to a collective security approach and believes that the attainment of maritime security in the region will be achieved through partnerships with its neighbours and the international community.

At the bilateral level, Nigeria has been at the forefront of enhancing cooperation aimed at improving security in the West African sub-region. This is demonstrated by ongoing anti-piracy and joint maritime patrols as part of Operation Prosperity.

At the multinational level, Nigeria continues to work with other international partners and stakeholders. The African Partnership Station is one such initiative.

Olivio F.A. Jacinto, the senior maritime adviser for Angola’s permanent representation to the IMO, stated that at some level the countries in the region are already interacting with each other in various ways. However, there are many improvements to be made. The African Maritime Transport Charter passed in 2010 in South Africa was intended to determine regional cooperation. Unfortunately it has not been implemented as was expected. Furthermore MOWCA and the IMO are working in collaboration on a project on the regional integration of coastguard forces. So far this has resulted in the MoU of the Integrated Coast Guard Function, but this has not been implemented fully by participating states.

Some countries have made efforts: for example, Ghana has conducted a regional seminar in partnership with the IMO. Angola has also organized the first national seminar on the implementation of the IMO/MOWCA project. So there are some signs of progress.

Jacinto was optimistic about constructing a regional solution, arguing that everything necessary was already in place, with the GGC as the high political body and the RECs to deal with the finance. He argued that MOWCA could be brought in at the technical level as a decision-making body.

He concluded by proposing the establishment of a Gulf of Guinea maritime forum, in which all these regions could convene to discuss these issues. He stated that, in general, there was a clear need for better regulation, monitoring and management of maritime resources throughout West and Central Africa. Regulatory frameworks needed to be adopted and adequately implemented at the national level, in particular in connection with the criminalization of illegal activities at sea.
Francesca Jannotti Pecci, added to the dialogue on existing institutional efforts and made some observations on their success.

She stated that the emerging inter-regional cooperation efforts in the maritime domain needed to be sustained and expanded. This included the development of an integrated strategy that would comprehensively address the maritime domain, of which piracy and armed robbery at sea was only one dimension. Such a strategy would build upon existing instruments and frameworks and feed the initial efforts at continental level – through the African Union – to develop an African Integrated Maritime Strategy. Expert analysis suggested that ECCAS’ strategy, as well as ongoing MOWCA initiatives, could serve as a good basis for such expanded cooperation at the regional level in the maritime security domain.

In terms of inter-institutional cooperation, Pecci argued that efforts should be made to avoid a multiplication of processes and initiatives, and that genuine political will and commitment should go beyond the competition of institutional agendas and
the ‘vanity of the leadership role’ to identify a strategy where each institution can contribute based on its comparative advantage. This was all the more important in the perspective of fostering and sustaining African regional integration as a whole.

In this context, the MOWCA/IMO Sub-regional Integrated Coastguard Network needed to be sustained and fully integrated in the ongoing efforts with a view to avoid duplication and fragmentation of efforts which had the potential to undermine a coherent and systematic approach. MOWCA, with the support of the IMO, could be well placed to serve as the technical and programmatic forum in support of the three ‘political’ organizations (ECOWAS, ECCAS and GGC) currently leading efforts.

On the issue of funding, Pecci stated that a sustainable instrument needed to be developed on the basis of a collective self-taxation scheme capable of catalysing international assistance. Regular state budgetary appropriations, contributions from major stakeholders and taxes on commercial activities at sea could all contribute to developing such a funding scheme.

Pecci said it was crucial that further efforts focus on African ownership; the link between economic development and maritime security; the need for coordination, to include exchange of information among both regional states and their maritime centres; interoperability of naval responses; and the need for a comprehensive response incorporating land-based issues such as governance and the justice sector.

In drawing up a strategy, Pecci said, regional stakeholders must not lose sight of the importance of eradicating root causes that lead to the proliferation of illicit activities at sea. As it was widely acknowledged that ‘efforts to combat piracy start on land’, serious efforts to combat corruption were crucial: first, to prevent the loss of public money that could be used to address youth unemployment and poverty, and overall to strengthen state institutions and the rule of law; and secondly to tackle criminal networks ‘on land’ that were widely acknowledged to be closely linked to acts of piracy and armed robbery at sea. In this latter regard the UN Office for West Africa, the Department of Political Affairs and the UN Office on Drugs and Crime (UNODC) were implementing a joint initiative – the West Africa Coast Initiative – that aimed at building national capacities through the establishment of transnational crimes units in a number of West African countries. Such initiatives
needed to be sustained both politically and financially, while their funding remained unpredictable.

Given both the nature of the challenge and the geography of the zone, AFRICOM took that position that a regional approach to maritime security was the only way to respond to these conditions and keep vital transportation corridors and offshore extractive industries open to trade.

The AFRICOM Deputy Commander for Civil Affairs, Ambassador Christopher Dell, stated that, in order to strengthen the ability of African states and regional organizations, AFRICOM had developed a Subordinate Campaign Plan (subordinate to its broader Theatre Campaign Plan for the entire continent) centring on capacity-building among the regional nations and regional security organizations as the best means of countering illicit trafficking and piracy.

He explained that the strategy was based on the premise that the solution lay in building partner capacities to deal with crimes at sea as law-enforcement challenges, rather than expanding regional naval forces or deploying Western naval forces to fill a perceived security void. This involved strengthening the laws and the legal systems of West African states, training their law-enforcement authorities (whether coastguards, navies or some other units) in the conduct of maritime law-enforcement operations such as ship boarding and searches, and working with the African Union and the sub-regional organizations such as ECCAS and ECOWAS to promote both African leadership and regional cooperation in the area of maritime safety and security. The role of the international community was to support African capacity by advising, training and equipping local security forces and by promoting regional and international coordination.

He said that existing regional cooperation and agreements that were proving effective included technical steps taken jointly by ECCAS and ECOWAS in recent months to create a cooperative maritime security approach, as well as supporting the ongoing work to operationalize the REC initiatives. As noted above, since September 2011, Nigeria and Benin have cooperated on combined anti-piracy operations that have resulted in immediate positive results. In October 2011 alone, two large tanker ships suspected of carrying out illegal ship-to-ship operations were captured and
handed over to the Benin authorities for prosecution, and three fishing vessels and a tanker were rescued from attempted pirate attacks.

To stem the rise in piracy the United States and other international partners have supported and assisted in these efforts. A critical first step has been the drafting of comprehensive maritime agreements, which effectively establish regional maritime zones under ECCAS and ECOWAS. This regional approach makes maritime safety and security a shared responsibility. Together the member states are now conducting cross-border patrols, sharing law-enforcement intelligence, establishing and maintaining joint coordination centres and implementing a regional strategy. The US naval component of AFRICOM has been conducting exercises such as Obangame and Saharan Express to reinforce these draft operational agreements and help breathe life into them.

The United States does not have a counter-piracy presence with dedicated assets or operations in the Gulf of Guinea; however, it does have a maritime programme in support of regional efforts – the Africa Partnership Station. This builds partner capacity through tailored training, and combined exercises and operations, which
are conducted on an individual state and regional basis. These programmes increase maritime domain awareness, enhance maritime professionalism and facilitate regional integration.

Dell said that tackling maritime security enforcement had to be about combined maritime and law-enforcement actions that complied with international law and protect African sovereignty. If you seized an illegal fishing vessel or a small boat laden with cocaine, you must be able to deal judicially with the alleged criminals and with the confiscated contraband. Just making an arrest was not enough. The reality was that very few African countries had the capacity to fully integrate the entire continuum of maritime law enforcement. Therefore, in addition to the Africa Partnership Station, AFRICOM was sponsoring the African Maritime Law Enforcement Partnership. AMLEP’s operations typically employ an African host nation’s own law-enforcement boarding team along with a US Coastguard boarding team, operating from a US vessel to support the host nation’s enforcement of laws and treaties.

Non-lethal counter piracy measures such as barbed wire and lookouts
He said that AFRICOM was also supporting efforts by regional governments to develop improved capabilities for providing security to both vessels and offshore installations. For example, it had provided assistance in evaluating and validating the effectiveness of Ghana’s Master Plan for the Security of the Oil and Gas Industry.

Dell finished by saying that the heads of state meeting of ECOWAS and ECCAS in April 2013 to address piracy, as recommended by United Nations Security Council Resolutions 2018 and 2039, could become a milestone in this fight.

Summary of debate

The debate following the second set of presentations focused on regional and state capacity issues, the ability to coordinate such a plethora of organizations, and corruption.

In response to a question on Angola’s motives for involvement on the issue, it was highlighted that maritime issues in the Gulf extended beyond piracy, which was centred on Nigeria. One of the main concerns for both the region and the international community was IUU fishing. Angola shared the Gulf coastline with a number of other countries and was keen to have a stable relationship with them. Part of the solution was to track the oil after it was stolen and find out where the money was ending up.

It was agreed that a large part of the problem related to governance onshore, which was often characterized by weak institutions and poor governing practices. However, it was asserted that the way to combat such issues was not by ‘naming and shaming’, challenging people or making arrests. Rather, it involved the engagement and support of the international community to help in developing domestic good practices. It was argued that the international community had a moral responsibility to help combat corruption because it had the funds and experience required.

The military functions of the RECs were decided and outlined by the AU within the African Peace and Security Architecture (APSA) framework, which created the military components of the RECs. In assessing the security risks that required the attention of the APSA, land issues have been prioritized over maritime security. This
reflects a limited understanding of the importance of the sea by the political elite, whose concern was to intervene in countries in peacekeeping and peace operations. The idea of adding a maritime component to this is relatively new and as yet not fully discussed.

Both maritime security efforts and governance development are hampered by capacity issues. This was one of the main themes in the presentations and was reiterated in the debate. Even when there is a disaster-management architecture in place and organization at the government level, which looks good on paper, the organization will not be in a position to address those challenges if the assets are not available or are inadequate. The APSA was cited as an example of this. It was suggested that this was one area that could benefit from private-sector involvement as some stakeholders, such as multinational corporations, had better structures, were better organized and had better resources to respond to some of these kinds of challenges.

There was a sense of bewilderment regarding the plethora of international organizations engaged in the maritime domain. Many of the presentations had referred to the efforts of ECCAS, ECOWAS, SADC, CRESMAC, MOWCA and the GGC, and there were questions about the possibility of dovetailing aspects of these. In response it was stated that one of the aims for the UN office for West Africa and the UN office for Central Africa was to bring ECCAS, ECOWAS and the GGC together with the idea of eventually bringing in the more specific ad hoc expertise of the IMO and MOWCA. Operation Prosperity was mentioned as a successful example of this. The so-called ‘Big Brother’ states needed to take the lead on such projects.

Other comments highlighted the disjuncture between political will and readiness on the one hand, and operational capability on the other. It was recognized that the number of recent conferences and events on the issue, such as those led by Chatham House and the Luanda Conference on Peace and Security in the Gulf of Guinea, had increased the visibility on the subject. However, this now needed to lead to action.
Conference Programme

Chatham House, London, 6 December 2012

10:30–10:50  Keynote Address

- Amb. Florentina Adenike Ukonga, Deputy Executive Secretary for Political Affairs, Gulf of Guinea Commission, Luanda
- Chair: Professor Bruce Baker, Director, African Studies Centre, Coventry University

10:50–13:00  Session 1: Challenges in the Gulf of Guinea

- Crude oil theft: Tony Attah, General Manager, Sustainable Development and Community Relations, Shell Petroleum Development
- Piracy: Chris Trelawny, Deputy Director Maritime Safety Division, International Maritime Organization
- Counter-piracy and maritime security: Lt Cdr Stephen Anderson, HMS Dauntless, Royal Navy
- Chair: Janina Cieciora, Head of Maritime Security, Foreign & Commonwealth Office

13:00–14:00  Lunch

14:00–15:30  Session 2: Institutional Cooperation in the Gulf of Guinea

- Commodore Kenneth B. Ati-John, Nigerian Navy
- Olivio F. A. Jacinto, Senior Maritime Adviser, Angola Permanent Representation to the International Maritime Organization
- Francesca Jannotti Pecci, Political Affairs Officer, Policy and Mediation Division, United Nations Department of Political Affairs
Maritime Security in the Gulf of Guinea

• Amb. Christopher W. Dell, Deputy to the Commander for Civil-Military Activities, United States Africa Command

• Chair: Captain (ret.) Ioannis Chapsos, Centre for Peace & Reconciliation Studies, Coventry University

15:30–15:45 Final session: closing remarks

• Alex Vines OBE, Research Director, Area Studies and International Law; and Head, Africa Programme, Chatham House
Ambassador Florentina Adenike Ukonga is the Deputy Executive Secretary (Political Affairs) at the Gulf of Guinea Commission in Luanda, Angola. She worked in the Ministry of Foreign Affairs of the Federal Republic of Nigeria for over 30 years as Under-Secretary for African Affairs. Ambassador Ukonga has actively been involved in maritime security issues in the Gulf of Guinea region since her appointment as Deputy Executive Secretary at the Gulf of Guinea Commission in 2007.

Tony Attah is Vice President of Health, Safety, Security and Environment for Shell Sub-Saharan Africa. He is responsible for company relationships with regional and municipal governments in the Niger Delta. He has extensive experience of the Niger Delta operations, the socio-political situation and issues relating to social and business performance in the oil and gas Industry.

Chris Trelawny is the Deputy Director of the Maritime Safety Division at the International Maritime Organization (IMO) in charge of the Sub-Division for Maritime Security and Facilitation. Prior to that, he was the head of the Maritime Security Section. He is responsible for advising and liaising with IMO member governments, international organizations and non-governmental organizations on the facilitation of global maritime transport, maritime security, piracy and related issues.

Lieutenant Commander Stephen Anderson is the Executive Officer and Second in Command in HMS Dauntless, one of the Royal Navy’s new Type 45 destroyers. He served with the staff of Commander United Kingdom Maritime Forces, assisting in
the establishment of counter-piracy operations in the Gulf of Aden in 2008, and he has experience working with the US Combined Task Force 151 in the fight against piracy in the Gulf of Aden and Somali Basin.

Yaron Gottlieb is a Senior Counsel at the Office of Legal Affairs of INTERPOL. His main fields of published research are protection of cultural property under international law; international police cooperation; and maritime piracy. He is a member of the Israeli and the New York State Bars.

Commodore Kenneth B. Ati-John has held the position of Chief of Staff Officer at the Western Naval Command in Lagos since March 2011. His previous service postings include Chief Operating Officer at the headquarters of the Western Naval Command; Principal Staff Officer of the National Defence Academy; and Directing Staff of the National Defence College.

Olivio F.A. Jacinto has been Senior Maritime Adviser for the Permanent Representation of Angola to the International Maritime Organization (IMO) since November 2006. He has primary responsibility for advising the representation in matters relating to the work of the IMO, such as, among others, pollution from ships, maritime security, technical cooperation, piracy matters and international conventions as well as interacting with international organizations and non-governmental organizations on matters related to maritime transport.

Francesca Jannotti Pecci joined the Policy and Mediation Division of the Department of Political Affairs at the United Nations Headquarters in December 2012. Previously, she worked as a political officer for the United Nations Office in West Africa and for the United Nation Stabilization Mission in the DRC, on the rule of law and protection of civilian issues.

Ambassador Christopher W. Dell is Deputy to the Commander for Civil-Military Activities of the United States Africa Command. He is a career member of the Senior
Foreign Service, with the rank of Career Minister. He has received numerous awards, including the Presidential Distinguished Service Award and the State Department’s Robert C. Frasure Award for his role in helping Angola through the aftermath of its civil war when serving there as an ambassador.
Further Reading

Chatham House conference resources, including programme and presentations can be accessed at: www.chathamhouse.org

Publications are listed in date order.

Selected publications on maritime security and the Gulf of Guinea:


UN, 2012b, ‘UNSC Resolution 2039

Organizations:

African Union (AU): www.au.int/
Economic Community of Central African States (ECCAS): www.ceeac-eccas.org/
Economic Community of West African States (ECOWAS): www.ecowas.int/
International Maritime Organization (IMO): www.imo.org/
Maritime Organization of West and Central Africa (MOWCA): www.amssa.net/framework/MOWCA.aspx
About the Africa Programme

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- Governance and corruption;
- Piracy and armed non-state actors;
- Africa in the international system;
- Peace and security; and
- Resources and society.

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The African Studies Centre, Coventry University

The African Studies Centre is a trans-disciplinary hub, supporting learning and research in Africa. The centre acts as a platform for inter-disciplinary partnerships, and has established a reputation among African scholars as one of the most effective and productive policy-related research centres in the United Kingdom.

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Maritime insecurity in the Gulf of Guinea is of international concern. Piracy, illegal over-fishing and crude oil theft are a growing threat. The issue is attracting increasing attention from regional and international governments and bodies.

A number of institutions are currently acting on the issue, most prominently the Gulf of Guinea Commission (GGC), alongside the Regional Economic Communities and international organizations such as the African Union and the UN. The regional nature of the problem requires a regional response to be an integral part of the solution. However, many efforts thus far have been undermined by lack of capacity and weak governance.

The purpose of the conference was to encourage a policy-orientated exchange of views, identifying potential opportunities for regional solutions. What emerged from the presentations and discussions challenges the tendency to portray the GGC as a panacea.