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MARITIME INSECURITY IN THE GULF OF GUINEA: LESSONS LEARNT FROM THE STRUGGLE AGAINST SOMALI PIRACY

Abstract

The objective of this article is to analyse what were the principal contributory factors in bringing about the almost total disappearance of Somali piracy in the last two years and to discover the lessons we have learnt so as to ascertain whether these can be applied in the struggle against piracy in the Gulf of Guinea. In doing so, we shall study the four elements considered critical: the greater effectiveness of an international military presence, the role of protection measures (in particular, the boarding of armed security personnel), the changes in Somalia's domestic situation and the implementation of programmes put in place by various multilateral organisations designed to strengthen the capacities of the countries in the region. The conclusion reached is that some of the measures could be applied in the Gulf of Guinea but only with considerable difficulty, one example being the possibility of international military deployment or carrying private security teams on board. Nevertheless, in areas such as regional cooperation, strengthening the capacity of countries in the region or improving governance, much remains to be done in order to bring about a more secure maritime environment.

KeyWords

MARITIME INSECURITY IN THE GULF OF GUINEA: LESSONS LEARNT FROM THE STRUGGLE AGAINST SOMALI PIRACY

1. INTRODUCTION

90% of world trade travels by sea. Our economy depends to a large extent on the safe passage of shipping over the principal maritime routes. Piracy has always been with us, but in the 21st century it has resurfaced with renewed energy in the waters of Somalia and the Gulf of Guinea. Nevertheless, at the time of writing these lines the decline of Somali piracy is a fact. It is two and a half years since Somali pirates have managed to hijack a boat and obtain a ransom for it. Piracy in Somalia is no longer a business. The figures speak for themselves: 237 attacks reported in 2011, 15 incidents in 2013 and barely ten in the first nine months of 2014.[1] Nevertheless, in the case of the Gulf of Guinea, there is cause for considerable concern. Not so much because the number of attacks is more or less on the increase. In reality, what is of greatest concern is that the Nigerian pirates have in recent years shown their remarkable ability to broaden their sphere of activity from Ivory Coast (in the west) to Angola (in the south). Their criminal activity is focused on attacking oil tankers, robbing and transferring their cargo, and its subsequent sale on the black market. Thus the modus operandi tends to involve the kidnapping of some of the ship's officers, who are taken onshore where a ransom is demanded. Over the following pages we shall analyse the causes that have brought about this marked reduction in piracy in the Western Indian Ocean. And we shall endeavour to present the lessons that can be learnt[2] and applied to the case of the Gulf of Guinea.

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1   INTERNATIONAL MARITIME BUREAU. 'Piracy and armed robbery against ships. Quarterly and Annual reports' (London, 2005-2014).

2   As NAVARRO BONILLA says , "a lesson learnt is like a piece of knowledge generated as a result of methodology based on the systematic observation of retrospective facts for the purpose of continuous improvement and learning" in IEEE (2012), Journal of the Instituto Español de Estudios Estratégicos, number 0, Madrid, p.82: http://revista.ieee.es/index.php/ieee/issue/view/1/showToc [Consulted: 14/10/2014].

2. EXPLANATORY FACTORS UNDERLYING THE REDUCTION OF ATTACKS AND HIJACKINGS BY SOMALI PIRATES

The causes underlying the almost total disappearance of incidents of piracy in the Western Indian Ocean are many. In this article we shall be centring our focus on the four issues which in our view have the greatest bearing.

2.1. Greater effectiveness and forcefulness from international military presence

Since 2008 three international military missions have been deployed, led by the European Union (operation *EUNAVFOR-Atalanta*), NATO (currently under *Operation Ocean Shield*) and the multinational *Combined Task Force 151*. Back then, pirate attacks were being carried out very successfully, particularly in the Gulf of Aden. It is estimated that some 23,000 vessels annually transit this important maritime route that connects the Indian Ocean with Europe and America via the Suez Canal. Hence the decision to put in place a security corridor; a sort of two-way waterway. Military units are strategically deployed within this corridor so as to provide an escort to commercial ships passing through the Gulf. Maritime patrol aircraft, frigates and even submarines are included among the units sent by various countries to protect navigation.

Nevertheless, this naval presence did not frighten off the pirates. In the following years, attacks and hijackings continued; both in the Gulf of Aden and within the security corridor[3].

The existence of various military missions deployed for the same purpose initially gave rise to certain problems of coordination, to the extent that some countries even had a military presence in more than one mission. It would appear that there were political reasons behind these decisions, which are difficult to explain from a merely operative standpoint.

We would have to wait a further three years, until 2012, when there were no hijackings carried out in the security corridor. The following figure pinpoints the

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3   IBÁÑEZ, Fernando y ESTEBAN, Miguel Ángel. "Analysis of the Somali pirate attacks in the Indian Ocean (2005-2011): evolution and modus operandi", Ministry of Defence, Journal of the Instituto Español de Estudios Estratégicos, nº 1, June 2013, p.15: http://revista.ieee.es/index.php/ieee/article/download/36/33

locations of the attacks that took place in the Gulf of Aden in 2012 (in yellow, the foiled attacks and in red the hijackings).
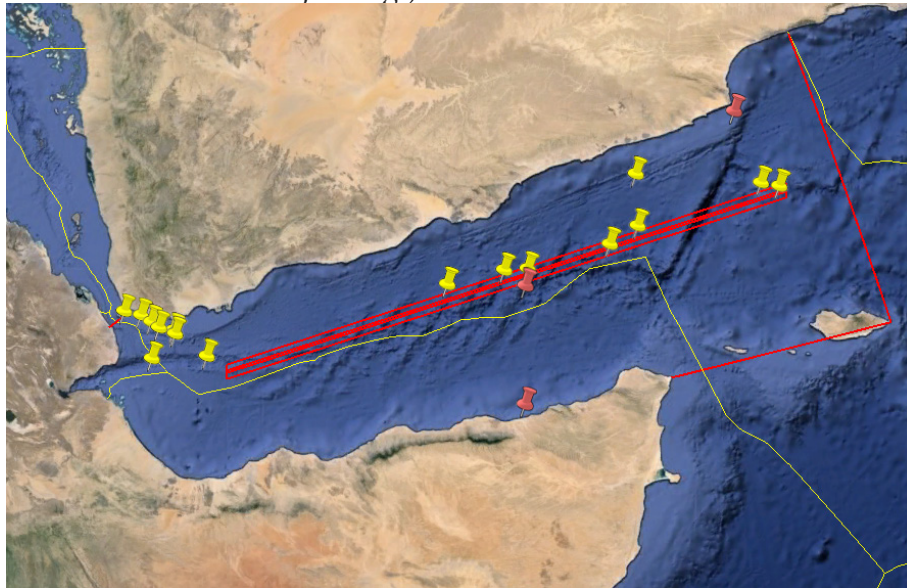

Figure 1: Pirate attacks in 2012 in the Gulf de Aden, location of security corridor and the limits of the area considered by the author as the Gulf of Aden.

(Source: prepared by the author with data from IMB, IMO and NGA)

Somali pirates only carried out seven attacks in the corridor in 2012 (compared to 30 in 2011). It is quite significant that more attacks took place in the rest of the area Gulf of Aden (particularly close to the straits of Bab el-Mandeb) than in the security corridor. This would appear to confirm that the system of convoys and escorts in the security corridor was at the time much more effective.

Another phenomenon worth highlighting refers to the greater force of the activities of the military personnel present in the Somali pirates' zone of operations. On 15 May, 2012, the EUNAVFOR-Atalanta mission attacked a Somali pirate base for the first time. Although the operation had a greater impact in psychological than in real terms, it marked a considerable qualitative leap forward. Even greater was the effect of the so-called *disruptions* that were deployed for the first time in 2011. In these disruptive operations targeted at pirate operators, the military personnel approach suspicious vessels, arrest the pirates and decommission or destroy their equipment, and occasionally their skiffs and mother ships. NATO and EUNAVFOR carried out 127 *disruptions* in 2011 and a further 55 in 2012: almost one for every two pirate attacks. These operations have tangibly affected the logistics of the Somali pirates.

In the only two hijackings registered in 2013 (an Iranian fishing vessel and an Indian *dhow*), the action of the military forces forced the pirates to abandon both boats after scarcely a few hours. Accordingly, on 9 November 2013 the Operation Atalanta alert-centre (MSCHOA) reported an abortive attack on a commercial vessel, some 600 miles east of Dar es Salam (Tanzania). Two days later, the group was arrested. On 17

January 2014 there were reports of a further foiled attack, carried out by a mother ship and two skiffs. In less than 24 hours, MSCHOA had also reported its disruption. These are very significant facts, in sharp contrast with what had been happening previously.

At present, and given the almost total lack of piracy incidents, military forces are focusing their attention particularly on intelligence initiatives and reconaissance activities in the area. In this context we should mention two *friendly approaches*, whereby naval forces approach local seafarers, particularly fishing vessels and cargo *dhows*, to whom they provide assistance and exchange first-hand information as part of their counter-piracy operations.[4]

2.2. Protection Measures for Vessels

The shipping industry has promoted several protection measures and practices aimed at providing commercial vessels with guidance on how to act should they be subjected to attack by pirates.[5] The aim is to prevent the pirates from hijacking the boat. Two of the most efficient measures have proved to be the use of a secure zone or citadel and the provision of armed security personnel.

The meaning of citadel here is to enclose the crew in a safe place, which the assailants are unable to enter. Given that the Somali pirates are unable to pilot merchant vessels, they need the crew members to steer the ship to their pirate base. From there, negotiations are initiated with a view to obtaining a ransom. The enclosure of the crew in a citadel has prevented the hijacking of dozens of vessels in recent years. It is by far the most effective non-lethal security measure deployed to date in the fight against Somali pirates.

Nevertheless, the pirates have occasionally managed to gain entry to the citadel, or to force the crew to abandon their refuge. Therefore, in order for a citadel to be really effective, it must comply with a series of requisites:

- It should be built with materials that impede access to the pirates, guaranteeing the safety of the crew in the shortest possible time.

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4   For example, the Spanish warship "Meteoro" made 23 friendly approaches to vessels in just three days: http://eunavfor.eu/esps-meteoro-enhances-understanding-of-local-sea-area-with-23-friendly-approaches-in-3-days/ [Consulted: 08/09/2014]

5   See the various versions of Best *Management Practices for Protection against Somalia Based Piracy*. The last of these was published in September 2011: http://www.imo.org/MediaCentre/HotTopics/piracy/Documents/1339.pdf [Consulted: 03/09/2014]

- The ship's crew must know how the citadel functions. This requires practice drills and operations so that, if necessary, everyone on board knows how to act.

- Within the citadel area, the crew should have sufficient provisions: food, water, first aid….

- From the citadel, it should be possible to maintain control of the boat.

- It is essential for the citadel to be fitted with a system capable of communicating with the outside world.

Nevertheless, what has demonstrated 100% efficiency is the deployment of armed security personnel action. In spite of a certain reticence on the part of the industry for years, finally the sheer weight of evidence has shown that no vessel with armed private security on board has been hijacked by Somali pirates. The following data confirms this reality. In 2011, one in every three boats attacked repelled the attackers thanks to the presence of an armed team of private security personnel. In 2012 the same was true for two out of every three attacks; and since 2013, in over 90% of cases. As is shown in figure 2, one can correlate the greater presence of private security in the ships attacked with the corresponding reduction in the number of hijackings. No incident of hijacking has occurred in which the pirates have obtained a ransom since May 2012.
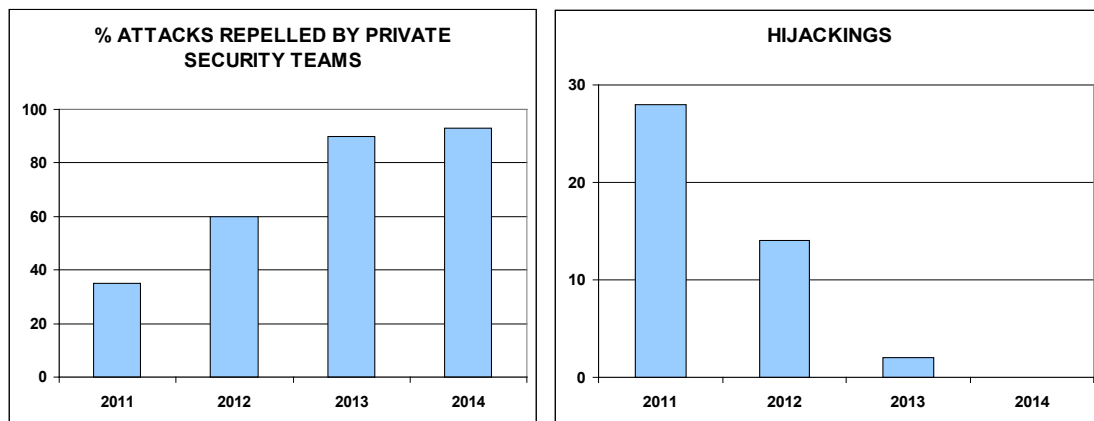

Figure 2. Attacks with presence of armed guards and number of hijackings (Source: prepared by the author with data from IMB, IMO and NGA).

2.3. Changes on the domestic front in Somalia

In August 2014, the Somali authorities announced the detention in Mogadishu of Mohamed Abdi Gafaje, the second in command of a pirate group. Also arrested

were fifteen other people, whose weapons and vehicles were decommissioned.[6] Shortly afterwards, it was learnt that he had been released.

Scarcely two years earlier, the Somali President had granted a diplomatic passport (with its corresponding immunity) to Mohamed Abdi Hassan, better known as Afweyne ("big mouth"). According to the UN Monitoring Group on Somalia and Eritrea, Afweyne presented it at the Malaysian border in April 2012, as requested by the authorities there.

Indicative of this drastic change in the situation of the piracy business was the announcement by Afweyne in January 2013, that he was retiring from the activity. As he himself said, his focus would be on rehabilitating former pirates. However, that was to prove of little use to him. His participation in the hijacking of the *Pompei*, a Belgian-owned dredger provided the Belgian authorities with an opportunity to lay a trap for him. They pretended they were making a film on his life and, no sooner had he placed foot on Belgian soil at Brussels airport, he was arrested. Vanity got the better of him in the end and he was condemned to 20 years imprisonment.[7]

Another bloody case was that of Abshir Boyah, who was involved in piracy for years from his pirate base in Puntland. In spite of being captured by the Somali authorities, he was only condemned to five years imprisonment, a benevolent sentence to say the least.

On the other hand, possible oil exploration contracts may have influenced the move by some Somali authorities towards a greater crackdown against the pirates. Particularly, in the case of Puntland where, at the beginning of 2012, the first exploratory drillings were successfully carried out.[8] The authorities in the region also appear to have worked with the elderly and the clan leaders, given that the pirates had eroded the traditional authority of both groups thanks to corruption.[9]

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6   "Number two Somali pirate leader arrested in Mogadishu", 18 August 2014: http://www.somalicurrent.com/2014/08/18/number-two-somali-pirate-leader-arrested-in-mogadishu/ [Consulted: 18/08/2014].

7   "The Rise and Fall of Somalia's Pirate King", *Foreign Policy*, 4 November 2013: http://www.foreignpolicy.com/articles/2013/11/04/the_rise_and_fall_of_somalia_s_pirate_king   [Consulted: 18/08/2014].

8   "Crude Findings: the Forgotten Factor in the Fall and Fall of Somali Piracy", *Think Africa Press*, 18 November 2013: http://thinkafricapress.com/somalia/piracy-oil-decrease-puntland Consulted: 20/08/2014].

9   WELDEMICHAEL, A.T. (2014). Dalhouse Marine Piracy Project. When Elephants Fight, the Grass Suffers: A report on the Local Consequences of Piracy in Puntland. (Marine Affairs Program Technical Report 12): http://www.dal.ca/faculty/science/marine-affairs-program/research/research-news/map-technical-series-reports.html [Consulted: 19/08/2014].

We should also highlight the creation, in 2010, of a maritime police force in the semi-autonomous region of Puntland (*Puntland Maritime Police Force*, PMPF). Its set-up was privately funded by a group of investors, led by the United Arab Emirates, and was recommended by Erik Prince, founder of the well-known private security company *Blackwater,* through his new firm *Sterling Corporate Services*. In a report dated July 2012,[10] the United Nations denounced the actions of *Sterling Corporate Services* as constituting the most flagrant violation by a private security firm since 1992 of the arms embargo established for Somalia. Indeed, the headquarters of the company close to the town of Bosaso had become the most important military base in Somalia after the African Union Mission (AMISOM) in Mogadishu.

Nevertheless, the PMPF were able to show off their capabilities during the release of the cargo ship *Iceberg I*, belonging to the UAE firm *Azal Shipping*. The vessel had been hijacked in March 2010 by Somali pirates. In December 2012, using various ships, a helicopter and a sharpshooter, the PMPF managed to release the cargo vessel following a battle that lasted several days. According to some sources, the owner is supposed to have paid $1.5 million to the head of the PMPF, son of Farole, the then-President of Puntland.[11]

In spite of international scepticism with regard to the role of the PMPF, it does seem that they have been able to notch up important counter-piracy successes. This included the seizure in April 2013 of five Iranian-flagged fishing vessels for illegal fishing: 78 Iranians (and 12 Somali who were protecting them) were also detained.[12] The sentence, delivered a month later, handed down fines of 100,000 dollars to the owners, fines of up to 5,000 dollars to the captains and up to 2,000 dollars to the other 73 Iranian citizens. Also punished were the Somalis involved.[13] Again, in September 2013, the PMPF confiscated three Yemeni fishing boats and arrested their 25 occupants for illegal fishing.[14]

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10   Letter dated 11 July 2012 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/544 [Consulted: 13/10/2014].

11   "The Wild West in East Africa", *Foreign Policy,* 30 May 2013: http://www.foreignpolicy.com/articles/2013/05/30/pirates_mercenaries_somalia_east_africa_executive_outcomes [Consulted: 13/10/2014].

12   "Somalia: Puntland Seizes Five Illegal Fishing Boats, 78 Iranians Arrested", 24 April 2013: http://allafrica.com/stories/201304250101.html [Consulted: 19/08/2014].

13   "Somalia: Iranians Convicted of Illegal Fishing in Puntland State Waters", 19 May 2013: http://allafrica.com/stories/201305200146.html [Consulted: 19/08/2014].

14   "Somalia: Puntland Forces Seize Illegal Fishing Vessels, Arrest 25 Yemenis", 28 September de 2013: http://allafrica.com/stories/201309290442.html [Consulted: 19/08/2014].

In March 2014, satellite images relayed the fact that at the PMPF headquarters there were three second-hand *Ayres S2R Thrush* planes, being used for counter-piracy maritime patrolling. Apparently the planes had belonged to the Department of State, and had already been used to fumigate defoliants in the anti-drugs operations in Latin America. The PMPF also was reported to own a Russian-built *An-26* transport plane, another *CD-3* transport plane and three *rhibs*. It also indicated the presence of two *Mil Mi-17* helicopters, managed by a US crew, that could belong to the CIA or to the special US forces deployed in the region.[15]

In April 2014 the new president, Abdiweli Mohamed Ali Gaas, decided to sack Farole as director of the PMPF.[16] In recent months, contact between the PMPF and some international actors has been more fluid. A meeting between Gaas and various members of his cabinet with European representatives in Somalia took place on board a NATO naval vessel. Afterwards it was announced that the European Union would provide training for the PMPF in Djibouti, and give their share from any financial contribution pledged for Somalia directly to Puntland.[17]

With Somali piracy almost extinguished, the PMPF is reportedly planning to get involved in anti-terrorist activities targeted at the Al Qaeda-linked Al Shabab, in Somalia.[18]

2.4. International building programmes with regional capacity

There are various internationally-financed programmes and initiatives that have been put in place aimed at strengthening the capacity of countries in the region to successfully deal with the phenomenon of Somali piracy. The following are some of the most noteworthy.

In January 2009, the *International Maritime Organization* (IMO), the UN agency responsible for improving maritime safety, sponsored a meeting in Djibouti with representatives of 16 governments in the region of the Western Indian Ocean, the

15   "Puntland Maritime Police Force operating three Thrush aircraft for maritime surveillance", 19 March 2014: http://www.defenceweb.co.za [Consulted: 19/08/2014].

16   "Somalia: President Gaas Sacks Puntland Marine Forces Director", 5 April 2014: http://allafrica.com/stories/201404060004.html [Consulted: 19/08/2014].

17   "SOMALIA: EU to start training Puntland Marine Forces", 27 March 2014: http://www.raxanreeb.com/2014/03/somalia-eu-to-start-training-puntland-marine-forces/ [Consulted: 19/08/2014].

18   "The Wild West in East Africa", *Foreign Policy*, 30 May 2013: http://www.foreignpolicy.com/articles/2013/05/30/pirates_mercenaries_somalia_east_africa_executive_outcomes   [Consulted: 19/08/2014].

Gulf of Aden, the Red Sea and France, at which the Djibouti Code of Conduct on the repression of piracy and armed robbery against ships in the Western Indian Ocean and the Gulf of Aden was approved. In September 2009, Japan donated $14 million to a trustee fund to support the implementation of the Djibouti Code of Conduct. The Code promotes communication between the states, strengthening the capacity of countries in the region to dissuade, detain and bring pirates to justice, promoting greater awareness in relation to the maritime situation and the reinforcement of local coast guarding levels. The signatories also undertake to review their national legislation with a view to ensuring that there are laws in place to criminalise piracy, as well as adequate provisions for the exercise of their jurisdictions, the implementation of investigations and the prosecution of alleged offenders.

In reality, the Djibouti Code of Conduct seems to have followed in the footsteps of the recognised Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). This agreement was set up in 2006 to coordinate the response of Malaysia, Indonesia and Singapore to the rise in piracy in the Straits of Malacca. The implementation of concrete measures, such as the development of joint patrols, brought about a marked decline in maritime piracy in the region; this appears to be the model which the Djibouti Code of Conduct has modelled itself on.

Also relevant is the activity of the Contact Group on Piracy off the Coast of Somalia, GCPCS. This Group came into being in 2009, under UN resolution 1851 (2008), to facilitate the discussion and coordination of the activities of states and organisations fighting to conquer Somali piracy. Their activities are developed by five working groups, covering aspects ranging from the coordination of naval operations, the legal, penal and maritime framework of the states in the region and combating piracy onshore. To develop the activity of CGPCS and other bodieM 2014 the fund had received almost $21 million, of which 90% had already been earmarked and disbursed in over thirty projects.[19]

Also of note is the counter-piracy programme, initiated in 2009 by the UN Office on Drugs and Crime (UNODC), aimed at assisting Kenya in combating Somali pirates, which later expanded to include other countries in the region. Its objective is to deter and prosecute suspected pirates under the rule of law and respecting human rights in accordance with international best practice. In doing so, this programme focused on promoting fair trials and imprisonment in regional centres, with the construction of prisons and other facilities in various countries.

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19   Contact Group on Piracy off the Coast of Somalia. Sixteenth Plenary Session, United Nations Head Quarters, 14 May 2014, Communiqué: http://www.thecgpcs.org/download.do?path=plenary/26/Communique%20-%20FINAL.doc [Consulted: 21/08/2014].

Also important in this context is the Critical Maritime Routes Programme, CMR established by the European Union in 2011 whose objective is to globally fight the problem of maritime security. It aims to provide legal assistance and training at regional level while promoting the exchange and sharing of information and cooperation between various countries. Of the five projects set up under this programme, three are targeted at the Western Indian Ocean. One of these, *Enhancing maritime security and safety through information sharing and capacity building,* MARSIC), aims at promoting the resolutions adopted in the Djibouti Code of Conduct, by creating a network of regional centres in Kenya, Tanzania and Yemen aimed at information sharing. In addition there is a teaching centre in Djibouti for training purposes.

The second project under the CMR programme, *Law enforcement capacity building in East Africa*, CRIMLEA, aims at strengthening law enforcement agencies, providing them with the necessary training and equipment to conduct operations effectively and within a legal framework. In practice the programme is being implemented by INTERPOL. It is designed to back up the activities of UNODC in the region. INTERPOL has also set up its own *Maritime Piracy Task Force,* focused on collecting evidence, facilitating the sharing of information and strengthening capacities at regional level. It relies on a data base to identify and deter pirates, with over 4,000 entries, relating to personal bank accounts used in the payment of ransoms, etc. It also has an album of photographs identifying more than 300 suspects.

A third project under the CMR programme *Critical Maritime Routes in the Indian Ocean*, CRIMARIO is currently in the planning phase; it aims to broaden cooperation between the countries of the Indian Ocean and South Asia.

 On the other hand, the *European Union Regional Maritime Security Programme*, MASE has the largest funding from Europe (almost 40 million euros). Its objectives include strengthening the capacities of the countries in the region to apprehend and bring pirates to justice, combat the financial networks of pirates leaders and bring about improvements in the sharing of information. One of principal features of the programme is that leadership in its implementation stems from various regional organisations (IGAD, COMESA, EAC and IOC[20]).

Another programme is being carried out by a civil mission supported by military experts, called EUCAP NESTOR. Its objective is to strengthen the capacities of the coastguards in countries like Djibouti, Kenya, Tanzania and Seychelles, while it is also engaged in providing training and equipment to maritime police forces in Somaliland and Puntland.

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20   The Inter-governmental Authority on the development of Eastern Africa (IGAD), the Common Market of Eastern and Southern Africa (COMESA), the Eastern African Community (EAC) the Indian Ocean Commission (IOC) are regional organisations promoting cooperation on issues of security, economic and customs union, trade, diplomatic, environmental and cultural affairs, among others.

3. LESSONS LEARNT FOR THE FIGHT AGAINST PIRACY IN THE GULF OF GUINEA

Following the previously established structure, we now ask which of the actions deployed in the fight to combat Somali piracy could be effective in dealing with the activities of the Nigerian pirates?.

3.1 An international military mission against piracy in the Gulf of Guinea?

The first question is whether the setting up of an international military mission is feasible in the fight against piracy in the Gulf of Guinea. The first problem one is faced with is that an important part of the attacks from Nigerian pirates takes place in territorial waters and the maritime domain of the countries in the region. Therefore, some states have shown their reticence to the presence of warships from other nations navigating in their maritime space.

On the other hand, we are not in a situation similar to that of Somalia. Nigeria has serious domestic problems, as confirmed by the struggle against the radical Islamist group radical *Boko Haram*; but it is not a defunct state, like Somalia. Not only is it the first African economy but it is the country within the area of the Gulf of Guinea with the largest maritime security resources. Its armed forces have been capable of arresting dozens of pirates.[21]

An added element, and one that should not be overlooked, is the high cost in maintaining a permanent military presence. It is calculated that the military deployment of warships to face down Somali piracy annually costs \$1billion.[22] Moreover, the economic impact of Nigerian piracy is five times less than that of their Somali counterparts.[23] As a result, from a purely economic standpoint, this hardly provides the international community with sufficient incentive for undertaking a military initiative.

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21   See, for example, "2013: JTF killed 82 sea pirates, nabbed 1,857 crude oil thieves in N-Delta —Commander", Vanguard, 27 December 2013: http://www.vanguardngr.com/2013/12/2013-jtf-killed-82-sea-pirates-nabbed-1857-crude-oil-thieves-n-delta-commander/ and "NIMASA Intercepts 244 Vessels over Piracy", This Day, 16 May 2014: http://www.thisdaylive.com/articles/nimasa-intercepts-244-vessels-over-piracy/178609/ [Consulted: 19/08/2014].

22   "The Economic Cost of Somali Piracy 2012", Oceans Beyond Piracy: http://oceansbeyondpiracy.org/sites/default/files/attachments/View%20Full%20Report_1.pdf [Consulted: 19/08/2014].

23   "The State of Maritime Piracy 2013", *Oceans Beyond Piracy*, 2014: http://oceansbeyondpiracy.org/sites/default/files/attachments/SoP2013-2PagerDigital_0.pdf [Consulted: 20/08/2014].

For all these reasons, it is not surprising that in December 2013 the EU Transport commissioner, Siim Kallas, declared that the request from the European Shipowners Association for a European naval force would not be met.[24]

In the short term, it is unlikely that naval vessels from different countries will be patrolling the waters of the Gulf of Guinea as part of a European or international mission. Such a possibility may be contemplated once the mandate for the EUNAVFOR-Atalanta operation expires as scheduled in December 2016. If the mission is wound up at that time, as appears likely, and the countries in the region accept the presence of foreign ships in their waters, the possibility which right now seems to have been discarded, could be revisited.

3.2 Protection Measures: the possible role of private security contractors

Following the *Best Management Practices for Protection against Somalia Based Piracy*, the industry, in collaboration with NATO, in December 2012 promoted the publication of *Interim Guidelines for Owners, Operators and Masters for protection against piracy in the Gulf of Guinea region (To be read in conjunction with BMP4).*[25] The document adapts some of the recommendations for coma batting Somali piracy to the circumstances of the Gulf of Guinea.

In the area of non-lethal protection measures, it would appear indispensable that ships navigating in the Gulf of Guinea be equipped with a citadel. Unlike the Somalis, the Nigerian pirates are capable of handling boats. It is therefore vital to impede access to the ship's command. If they cannot gain access, they will be unable to rob the cargo. In the Gulf of Guinea, having a good citadel can prevent the hijacking of the vessel, even more frequently than in the Indian Ocean, where the mere sight of armed guards can be sufficient to deter Somali pirates and send them away in search of less well protected booty.

In the Western Indian Ocean, attacks tend to occur when the vessel is navigating in international waters. In this context the work of armed security personnel is relatively simple, given that it involves primarily radar observation, and a permanent watch over the immediate surrounds of the vessel. Nevertheless, the actions of Nigerian pirates is generally levelled at petrol tankers or supply ships while they are at anchor or

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24   "No EU naval force to be sent to West Africa", *Shippingwatch,* 6 December 2013: http://shippingwatch.com/carriers/article6314690.ece [Consulted: 19/08/2014].

25   Check out the document quoted under the following link: https://www.bimco.org/~/media/Security/Piracy/Gulf_of_Guinea/2012-12-20_RT_agreed_GoG_anti-piracy_guidance.ashx [Consulted: 08/09/2014].

operating in domestic or territorial waters. National legislation within the countries of the region does not permit the presence of foreign armed security personnel in their waters. Thus, the only viable option for the industry is to contract police or military forces from Nigeria, Togo or Benin to provide security services to merchant vessels while in their waters.[26] Nevertheless, there has been at least one case of hijacking of a vessel by Nigerian pirates who also killed the government-appointed navy personnel providing escort vessel services. Therefore, it is not a foregone conclusion that the presence of armed security personnel could have the same deterrent effect as in the case of Somali pirates.

If the ships travelling through the Gulf of Guinea are to do so with armed guards on board, the legislation in a number of countries in the region would need to be changed, in order to authorise the presence of weapons in territorial waters.

Moreover this would require cooperation between the states to bring about the harmonisation of their legislations so that activity protocols would be similar and it would not be necessary to change one security team for another each time they entered their respective territorial waters.

Given that the countries in the region are generating income thanks to shipowners contracting police or naval security personnel, there is hardly any particular incentive to bring about any legal changes on the issue.

3.3 Greater Commitment from local and regional authorities

In June 2013, at the Yaoundé Summit (Cameroon), 22 Heads of State and Government approved a code of conduct to combat piracy which appears to have taken its inspiration from the Code of Conduct signed by East African countries in Djibouti, in January 2009. It is a necessary first step in which the states within the region have demonstrated their commitment to face down the threats to maritime security in the zone. Nevertheless, transforming words into actions is not proving easy.

On 22 January 2014 it was reported that the *Kerala,* a Liberian-flagged oil tanker, had been hijacked by Nigerian pirates off the coast from the Angolan capital, Luanda. The captain Augusto Alfredo, spokesmen for the Angolan Navy, said reportings of the hijacking were false: "it was all faked, there have been no acts of piracy in Angolan

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26   This option also carries certain inherent problems. See, for example, "Troubled Waters? The Use of Nigerian Navy and Police in Private Maritime Security Roles", *Center for International Maritime Security*, 1 July 2014: http://cimsec.org/troubled-waters-use-nigerian-navy-police-private-maritime-security-roles [Consulted: 21/08/2014].

waters (…) the crew disabled the communications on purpose."[27] Nevertheless, the tanker was led to Nigeria, where, as is usually the case, the Nigerian pirates transferred their cargo to another boat for its sale on the black market. Moreover one of the *Kerala* crew was injured. A subsequent investigation carried out by INTERPOL confirmed the hijacking and the robbery of the cargo. In July 2014, Nigeria handed over the suspects to INTERPOL.[28]

This initial response from the Angolan authorities was worrying and confirms that, on occasion, there can be a lack of awareness or insufficient commitment towards combating maritime insecurity in the region.

In all of this, the role of Nigeria is critical. That is where piracy which is the cause of greatest concern right now arose from: targeted at the hijacking of tankers for the transfer of their cargo to boats controlled by pirates and its eventual sale on the black market. Nigerian pirates have also been known to kidnap ships' officers, who are brought to land. They tend to be released within a few days on payment of a ransom. In 2006 the Movement for the Emancipation of the Niger Delta (MEND) came into being. The movement has engaged in acts of sabotage and piracy with the stated aim of achieving a greater share for this hydrocarbon-rich Nigerian region of the profits generated by oil exploration. 80% of the Nigerian government's revenue comes from this zone. Up to 2011, these pirates used to attack ships in the maritime domain of Nigeria, and in its domestic waters (in particular, in the Niger Delta). Since then they have broadened their sphere of activities. In 2013 they carried out attacks in the usual spots, such as the port of Lagos (in Nigeria) or the zone next to the Niger Delta (Port Harcourt, Calabar). But, further west, they also ventured to places as distant as Ivory Coast (off Abidjan); and to Gabon in the south (Port Gentil).

The attacks have caused considerable damage to the economy of some of these countries. The waters of Togo and Benin have been qualified as high-risk by insurance providers, which sparked spiralling refuelling costs at ports in both countries. Merchant sea traffic also reduced significantly, which particularly affected the economy of Benin. 80% of the government's tax revenue derives from activity at the port of Cotonou, which was the main target of the pirate attacks.[29] As previously mentioned, in January 2014 Nigerian pirates arrived from the South to Angola. This sounded a major alarm

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27   "Pirates hijacked tanker off Angola, stole cargo: owners", *Reuters*, 26 January 2014: http://www.reuters.com/article/2014/01/26/us-angola-piracy-idUSBREA0P0QY20140126   [Consulted: 19/08/2014].

28   "Nigeria hands over suspected sea pirates to Interpol", *Premium Times*, 10 July 2014: https://www.premiumtimesng.com/news/164688-nigeria-hands-over-suspected-sea-pirates-to-interpol.html#sthash.fPgQsmHm.dpbs [Consulted: 21/08/2014].

29   UNODC: "Transnational Organized Crime in West Africa. A threat assessment", February 2013, p.51. http://www.unodc.org/documents/data-and-analysis/tocta/West_Africa_TOCTA_2013_EN.pdf [Consulted: 19/08/2014].

not only because it was the most southerly attack perpetrated by the Nigerian pirates, but because the so-called "petro-piracy" seemed to implicate the two largest oil producers in Africa. The qualitative leap in the actions of pirates is self evident. Such incidents should be sufficient for the regional authorities to take cognizance of the lack of maritime security.

In view of this, the Angolan response could be a key factor here. In August 2014, the Angolan Vice-President spoke at the US-Africa Summit of the need to further strengthen international cooperation to combat navigation security issues in the Gulf of Guinea. He also announced that in collaboration with the United States, Angola would organise a summit on the issue before the end of the current year. These declarations seem to indicate a change in the Angolan stance with regard to the problem of maritime security in the region.[30]

Given that the possibility of establishing an international initiative to patrol a scenario as broad as the Gulf of Guinea seems hardly viable, in particular, on account of its elevated cost, regional cooperation has emerged as the most important factor in combating this threat. In this sense, lessons learnt are not wanting, not only on account of what has occurred in Somalia, but especially in terms of counter-piracy developments in the Straits of Malacca. In 2004, Singapore and Malaysia set up joint patrolling whereby they succeeded in substantially reducing incidents of piracy in south eastern Asia. On this point, some measures have been achieved, notably the joint patrols deployed by Nigeria and Benin in 2011, bringing about a considerable reduction in piracy incidents in the area of Cotonou. Nigeria bore the greater part of the costs. Nevertheless, it is also true that increased pressure on the Benin pirates has made them move their activities to Togo. In this sense, increased pressure in waters close to Nigeria could lead to the pirates broadening their sphere of operations as we have seen in the case of the hijacking that took place in Angola.

Another crucial element in this regional approach is fomenting trust between the countries of the region, to secure the sharing of information and intelligence. It is by means a straightforward issue. Even between developed countries who are allies it can be difficult to generate links that allow for the sharing of sensitive information. But we consider it to be an indispensable step in dealing successfully with maritime insecurity in the region.

On the other hand, corruption is one of the critical factors in combating piracy in Nigeria. In 2006, the chief corruption fighter in the country at the time said that the Nigerian elite had "robbed or wasted" $380 billion over four decades.[31] In 2005, high-ranking naval officials were fired for their involvement in oil theft and illegal trading.

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30   "Angola Defends Reinforcement of Security in Gulf of Guinea", 7 August 2014: http://allafrica.com/stories/201408080398.html/ [Consulted: 19/08/2014].

31   BBC News, 'Nigerian leaders "stole" $380 billion', 20 October 2006.

In October 2009, a former chair of the port authority and various senior officials were convicted on charges related to abuse of office.[32] Since the early 2000s, several retired military officer including a Vice Admiral, have been arrested on suspicion of having been involved in petroleum theft. All of them were released without charges. In 2006 a Brigadier General, then-commander of the *Joint Task Force*[33] that patrols part of the Niger Delta was relieved of his post for his role in oil theft and smuggling.[34]

It is also worth pointing out that Nigeria's revenue from oil exports has been increasingly on the rise over the past number of decades, overtaking South Africa recently in becoming the number one economic power in Africa. Nevertheless, poverty levels have not gone down even since the country returned to democracy in 1999. According to a World Bank study, Nigeria oil exports in 1999 accounted for $15 billion, while almost 70% of the population lived on less than $1.25 a day. In 2011, oil exports reached $90 billion, notwithstanding, the percentage of those living in poverty is similar to what it was in '99.[35]

The piracy problem in the Gulf of Guinea originates mainly in Nigeria. Therefore that country should be leading the way in putting an end to maritime insecurity. The amnesty decreed by the Nigerian president in 2009 meant that almost 30,000 MEND ex-agitators have been offered reintegration within its framework, involving training and jobs.[36] This has had a positive effect in reducing the number of attacks as well as on oil production.[37] However, new bands of pirates have come to the fore, who want to avail of the benefits, while the problems of corruption and good governance remain evident. In February 2014, the president suspended Lamido Sanusi, governor

32   The Gulf Of Guinea: The New Danger Zone, *Africa Report* N°195 – 12 December 2012: http://goo.gl/k44VtX [Consulted: 19/08/2014].

33   *The Joint Task Force* combines Navy, Army, Air Force and Police, and was set up to combat terrorism and other threats in the Niger Delta.

34   KATSOURIS, Christina and SAYNE, Aaron: "Nigeria's Criminal Crude: International Options to Combat the Export of Stolen Oil", Chatham House, September 2013: http://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Africa/0913pr_nigeriaoil.pdf [Consulted: 19/08/2014].

35   CAMPBELL, John et alia (2013). *Pathways to Freedom*. Ed. Isobel Coleman and Terra Lawson-Remer. New York: Council on Foreign Relations Press, 2013: http://www.cfr.org/democratization/nigeria/p30819 [Consulted: 03/09/2014].

36   The 2014 amnesty programme budget amounts to almost $400 million. See ABAZIE-HUMPHREY, I. "Engaging the Nigerian Niger Delta Ex-Agitators: The Impacts of the Presidential Amnesty Program to Economic Development". Office of the Special Adviser to the Nigeria President on Niger Delta. 14th EADI General Conference, 23-26 June 2014, Bonn: http://www.eadi.org/fileadmin/Documents/Events/General_Conference/2014/gc2014-abazie-humphrey-41.pdf [Consulted: 08/09/2014].

37   UNODC. "Transnational Organized Crime in West Africa. A threat assessment", February 2013. p. 52.

of the Central Bank. A short time previously the banking head had said that, between January 2012 and July 2013, $20 billion in oil revenue had gone missing.[38]

According to some sources, 80% of distress calls from ships' captains go unanswered.[39] This could relate to inadequate security in Nigerian ports, but also with possible ties between port officials and the pirates themselves.

Thus, the deployment of joint patrols and sharing of information and intelligence are the two cornerstones underpinning an authentic regional strategy to combat piracy in the Gulf of Guinea. The other two strands could focus, on the one hand, on the fight against corruption and improved governance within Nigeria, and, on the other hand, on ensuring the countries are provided with materials and people to patrol their waters, as well as a legal base that will ensure that offenders are brought to justice and convicted.

3.4 Programmes to strengthen the capacities of countries in the region

The Code of Conduct on the repression of acts of piracy, armed robbery on ships and illicit maritime activity in Western and Central Africa was approved by 22 countries in the region at the Yaounde Summit of June 2013. The role of the United Nations, via the IMO, was fundamental, and took account of resolutions 2018 (2011) and 2039 (2012) of the UN Security Council, which declared concern at the piracy situation in the region of the Gulf of Guinea, as well as the initiatives and roles of the Economic Community of the Western African States (ECOWAS), the Economic Community of Central African States (ECCAS), the Gulf of Guinea Commission (GGC) and the Maritime Organization of Western and Central Africa (MOWCA).

The objectives of these initiatives centre above all on strengthening three great capacities: sharing and communicating information between the countries; intercepting boats suspected of participating in acts of piracy, terrorism or illegal fishing; and ensuring that the offenders are detained and convicted.

To assist in the implementation of the Code of conduct in the first of these capacities (sharing information), the MTISC-GoG *Maritime Trade Information Sharing Centre for the Gulf of Guinea* was set up 2014. This new centre, probably the one with the greatest visibility, is modelled on the UKMTO office *United Kingdom Marine Trade*

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38   "Nigeria central bank head Lamido Sanusi ousted", BBC, 20 February 2014: http://www.bbc.com/news/world-africa-26270561 [Consulted: 19/08/2014].

39   The Gulf Of Guinea: The New Danger Zone, *Africa Report* N°195 – 12 December 2012, p. 8: http://goo.gl/k44VtX [Consulted: 19/08/2014].

Operations, created in Dubai as part of the British response to the 9/11 attacks on the United States in 2001. Since 2007, UKMTO activity has centred on maritime piracy, serving as a link between the industry with maritime forces to combat Somali piracy. This is the body to which the captains of ships travelling in the Western Indian Ocean report if they are attacked by pirates. It also develops a programme which invites mariners irrespective of their ownership or which flag or they are flying to send UKMTO daily reports on their position, course, speed and expected date of arrival at the next port. With this information, UKMTO tracks the ships' situations and relays that information to the headquarters of the naval forces stationed in the zone.

The MTISC also establishes a high-risk area, from which merchant ships can report positional information on a voluntary basis. They are encouraged in the case of a pirate attack that the officer in charge of security on board should immediately inform MTISC, which would in turn send out warning signals to other vessels in the vicinity. Although it does not have operational control over naval vessels, the MTISC can provide information to regional maritime operations centres to provide assistance. In fact, at the time of writing these lines (November 2014), the MTISC website is already reporting on specific piracy incidents, which the usual sources have not reported (for example, the *International Maritime Bureau-Piracy Reporting Centre*). The MTISC, based at the Maritime Regional University of Accra (Ghana), has the support of various international actors, regional organisations and the industry itself, through the *Oil Companies International Marine Forum* (OCIMF). In fact, the centre is manned by marine personnel from the region and people from the industry.

Nevertheless, one might ask whether the MTISC initiative could be compatible with the proposal put forward recently from ECOWAS which is engaged in establishing different maritime zones in the Gulf of Guinea in the fight to combat piracy. The first of these areas –known as Zone E- would include the waters of Nigeria, Togo, Benin and Niger. The so-called Zone F would comprise Ghana, Ivory Coast, Liberia and Sierra Leona, while Zone G would include Gambia, Cape Verde, Senegal and Guinea Bissau.[40] It also envisages the creation of a regional coordination centre. Another inter-regional coordination centre was inaugurated in September 2014, based in Cameroon.

In relation to the capacities for intercepting boats suspected of carrying out maritime criminal offences, various states in the region have been acquiring naval and air units to promote surveillance of its waters.[41] Similarly other countries have donated

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40   ECOWAS is following the trend started by the other major regional organization, ECCAS, which also established three geographical zones, named A, B and D, stretching from Angola to Cameroon.

41   See, for example, "Nigeria: NIMASA Unveils Three Patrol Boats to Fight Piracy", *This Day*, 11 October 2013: http://allafrica.com/stories/201310110593.html , "China launches first Nigerian offshore patrol Wessel", Defenceweb, 30 January 2014: http://www.defenceweb.co.za/index.php?option=com_content&task=view&id=33409&Itemid=106 y "Piracy: US to give Nigeria another vessel —Envoy",

equipment and boats, or are carrying out training programmes for the marines of the countries of the region. For example, in July 2014, the Spanish Minister of Defence announced that Spain was preparing advisory programmes and military training for the countries of the Gulf of Guinea who showed interest in the initiative.[42]

One of the projects in the EU *Critical Maritime Routes* programme is specifically targeted at the region: the *CMR Gulf of Guinea* (CRIMGO) project aims to establish a regional centre, *Gulf of Guinea Maritime Information Sharing*, GoGMIS for the sharing of information and connecting the different national centres already in existence. CRIMGO also develops training programmes in the field of maritime security. They are designed for members of the different government bodies (Marine, Police, Fisheries, etc.) from seven countries in the region: Benin, Cameroon, Gabon, Equatorial Guinea, Nigeria, Togo and Santo Tomé and Principe. Courses are run in French and English, using the premises provided by two existing centres: the *Académie Régionale des Sciences et Techniques de la Mer* (ARSTM), in Abidjan (Ivory Coast) and the *Regional Maritime University* (RMU) in Accra (Ghana). The project is also engaged in the implementation of joint exercises so that the countries develop and coordinate their operational capacities.

Other programmes currently in the development phase intend to assist countries of the region on legal issues so as to set up homogenous counter-piracy legislation that would strengthen their capacity to pursue and bring the pirates to justice. This would require a prior evaluation of the legal situation in existence in every country and support for the necessary legislative changes so as to adapt domestic legislation to international conventions. And, finally, to obtain from local authorities the commitment that the new regulations would be implemented. This is a crucial moment, demanding a decided political will on behalf of the governments involved, in addition to sufficient means to bring the offenders before the courts of law. UNODC's previous experience in this area of Africa could be decisive in this context.

An issue of considerable concern is the existence of programmes and projects already underway –or in the planning phase- that would appear to propose or have similar goals, with the corresponding risk of duplication or overlap.[43] In this sense, the Group of Friends of the Gulf of Guinea, a G8 initiative has been set up in an attempt to

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Vanguard, 4 May 2014: http://www.vanguardngr.com/2014/05/piracy-us-give-nigeria-another-vessel-envoy/ [Consulteds: 21/08/2014].

42   "Morenés informa sobre la situación y las misiones españolas en África", 9 July 2014: http://www.defensa.gob.es/gabinete/notasPrensa/2014/07/DGC-140709-morenes-comparecencia-congreso.html [Consulted: 19/08/2014].

43   Only in the field of information sharing can the various existing actions in the area of the Gulf of Guinea be consulted on the map drawn up by the project *Oceans Beyond Piracy*: http://oceansbeyondpiracy.org/sites/default/files/attachments/WestAfricaInfoSharingMap_0.pdf [Consulted: 20/08/2014].

coordinate the various efforts. Following on from the approval, in March 2014, of the European Union's Strategy for the Gulf of Guinea,[44] some authors have proposed the appointment of a special European representative for the region that would guarantee the coordination between the various organisations and states with interest in the maritime security of the West African region.[45]

4. CONCLUSIONS

If we were to summarise the current situation, by applying the technique of SWOT analysis (strengths, weaknesses, opportunities and threats) to piracy in the Gulf of Guinea, the results could be expressed in the following diagram :

SWOT ANALYSIS
PIRACY IN THE GULF OF GUINEA

Weaknesses	Strengths
• Poor governance. • Lack of port security. • Poor industry transparency. • Reluctance of some countries to international military presence. • Lack of convoys. • Private security regulation. • Few reported attacks. • Lack of response to distress calls.	• Nigerian military capabilities. • Not failed states like Somalia. • Regional political agreement. • Possible collective response. • International support.
Threats	**Opportunities**
• Pirates extend their area of operations. • High success rate of the pirates. • Pirates know how to pilot a ship. • Increasing use of mother ships. • Attacks on fishing vessels. • High risk near ports. • Corruption. • Worsening of the situation in Nigeria. • Environmental degradation.	• Regional cooperation. • Joint patrols. • Rapid-response force. • International military mission. • Information sharing. • Capacities to prosecute pirates. • Private security.

44   COUNCIL OF THE EUROPEAN UNION. "EU Strategy on the Gulf of Guinea", 17 March 2014:   http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/141582.pdf. [Consulted: 08/09/2014].

45   ANYIMADU, Adjoa. "Maritime Security in the Gulf of Guinea: Lessons Learned from the Indian Ocean", Chatham House, July 2013, p. 16: http://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Africa/0713pp_maritimesecurity_0.pdf [Consulted: 19/08/2014].

An awareness on the part of the various states and regional actors in the Gulf of Guinea is crucial in combating the phenomenon of maritime insecurity. As we are not in the same context as Somalia and as some countries (Nigeria) have considerable resources, the response to maritime insecurity in the area should preferably be regional in nature.

The Nigerian pirates have displayed a certain capacity for adapting to pressure brought to bear by some countries. The joint patrols of Nigeria and Benin (2011) managed to reduce the attacks in the area of Cotonou…, but the pirates seemed to move on to Togo. The hijacking of an oil tanker in Angolan waters, in January 2014, confirms the risk of this "petro-piracy" spreading.

Decisively combating corruption and fostering good governance in Nigeria are elements to be borne in mind in the evolution of the piracy phenomenon in the Gulf of Guinea. Nevertheless, in reality neither international organisations nor foreign governments have too much influence on the factors behind oil theft in Nigeria, namely: corruption, poverty and unemployment.

The important role of private security contractors in the fight against Somali piracy does not appear so easily applicable in the waters of the Gulf of Guinea. The modus operandi of the Nigerian pirates is different, in particular, in the location of the attacks (domestic and territorial waters, although there are increasing numbers of attacks in international waters). No country wants the presence in its waters of weapons in the hands of foreigners. And, on the other hand, Nigeria, Togo and Benin are generating revenue through the recruitment of their own police and military personnel to shipowners who request it. Facilitating the presence of armed guards in ships navigating in the region would demand changes in national legislation which would also have to be harmonised to facilitate the operations and work of private security teams. As a protection measure it appears advisable that ships navigating in these waters should be equipped with a citadel that would provide security guarantees to personnel on board in the shortest possible time frame in the event of a pirate attack.

The deployment of an international naval force in the short term to patrol the territorial waters of the countries affected by pirate attacks does not appear foreseeable. Neither do some countries in the region support such an initiative.

International cooperation is channelled principally through training programmes for the armed forces of the region, particularly for the marines and coastguards along with legal assistance in preparing a framework that would allow for the persecution, conviction and imprisonment of the offenders. Countries are being encouraged to share information and intelligence, which is not always straightforward. Neither is it an easy task to promote internal coordination between the various government bodies of each country (Ministries, Marine, Coastguards…). In the same way, one runs the risk of some countries not being prepared to cooperate with projects proposed by supranational bodies. On the other hand, given the existence of diverse projects

promoted by different organisations, but with similar goals, the risk of duplication of effort and of provoking certain fatigue in the beneficiary countries is evident.

Finally, the outbreak of the Ebola virus in Western Africa in 2014, could place at risk or slow down some of the programmes forecast or under development in the area of the Gulf of Guinea.

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