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Fighting piracy in the Gulf of Guinea
Offshore and onshore
by Cristina Barrios

Following a spectacular decline in the Gulf of Aden, incidents of armed robbery at sea and piracy (which legally refer to attacks beyond territorial waters) are now on the rise in the Gulf of Guinea. In 2012, the International Maritime Bureau's (IMB) Piracy Reporting Centre recorded 58 attacks, including 10 hijackings. Nigeria is the most affected country, with 27 attacks in 2012 (almost three times more than in 2011), and 11 already reported for the first quarter of 2013. Most of the attacks target vessels connected to the oil industry, but they also disrupt trade and transport in the region as a whole, thereby posing a security threat to the international community as well as African states.

A 'classic' case is an attack on or hijacking of a tanker that is fully loaded with oil and navigating Nigerian, Ghanaian or Cameroonian waters. The oil is stolen (ship to ship) and sold on either directly to other ships or into the black market onshore, with the attacks sometimes coordinated from motherships or using other forms of structured off-shore organisation. Cases of sea-to-land attacks have occasionally taken place (for example, in Equatorial Guinea), and although hostages can sometimes be held for months, there is often limited reporting and follow-up on the issue.
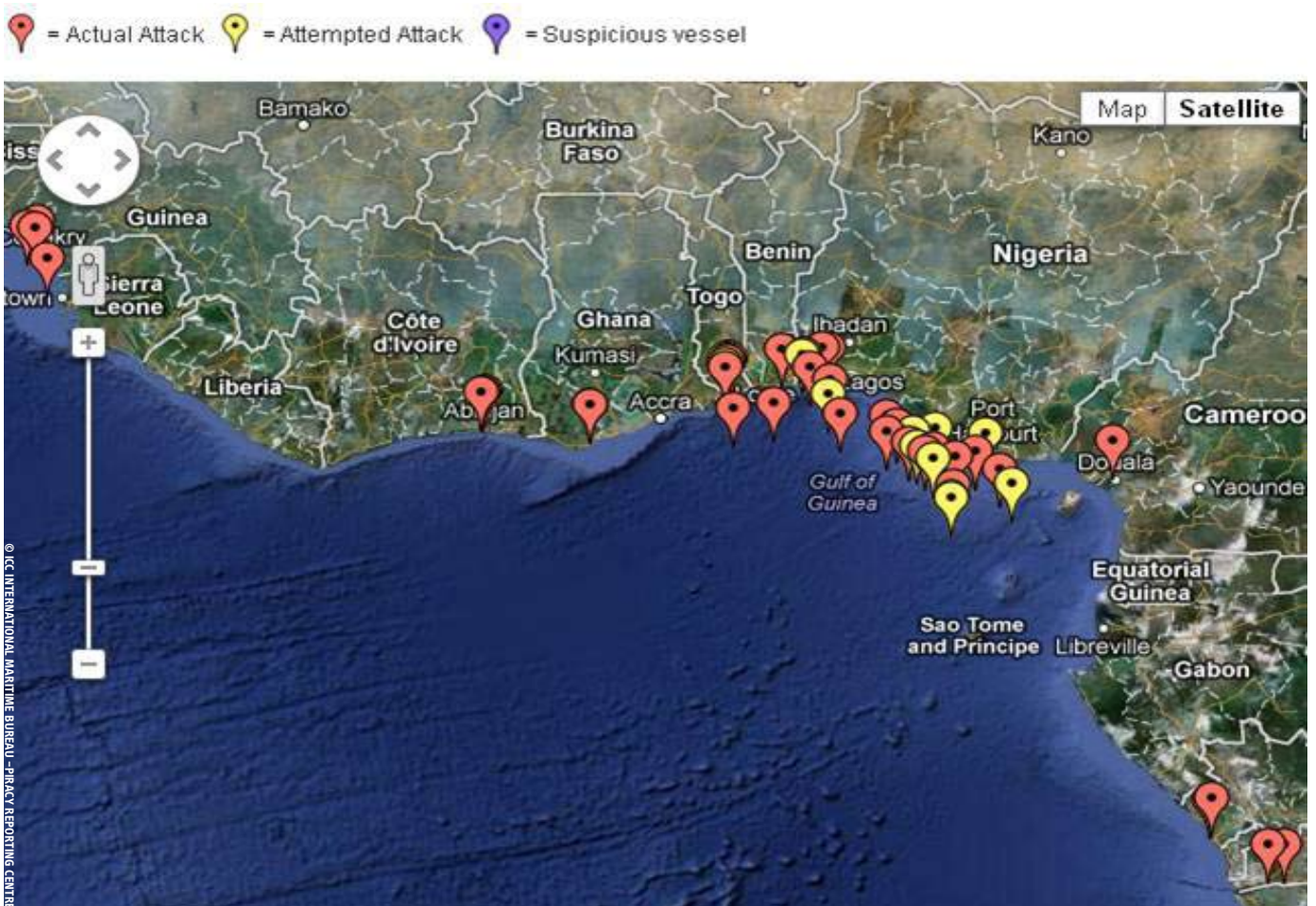
EU interests in the Gulf of Guinea fully justify current concerns. This is particularly so given that discussions surrounding an EU regional strategy for the Gulf of Guinea and preparations for the Joint Africa-Europe Strategy (JAES) Summit of 2014 have already begun. Yet hasty and superficial comparisons with the Horn of Africa should be avoided, as realities in West Africa are somewhat different. Calls for the development of a regional approach, however, should be maintained and indeed strengthened.

Why care about it

The security of Europe's maritime industry is increasingly at risk, with shipping companies struggling to balance steady demand with the rising costs of acquiring safe passage and port cooperation in the Gulf of Guinea. Europe has much at stake in the region and as the European Shipowners Association (ECSA) explains, a vessel may be owned by an EU company even if it carries a non-EU flag, or a European ship may be chartered to a non-EU company. Non-EU vessels may also be carrying goods between Africa and EU ports, or European goods worldwide.

Any disruption to trade in the region results in higher prices for European consumers, and severely affects business for EU companies. Up to 90% of the cost of implementing security measures and traveling along alternative routes is currently born by the shipping industry. In addition, the human cost of piracy is born by a small, professional group of seafarers and their families.

= Actual Attack   = Attempted Attack   = Suspicious vessel

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Oil and gas trade flows also need to be secured. No reliable data exists on how much oil is lost from official trade as a result of piracy, but the major oil companies indicate that it may be enough to create distortions in the market. The importance of the region in this regard should not be underestimated. Energy giant Total extracts about 20% of its oil from the Gulf of Guinea, with many of the company's newest drilling sites running along the coasts of Côte d'Ivoire, Nigeria, and Ghana. The EU as a whole currently meets 13% of its oil and 6% of its gas needs through resources from the area. In addition to energy security, concerns related to environmental protection and development cooperation also exist, both areas which are also inextricably linked to maritime security.

It is hard to paint an accurate picture and craft a fitting response to the piracy problem as data on maritime security is neither comprehensive nor exhaustive. The data gathered by the IMB unequivocally shows an increase in local attacks in the Gulf of Guinea, but the Piracy Reporting Centre estimates that only about one third of attempted attacks in the area are actually reported. Fishing vessels, for instance, hardly ever send in reports, although they do get attacked. This lack of reporting risks perpetuating the current state of affairs and masking the true extent of the problem.

Pirates of the Gulf

Compared to other international routes, there is little reliable information on safety in the Gulf of Guinea and no equivalent to the Internationally Recommended Transit Corridor established in the Gulf of Aden. Beatings and torture are not uncommon, and the number of hostages killed has increased over the past years. As a result, captains take extra risks and seafarers may refuse to operate along certain routes. If a vessel travels slowly, or operations at a port are lengthy and/or badly managed, risks grow.

There is also insufficient protection by state or regional authorities within territorial waters: coastguard services are minimal and civilian as well as military authorities patrol infrequently; officials may also lack training or equipment for onboarding operations, and are thus seriously challenged - when not bribed - by the pirates. Boats are left to their own devices for establishing means of deterrence and surveillance, which some may find hard to afford. And there is no international presence such as EUNAVFOR, or warships sent by major security actors, as off the Horn of Africa.

If these are the symptoms, responses need also to take into consideration the root causes of piracy. These

lie with low levels of economic development and high unemployment rates, most notably amongst the youth who are often seduced by the financial opportunities (oil theft and associated criminal activities can be quite lucrative) and the sense of leadership and 'social belonging' connected with the gangs.

Yet the most important root cause of maritime insecurity is weak, bad governance that results from precarious legal frameworks, poor law enforcement, and widespread corruption in the region. State structures and political leaders in the Gulf of Guinea are interwoven with the oil industry, and the regimes - governments and civil servants - often depend (and feed) on it. This is the case from Angola to Gabon, and especially so in Nigeria, where federal, state and local authorities are all part of the problem.

The Niger Delta region is a case in point here. State authorities indirectly or directly bear responsibility for the lack of rule of law due to their collusion with the criminal networks. These networks have hierarchies and godfathers, which are run in parallel to (or as part of) official structures. Andrew Mwangura, General Secretary of the Seafarers Union of Kenya, has called them 'the enablers', i.e. individuals who help strategise, conceive and sponsor the attacks through mafia-like networks. Criminal activities are then broadened to include oil and drug trafficking and money laundering. Although the public authorities are often aware of these 'enablers', they all too frequently operate undisturbed for years and occasionally move abroad (including to the EU) to seek and find refuge for their fortunes - and themselves.

This time it's different

EU policies to foster maritime security off the coast of Somalia and the Gulf of Aden have proven a remarkable success with incidents of piracy having decreased dramatically in that area. Countries in the region, as well as the international and the business communities have all welcomed the Union's multi-pronged approach combining development and state-building inland with sea patrols and international diplomacy. Are there lessons that can be learned and usefully transferred from Gulf to Gulf?

The situations in West and East Africa differ in some crucial aspects. First, there is a strong connection to oil theft and its subsequent illegal trafficking in the west. This is not the case in the Gulf of Aden, where piracy has been largely motivated by the expectation of cashing in on ransoms. In addition, criminals in the Gulf of Guinea have used a higher degree and more sophisticated level of violence: "they know how to fire rockets, while Somali pirates had hardly escalated to that level", admits a representative of

the European social partners. Attacks are also not as random and target fully loaded tankers or ships with valuable goods, which means that the pirates receive tip-offs in advance on the cargo (and possibly instructions) from port and land connections.

Most importantly, attacks usually happen in jurisdictional waters and not far from shore. Consequently, the maritime laws and enforcement tools that apply are different. In the Gulf of Aden - when piracy occurs in international waters - the rules of the ship's flag state apply when responding to attacks and capturing pirates. This also justifies the role of international navies, NATO and EU patrols off the coast of Somalia. By contrast, deploying war ships in the Gulf of Guinea would be diplomatically tricky as well as economically costly (a warship's deployment can cost up to €1 million per month).

Also, there is no 'failed state' like Somalia, and littoral West African countries are responsible for the rule of law in their waters. As legal frameworks and procedures vary widely between Nigeria, Cameroon, Benin, Côte d'Ivoire and others, there is need for greater regional communication and inter-state coordination both to provide patrols and protection in case of attack and to prosecute pirates and dismantle their criminal networks.

Act regional...

The European Commission has started to address maritime security issues, and a number of projects are currently in place in the Gulf of Guinea. The Joint Research Centre runs the Piracy, Maritime Awareness and Risks project to gather and share maritime surveillance information for local and international policy makers (the effective sharing of information is indeed one of the biggest practical and political challenges in the region). The European Development Fund (EDF) supports a project on the harmonisation of safety regulations, emergency responses and port efficiency alongside the initiative of the Economic Community of Central African States (ECCAS) to develop a maritime security strategy in the Gulf of Guinea.

Additionally, the Instrument for Stability has been employed to finance a new project within the Critical Maritime Routes Programme (CRIMGO). With a budget of €4.5 million, CRIMGO will be implemented by a consortium of seven EU member states over three years, and has a specific, region-wide approach. It will support training, legal frameworks and cooperation mechanisms, and foster information sharing between the seven pilot countries. By contributing to operational capacities and kick-starting coastguard functions, inter-agency work, and regional maritime

security mapping, it may well make a difference. But the real challenges will be in maintaining its sustainability as well as its credibility, as regional cooperation is neither uniform nor strong on the ground and international businesses will be reluctant to share information with local authorities unless the rule of law improves.

There is also a potential mismatch between the existing sub-regional structures and the challenges in the field of security that seem to require a pan-regional approach - as is the case with the Sahel. ECCAS, ECOWAS and the Gulf of Guinea Commission (that has a lower profile) would all be relevant partners for improving maritime security. These three organisations have been working together as recommended by the UN, and recently drafted a Code of Conduct that draws on the Djibouti document for the Gulf of Aden. A regional summit is foreseen in Yaoundé next July, and heads of state may be able to adopt the Code of Conduct on this occasion, hopefully as a binding agreement.

A positive result at this broader forum would be a far greater achievement than either an ECCAS-only or an ECOWAS-only agreement. It could somehow dilute the oversized role of Nigeria and bridge the Francophone-Anglophone divide in the region, as well as offer the most effective way to meet regional security goals. The EU and the US have been invited to attend the proceedings and are likely to contribute (with France and the UK in the forefront) funding and expertise. The African Union is also a potential partner, but institutional and regional competition on this issue should be avoided where possible.

... and think global

Thus far, the Commission's Directorate-General for Mobility and Transport (DG MOVE) has been the main interlocutor with the maritime industry. Although trade interests are a clear driver of EU policy, a broader and more political approach could yet be developed, possibly with input from EU Delegations on the ground and maybe even a Special Representative (as in the Horn of Africa). The Union is in an ideal position to mobilise instruments from DGs in the Commission (HOME, MOVE, MARE, ENV), the EEAS, and its member states. Such a regional approach can take stock of financial possibilities under the 11th EDF and adapt policies to the evolution of the Sahel crisis and developments in Nigeria, Côte d'Ivoire and Benin - where important elections are coming up in 2015.

Concrete measures are important, such as the promotion and adoption of Best Management Practices, which have been developed by shipowners for self-protection and are proving successful in the Gulf of Aden. These include measures such as installing barbed wire, training crews, or deploying armed guards onboard.

The latter is a particularly controversial issue, as national and international provisions vary widely. Many West African and European states do not allow arms onboard, but some flags do, and boats may adopt them out of convenience despite the general agreement that safe ports, effective coastguards and navy protection would be a better alternative. Support for the implementation of advanced technology and training - state-of-the-art camera systems, covert tracking devices, and advanced satellite communication - can also help prevent attacks and relay information.

Since port and coastal security vary within the region, these short-term measures all seek to improve the protection of ships navigating dangerous areas, at least until long-term solutions are found.

A global approach to tackle the root causes of piracy is also necessary. This would ideally be linked to development cooperation projects and security sector reform. EU civilian and military assistance could be useful in support of the training of national coastguards and navy officers, the use of equipment and the development of information-sharing practices. And input from civil society - with information channelled through to EU policy makers - would help identify or assess possible partners for EU projects, and to ensure that governments are not just paying lip service to the issue in order to gain access to cooperation funds.

Finally, tackling corruption and organised crime is crucial. The EU can increase pressure on West African states to this end, using its leverage to foster legal reform (in some countries, piracy is not even legally defined as a crime), and ensure effective prosecution and follow-up in cases of piracy. 'Naming and shaming' and cooperation with and through Interpol and Europol to combat impunity can be powerful tools. 'Historic' cases such as that of Nigerian ex-governor James Ibori - convicted in London for money-laundering - or of Guinea Bissauen ex-navy chief Bubo Na Tchuto - recently arrested in the US for drug-trafficking - have possibly been more successful in combating crime and providing an effective deterrent than any number of workshops and training courses.

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