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NATIONAL SECURITY AND MARITIME **PIRACY** IN **NIGERIA:**

SOCIOLOGICAL DISCOURSE

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ABSTRACT

The inclusion of the Nigerian maritime environment in the piracy hotlist has attracted the interest of researchers, security stakeholders and policy makers into the impact of maritime piracy on the nation's

security. Therefore, this sociological discourse on national security and maritime piracy has been made,

identifying the nature, impact and policy actions taken so far to curb the menace. The discourse, using secondary data from International Maritime Bureau (IMB) to show the severity and pattern of piracy in

Nigeria waterways, and the tenets of the three capability gap thesis, found out that while corruption is the

major cause of maritime piracy and insecurity in Nigeria, election malpractices specifically equips the pirates

with arms directly or indirectly. The government policies and action, as well as the multinational

companies' ransom payments were found to have not been enough in solving the problems and

recommendations were therefore made. It was therefore concluded among others that addressing the political interference in maritime security management and intelligence as well as building a strong synergy (among

security agencies) could consolidated and enhance security management and intelligence gathering in

Nigeria's security sector.

Keywords: National, Security, Maritime, Piracy, Nigeria, Sociological, Discourse, Corruption.

Contribution/ Originality:

The inclusion of Nigeria in piracy hotlist calls for attention to unravel the root causes of maritime piracy since it constitutes a security challenge to the nation. This study is one of such

delibareate attempt to identify and sociologically explain human factors in the surge of threat to

Nigerian waterways which constitute a national security challenge.

This study have proposed a strategic mechanism which could enhance a better synergy among

security operatives, as well as address the issues of security interference by none security

operatives (government officials and others). This study have also added to the build-up on

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literatures that explains and focus on maritime piracy and national security in Nigeria. Finally,

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this study has complemented locality/geographical specific studies on maritime piracy (especially in the Gulf of Guinea), which can collaboratively address the issues of insecurity in their waterways.

1. INTRODUCTION

Maritime piracy has been identified by the international security bodies as one of the major threats, not only to Nigeria national security, but to the international peace (IMB, 2009). For a long time, pirates operating in different parts of the globe have held the world shipping community hostage, threatened the economies of many countries, and relegate efforts to protect lives and citizens by many countries fruitless. This resulted to the International Maritime Bureau (IMB), raising alarm to all maritime nations to take drastic actions against the menace. It was one call that the world responded to, including Nigeria and the rest of West African states which early this year were classified as dangerous as Somalia where pirates have made sailing unsafe for ship owners and crew on board (Onuoha, 2012a).

Maritime piracy has recently received renewed attention according to 2010 official report by the International Maritime Bureau (IMB). Jesugbamila (2010) observed that the statistics compiled and reported by the IMB shows a ten percent increase in reported incidents of piracy worldwide. Alessi (2012) further reported a total of 439 piracy attacks worldwide in 2011, more than half of which were attributed to Somali pirates operating in the Gulf of Aden, the Red Sea, the Arabian Sea, the Indian Ocean, and off the coast of Oman.

Onuoha (2012b) observed a geographical shift of maritime pirate activities. According to him, maritime piracy which has been largely concentrated in Asia (Indonesia, Malaysia, Singapore and Philippines) as the traditional hotspots of global piracy has shifted concentration to Africa waters with high concentration rates on Somalia and Nigeria's waterways; owing to a combination of factors among which Uadiale (2012) pointed out to include: the increased and profound impacts of globalization, which as a consequence, has increased global trade and commerce, the intensification of global trade, the end of the cold war, technological advances, weapons proliferation, as well as the state's failure to fulfill their quintessential and traditional role and functions of security provision, much of which also extends to the maritime security domain, frontiers and corridors. Jesugbamila (2010) added alienation and marginalization, the social problem of poverty, and unemployment, resource disputes among others as contributing to fuel a significant increase in piracy, and a deterioration in Africa's maritime security environment. From the foregoing, it is pertinent to investigate if the nature, extent, and causes of piracy which varies among the security policies formulation and strategies on Nigeria territorial waters are mandated by corruption. Hence, leads this discourse to take a holistic look at piracy in the Gulf of Guinea. Considering the nature and extent of piracy in Nigeria, the discourse will take a closer look at a link between corruption and piracy in the Nigerian waters, to establish the level of its impact on national security.

2. CONCEPTUAL ISSUES IN MARITIME PIRACY ON THE GULF OF GUINEA

Article 101 of the 1982 UN Convention on the Law of the Sea (UNCLOS) defines piracy as:
a) Any illegal acts of violence or detention, or any act of depredation committed for private ends by the crew or the passengers of private ship or a private aircraft, and directed: (1) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; (2) Against a ship, aircraft, persons or property in a place outside jurisdiction of any state; b) Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft. C) Any acts of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

The International Maritime Organization (IMO), responding like they saw some limitations in the above definition, which may disqualify some acts in the African waters as piracy, gave a new definition as: "an act of boarding any vessel with the intent to commit theft or any other crime and with the intent or capability to use force in the furtherance of that act". This shall be the working definition of piracy in this discourse.

Murphy as cited in Uadiale (2012) made an assertion that depicts the GoG as a 'scramble for the sea'; as the Gulf is viewed increasingly as a partial solution to the ever increasing needs regarding energy, population, food and territory, which draws competition with maritime activities, good, and bad such as piracy, increasingly entering the fold. Uadiale (2012) argued that when the focal point of growth, wealth and power is situated off-shore, maritime boundaries are disputed, and inter-state tensions tends to escalate quickly. An example is the Nigeria-Cameroon dispute over the Bakassi peninsula. This volatile condition always favours insurgent-styled activities-piracy at sea (Nna-Emeka et al., 2008).

Based on statistics from the IMB Piracy and Armed Robbery against Ships Annual Reports, there were a total of 1,434 incidents of piracy in Africa between 2003 and 2011 (Jose, 2003; Onuoha, 2012). Beginning from 2007, the number of attacks has been on the increase. Onuoha reports that even when the frequency of attacks in the GoG is not as high as in the Somali, it is on the increase, as he reported that it jumped from 61 in 2006 to 293 in 2011.

The GoG pirates are known to be violent as they usually deploy sophisticated arms and weapons like AK-47s. The traditional modus operandi of pirates operating in the region had largely involved the use of speedboats to attack and dispossess crew of cash, cargo and valuables, when the vessel is at anchor or in harbor, but mostly close to shore (Simpson, 2009; Abdullahi, 2010). Malaquais (2012) noted that "the GoG piracy is the organized, sometimes highly sophisticated, illicit taking of oil. They steal oil, make a couple of black market circus of the stuff, and then deposit it back into the global supply". When taken hostage by GoG pirates, the period of captivity lasts an average of ten days as compared to six months for Somali hijackings. This may be as a result of higher sophistication, organization of the Somali pirates that equips them to keep the captives as long without being caught.

Onuoha (2012b) reports that statistics on maritime piracy in the GoG is not been evenly distributed. The incidents in the region decreased from 64 attacks in 2003 to 56 in 2004 and in

2005. It increased from 31 in 2006 to 53 in 2007 and 59 in 2008. Although it declined from 48 in 2009 to 39 in 2010, it has picked up again with 53 cases recorded in 2011. The increase in incidences of piracy in the GoG region has prompted a lot of engagements to improve maritime security. Some National efforts have been made by different states like the transformation of 'Operation Restore Hope' to 'Operation Pulo Shield' in Nigeria. Republic of Benin and Ghana have created the Maritime Domain Awareness (MDA) among other efforts to combat piracy. Bilaterally, Nigeria and Benin Republic in 2011 setup a combined Maritime patrol of their waterways code-named Operation Prosperity (Samuel, 1999; Gabriel et al., 2009; Onuoha, 2012b).

The escalating nature of pirate activities and its attendant consequence on the security of most countries have resulted to an incessant discourse by various countries. For instance, a high profile meeting of representatives from the Economic Community of West African States and Economic Community of Central African States as well as the United Nations was convene in Benin in March 2012, to further fine tune collaborative regional efforts at improving maritime security in the GoG. Onuoha (2012b) opined that in addition to the above efforts, there is the need for attention to move beyond the sea to land, where the real threats at sea actually originate.

3. NATURE AND EXTENT OF PIRACY IN THE NIGERIAN WATERS

Recently, Lloyd's Maritime Association (LMA), a body of UK ship owners threatened to raise charge on goods coming to Nigeria and other African countries. The association had fingered Nigeria and other West African countries as second to Somalia in terms of piracy (Vanguard, 2013). This followed the report that while there were 58 pirate attacks on ships within the nation's coast in 2012, there were 22 attacks already on ships trading in Nigeria and Benin Republic as at February 2013.

The IMB and LMA, a high profile sea piracy monitoring and reporting group with headquarters in London, had considered imposing higher freight rates on goods coming to Nigeria as a result of the increasing attacks on Nigerian bound ships. Piracy, being a subject of new or renewed interest, has left researchers struggling to separate reports of piracy in the Gulf of Guinea from that of Nigerian waters in particular. This is probably because of the region's combined efforts at combating piracy.

The GoG located off the coast of west Africa and extending from the western coast of Cote d' Ivore, past Nigeria, to the Gabon estuary is one of the world's most dangerous maritime regions with regards to piracy. Understanding the geographical trends of piratic attack will better enhance policy and security strategies to curb pirates activities. A critical observation of data in Table 1(see appendix 1 below) will better equip us with basis for mapping and declaring the various hotspots which is sacrosanct to addressing the issue.

The report made a particular mention of a sharp escalation in piracy-related activity off the coast of Nigeria. They furthered observed that majority of these attacks occurred around Lagos, Nigeria's main port and commercial center, and in the oil rich Niger-Delta region. In the Niger-Delta, the problem of piracy has been compounded by a growing insurgency, where militants are

fighting for an increased share of the regions wealth and have attacked shipping interests in pursuit of this cause (Raymond, 2007; Uadiale, 2012).

Uadiale (2012) further opined that, with its rise in the IMB hotspots list, piracy is by no means a new phenomenon in Nigeria, with piracy related activity plaguing Nigeria's coast and waterways since the early 1970s. According to the report, the boom in Nigeria's oil export and the accompanying boom in import of various goods, such as processed food, liquor, cigarettes, cars and electronics, from 1970s saw a sharp rise in the numbers of foreign commercial vessels calling on Lagos, Apapa, Portharcourt and other major Nigerian port. The ports however, lacked the capacity to handle the swift surge in maritime trade causing long delays around the harbor areas. The delays and ineffective security in port areas and on board ships created ample opportunity for local gangs to perpetrate theft and robbery against foreign vessels. These attacks according to Uadiale can be referred to as an 'opportunity' rather than 'organised' piracy. In the 1970s, the motivation came as the availability of goods to rob and no corresponding security. But piracy in recent times in Nigeria has changed in nature and trend, probably as a result of change in the motivating factor. Even while they seem to be effective security around the harbor and even in patrol, the pirates still attack, because they are prepared to fight even the coast guards (Freedom and Hassan, 2009).

The change has resulted to pirate activities such as Bunkering for international sales, which according to Marc-Antoine (2012) is organized on a much larger scale and usually goes together with forgery of bills of lading to understate the amounts of oil actually and legally lifted for export. He opined that piracy in all its various forms is undoubtedly an affair of maritime specialists, sometimes with international connections. But since most Africans of the hinterland cannot swim, offshore attacks do not seem to involve many urban armed robbers. Around Lagos, a good number of pirates are young boys and fishermen from coastal communities. Likewise, sea robbers from the Niger Delta can swim and drive a speedboat. They connect with gangsters onshore through the so-called cult societies, that is, mafias and student fraternities that draw their philosophy from the marine world, which explains their sophistication (David, 2007). This goes to explain that ordinary fishermen and some local gangsters could not have evolved into such sophistication as to withstand the navies and in many cases carry out their activities successfully, except they have made some allies with the security agents directly or indirectly. Therefore, showing the sophistication of pirates weapons has a far-reaching implication to stern the tide. Data in table 2 (see appendix below for details) better x-rayed pirates type of weapons engaged during operation.

4. CORRUPTION AND MARITIME PIRACY IN NIGERIA

Corruption have been defined in various words and facts by scholars (Nye, 1967; World Bank, 1997; Ifesinachi, 2003), but some underlying facts in most of the definitions is found in the definition put forward by Onuoha (2012b): "corruption entail actions or even inactions that perverts the socially accepted behavior, established laws and prescribed moral ethos of a given

society". With the above definition of corruption, this paper adopts the three gap thesis posited by Centre for Global Development in 2004 to explore the linkages between corruption and maritime piracy.

4.1. The Three Capability Gap Thesis

The three capability gap thesis proposed strategy for dealing with states in terms of the three capability gaps namely: (i) legitimacy gap, (ii) capacity gap, and (iii) security gap (Centre for Global Development, 2004 in (Onuoha, 2012)). In this wise, weak state are countries in which "the governments have poor capacity to exchange protection for revenue, and what capacity they have does not extend across the territory of the country they are internationally recognized as governing". Davis (2009) in his opinion of the capability gap opined that, any pirate ridden country qualifies as a weak state since their capability does not extend to cover their coasts where the pirates operate.

In explaining the three gap thesis, Onuoha saw legitimacy as a "desideratum for internal stability in any polity". Thus legitimacy gap is a subtle threat to the internal security matrix of a state arising from a fraudulent electoral or political processes used in determining those who occupy public offices or make key decisions that affect the majority of the people. This lack of transparency in the political process creates a legitimacy gap and the exacerbation of the crisis in the Niger Delta, for instance, is directly or indirectly related to the legitimacy gap induced by corruption at all levels of government.

The Niger Delta crisis has in many cases been linked to the present piracy scourge in the nations maritime. According to Marc-Antoine (2012), nobody can deny the criminal dimension of fighters who are made up of sea robbers, street gangster, and mafia-like "cultists" belonging to secret societies. In this regard, it is not poverty that explains maritime piracy in the Niger Delta of Nigeria, but political corruption and the oil wealth that attracts all sorts of thieves, blue and white collars alike.

An analysis of governmental agencies says a lot in this regard. The army to start with, often concluded shady deals with the "militants" to share the booty and negotiate a status quo. Just to give one example of many: a leaked Military Intelligence Investigation Report of November 2007 which according to Sahara Reporters (2010) indicted a relevant stakeholder in the Nigeria security sector to have facilitated the release and even promoted officers who sold weapons to Movement for the Emancipation of the Niger Deltans (MEND).

In another dimension, Onuoha (2012) identified the proliferation of weaponry through the politicians. According to him, weapons flooded most parts of the Niger Delta region before 2003 polls which in many parts of Delta was less an election than an armed contest. The 2007 general election is no less different from the experiences in 2003. Both elections had produced political leaders who do not reflect the true wishes of the people; leaders who employ the services of specialists of violence like militants, cults and criminal gangs; and who choose to divert public funds to buying private jets, hotels and estates outside the country. Meanwhile, the boys who

have been equipped with heavy weaponry during the elections are in most cases not dispossessed of these weapons, yet abandoned after the elections. Having been exposed to some luxuries sponsored from the public fund, and abandoned, they seek for new ways of funding the luxury. This accounts for the differences experienced during the amnesty exercise, when some militants surrendered their weapons and others still carried out operation after the period. This is because, not all of them are 'freedom fighters'. Those who are criminals equipped by the corrupt politicians are seeing the amnesty as nothing but another ploy by the politicians to use them and abandon them as they have always done during and after elections. This have produced an inconsistent and all sophisticated sets of pirates in the Nigerian waters – those that pirates to fund their freedom course and those that do it as their means of personal survival. From the above, one could see a web of connection between, corruption, arms proliferation, faulty political process, piracy, insecurity and poverty.

The second strand of the tripartite capability gaps is the capacity gap. This reflects the extent to which government institutions and agencies are capable of effectively utilizing public resources to provide the essential conditions and services that citizens need to realize their full potentials in a society. Over the past forty years, for instance, Nigeria has recorded unprecedented increases in material wealth generated from the sale of crude oil. Yet, according to a World Bank report, about 80 percent of Nigeria's oil and gas revenues accrue to just one percent of the country's population. The 90 percent of the population receive the remaining 20 percent (Akwuole, 2006). A situation that obviously prompted the resource control agitation from the Niger Delta region. Same resource control that produced militants who trained boys with heavy weapons and maritime technicalities, so that even after the amnesty, militancy have not died away, but gradually evolving into a more organized type of piracy.

5. MARITIME PIRACY AND NATIONAL SECURITY

The third strand of the tripartite capability gap best explains the Nigeria security system in relation to maritime piracy and is therefore adopted to examine maritime piracy and national security. Corruption constitutes a threat to national security when the actions and/or inactions of certain individuals or organizations, particularly security personnel, are oriented towards the satisfaction of personal gains in a way that subverts or undermines the integrity and effectiveness of persons, institutions or authorities charged with the responsibilities of protecting lives, property or assets within or belonging to the country (Onuoha, 2012b). Hence, for effective administration of security expectations in Nigerian waterways; security policies and administration must not be compromised.

The security gap explains that when the security agencies aids criminal activities by either providing them with weapons or giving them access to security and intelligence information, it leads to crime considering maritime piracy. Thus, the security of the nation is jeopardized. Marc-Antoine (1998) also reports that it is on record that the navy is extremely corrupt. It got involved

in the illegal drug trade as soon as the 1980s, first in India, then in Freeport of Monrovia when the Nigerian army led the ECOMOG in the war-torn Liberia in the 1990s.

Ten years later, the navy was very active in bunkering. Its implication was so visible that in 2004, the Nigeria government had to dismiss two rear admirals who were involved in the disappearance from navy custody in Warri of a Russian tanker full of stolen crude oil. Today, insiders in the navy, customs and port Authorities still inform pirates and militants on the location of boats and the value of their cargo. Thus, if concerted efforts are not directed at curbing corruption, it will eat deep into the fabrics and rubrics of the nation's institutions and systems, subjecting its security to such a porosity (that tiny don't describe), allowing piracy in our waterways, a free-flow such that the Nigerian maritime will not only be in the list of IMB's hotspot, become a 'no pass', but also threatens lives and property thereby negating what national security constitutes.

6. POLICY ACTIONS AGAINST PIRACY IN NIGERIA

US officials were reported to have said that the monitoring group has submitted two confidential cases to the Security Council, documenting the flow of piracy proceeds via international accounts and singling out a Somali businessman with British citizenship who is part of a piracy ring but who also runs a counter-piracy business. And probably because of this, it was reported that in spite of various international task force, and efforts by a dozen national governments in maritime counter-piracy efforts, serious legal obstacles remain that impede the prosecution and sanctioning of pirate leaders and kingpins (James and Wilson, 2009).

As the regulatory agency in the nation's shipping industry, the Nigerian Maritime Administration and Safety Agency (NIMASA) is saddled with the responsibility of providing security on the nation's coastal waters. The presidency had recently assigned the task of policing the nation's coastal waters as well as those of some areas in Benin Republic to NIMASA. This was aimed at checking the menace of pirates within the West African sub-region. But the question remains, how is the level of corruption in the nation's security system going to allow NIMASA do its duty without compromise?

In his speech during the maritime summit in London, United Kingdom 2011, the senior special assistant to the President of the Federal Republic of Nigeria on maritime services, Mr. Oyewole Olugbenga Leke, outlined some governmental efforts to tackle piracy in Nigeria coastal waters, and he said: "having identified the root cause of and depth of piracy in Nigeria and West Africa, the government of Nigeria has embarked on sustained security and policy measures to discourage, stem the tide and possibly eliminate piracy in Nigeria and the sub-region". Then he listed steps in this direction as follows: (a) the government constituted a presidential implementation committee on maritime security and safety in 2004 to ensure that Nigerian ports comply with the International Ship and Port Facility Security (ISPS) code. (b) NIMASA, according to him, through rigorous vigilance in the last seven months, has achieved Zero piracy attack level in the Lagos Pilotage district. (c) the Military Joint Task Force (JTF), which was

formed to combat militancy in the Niger Delta region, has continued to minimize incidents of piracy in the Niger Delta region through its relentless vigilance. (d) the Marine Police has acquired about 80 armored patrol boats in the last 3 years to respond to incidents of piracy and policing functions. (e) President Olusegun Obasanjo, in 2000, created Niger Delta Development Commission to help develop the region. (f) the government of late Umar Musa Yar'Adua in the bid to pacify the youths of the Niger Delta, brought up the Amnesty program in 2009. (g) the government have recently designated secured lightering zones in all the pilotage districts which has been published to mariners through the Nigerian Ports Authority. (h) "we have also commenced efforts to have a data base for all small crafts in Nigerian waters through the inland waterways Authority". (i) "we have also found it expedient to remove all abandoned ships and wrecks from Nigerian waters". (j) regional efforts are fostered under the Gulf of Guinea commission for the west coast of Africa.

These are in no doubt giant strides towards combating piracy in the Nigerian coastal waters, as well as the GoG. But how effective can these efforts be? A round peg is a tool, but put in a square hole, it becomes an ineffective tool. Until the Nigerian government (including the GoG) start addressing the root cause of piracy in the region, then the security of lives and property on our coast will never be guaranteed. And since it has been seen that the menace have a good connection with onshore criminals, then we have a dual faceted security challenge, 'the on-shore – off-shore criminals'.

7. CONCLUSION / RECOMMENDATIONS

Having seen the theoretical explanations of the link between corruption and piracy in Nigeria, the question becomes, how can piracy be solved to maintain adequate and effective security in the nation's waterways? Are the government efforts to curb piracy menace adequate and effective? The Multinational companies have paid ransom in order to free the expatriates held by pirates; which was an indirect means of funding piracy, and therefore is not a solution. The security agencies have been indicted in many instances as being corrupt and therefore could not execute their responsibility of securing the coasts. Who therefore is going to ensure that the policies put up by the government is executed? This discourse therefore, deriving from the three gap thesis, posits that corruption stands at the fore, in the evolution of piracy in Nigeria. Therefore, to cover the gaps as postulated by the thesis, corruption have to be tackled. So it is thus recommended:

1. That corruption has eaten deep into the fabrics of the nation's security system, aiding easy operation for pirates. So to curb piracy in Nigerian waterways, one needs to curb corruption. Such means could be an investigative panel to access the nation's security system. Such panel should be empowered to carry out investigations on all security issues relating to maritime, having access to intelligent information regarding any suspected officer, be it governmental or security officer.

- 2. Corruption is contagious, when a suspect is found guilty but not prosecuted, there is bound to be another crime of such nature. Therefore, any security agent found by the panel to be corrupt, should be sanctioned properly as prescribed by the law. The report of the panel into security system could be extended to other sectors of the economy.
- 3. To cover the legitimacy gap identified as introduced through corrupt political process, the paper suggest a sanitization of the countries' political process. This sanitization is a call to conscientious action by all Nigerians during the election period. The government should provide a secured electioneering process, while the citizens should vote uninfluenced. Break the web of corruption as identified in the discourse by installing a leader who is free of any influence of godfathers and therefore ensure that legitimacy resides with the state and not some elites.
- 4. Building capacities in security agencies saddled with the responsibility of security the Nigerian waterways could go a long way to prepare and professionally mandate a better service delivery.
- 5. Political interference in security management and intelligence should be curbed and addressed. Rather a strong synergy should be built, as this could consolidate and enhance security operations and intelligence gathering which has been a long standing challenge in maritime security.

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APPENDIX 1

Table-1. Geographical distribution of piracy occurrence

Location	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Total
World	445	329	276	239	263	293	410	445	439	511	3650
Africa	93	73	80	61	120	189	266	259	293	263	1697
Gulf of Guinea	64	56	25	31	53	59	48	39	53	49	477
Nigeria	39	28	16	12	42	40	29	19	10	14	249

Source: Adapted from International Maritime Bureau, 2003-2013

APPENDIX 2

Table-2. Table showing the type of weapon prevalent during pirate attack

Type of Arms	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Guns	100	89	86	53	72	139	240	243	245	301
Knives	143	95	80	76	67	68	70	88	69	73
Other Weapon	34	15	13	10	14	6	6	6	8	13
Not reported	168	130	103	100	110	80	90	108	117	121
Total	445	329	282	239	263	293	406	445	439	508

Source: Adapted from International Maritime Bureau, 2003-2013

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