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Issues and Praxis in Nigeria's Littoral Boundaries

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Abstract

The contestation for space in Africa predates the independence of the states in Africa. Most of the existing literature on postcolonial contestations is centered on land boundaries. This relatively foreclosed the discourse and documentation of the contest for littoral space and its associated abuses especially in Nigeria. This problem has yet to attract adequate attention and study. It is against this gap, that this chapter seeks to discuss the associated disputes that have over the years arisen in the defence of the Nigerian littoral space and boundaries, its abuses and contestations. The chapter is also objectively concerned with the basic factors that ignite the abuse of the nation's littoral boundaries by its neighbors over the years and the responses of the Nigerians and their implications. The chapter adopts the historical tool in the gathering of the necessary information and will rely extensively on the comparative approach in the presentation and analysis of its findings. It is, however, hoped that the paper upon its conclusion will historicize and contextualize the nature and trajectories of the contestations and abuses of the Nigerian littoral boundaries.

Keywords: Littoral Boundary, Nigerian Littoral Security, Gulf of Guinea, Piracy and Maritime Security

Introduction

Aside from the growing quagmires of insecurity in Africa is the menace of maritime insecurity. This has enticed the attention of nation-states and non-state actors in the international arena. Suffix it to say that the continent and the world, depend greatly on the sea for food, imports, and exports of goods and services, which are all significant in generating foreign exchange revenue.[1]For

[1] Ahamefule Eluwa, "The Role of Diplomacy in the Challenges to Maritime Security Cooperation in the Gulf of Guinea: Case Study of Nigeria," M.A Dissertation. Faculty of Arts, University of Malta, 2011, p. 1

instance, over 90% of the global trade is undertaken by water.[2]It should also be noted that a substantial part of Africa's international trade particularly in oil, minerals, and agricultural products is transported by sea. Suffice it to say that at least 38 African countries are either coastally or island-based states. The continent's waterways have assumed increasing importance as an alternate waterway to the Arabian Gulf. This accounts for the significance of the maritime industry in Africa. The maritime industry, for instance, is valued at $,1000,000,000,000 (One trillion dollars) annually.[3] As a result of this, coastal countries earn foreign currency by providing transit services to countries like Egypt, Kenya, Tanzania, Mozambique, South Africa, Namibia, Cameroon, Ghana, and Nigeria are collectively key international water gateways to Africa's import and export.[4]

Nigeria is geographically located along the Atlantic Ocean in West Africa[5], i.e., the Gulf of Guinea (GoG). It shares maritime borders with six neighbours and land borders with four countries, of which two are landlocked (Niger and Chad), hence, depending on Nigeria for maritime transit.[6]The country has a coastline of about 830 km between the West and Eastern borders of the country with the Republic of Benin in the West and Cameroon to the East respectively.[7]According to Ekwere, the Nigerian coast is bordered by a narrow continental shelf with a width ranging from about 15 km in the west to roughly 67 km in the Niger Delta and about 87 km off the Cross River estuary in the east.[8] The country's total marine area covers about 61, 500 nautical squares (this includes non-navigable areas).[9]The country is wateredprincipally by the River Niger (the river is the third longest river in Africa) and the River Benue its major tributary and their numerous auxiliary tributaries and in addition, by the Lake Chad basin and

[2] Ahamefule Eluwa, "The Role of Diplomacy in the Challenges to Maritime Security Cooperation in the Gulf of Guinea"…, p.10

[3]https://lawjournal.ub.ac.id/index.php/law/article/download/203/pdf , accessed on 30-09-2020

Ekundayo Oluwaremilekun Babatunde, Artitration Mechanisms in Nigeria's Maritime Disputes Settlement: Challenges and Prospects. *Journal of Legal Studies*, Volume 6, Number 1. 2. 2019.

[4] Kennedy K. Mbekeani and Mthuli Ncube. 2011. Economic Impact of Maritime Piracy. *Africa Economic Brief*. Volume 2, Issue 10, 14th July 2011. 2

[5]http://documents1.worldbank.org/curated/en/510081468266074477/pdf/E23740P1176620110Draft0ESMF0report.pdf, accessed on 30-09-2020

[6] Ahamefule Eluwa. 2011. The Role of Diplomacy in the Challenges to Maritime Security Cooperation in the Gulf of Guinea: Case Study of Nigeria. M.A Dissertation. Faculty of Arts, University of Malta. 3

[7] Victor Sunday Ekwere. 1996. Nigerian Marine Environment: The Role of Maritime Academy in Promoting short course training needs to achieve prevention of pollution and Marine Environment Protection in Conjunction with the Revised STCW '95 Convention. Dissertation. World Maritime University. 9

[8] Victor Sunday Ekwere. 1996. Nigerian Marine Environment: … 13

[9] Victor Sunday Ekwere. 1996. Nigerian Marine Environment:….. 13

other rivers that pour into it.[10]In addition to the Niger, Benue, and Lake Chad, there are many other rivers e.g. Gongola, Hadejia-Jama'are, Kaduna, Cross River, Sokoto, Ogun, Osun, and Imo.[11] Among these rivers, the Sokoto and the Chad Basin are situated along the international boundaries of the country.[12]

Nigeria's geographical position along the GoG has made studies on the country's littoral bodies an interesting one. This is predicated on the fact that the GoG waterways serve as a critical gateway to all littoral nations and also other landlocked countries like Mali, Burkina Faso, Chad, and the Central African Republic[13], which all depend on the sea for import and export from and to the major world economies. Since about 90% of global goods are transported by water, the GoG has snowballed into a critical sea route for global commerce, especially now that the shorter route to the Arabian Gulf has become very risky due to incessant wars and the activities of pirates in the Middle East and North Africa.[14]Before the contemporary era, countries in the GoG had focused on land-based security threats and challenges. At the same time, the maritime dimension hardly received any attention in the design and application of security and defense alternatives and tactics.[15] This has given rise to serious security concerns on the nation's waterways. According to Ukeje and Myomo, there is strong evidence that indicates the intermittent attacks, many of which inflicted harm to both vessels and crew members, were well planned and executed by a syndicate of local and international criminals' gangs often working in collaboration and active collusion with citizens and government officials in the GoG countries.[16]

Studies indicate that only Nigeria and to some extent, Angola in the Gulf of Guinea can largely boast of a relatively significant naval capacity to constitute an effective deterrence against the pervasive and increasing maritime crimes. This accounts for the alarming rate of piracy in the GoG. Between 2003 and 2011, for instance, the International Maritime Bureau (IMB) Piracy and Armed Robbery against Ships Annual Report submitted in Africa alone, indicates that there were about 1,434 incidents of piracy in Africa.[17] According to Alessi, about

[10]*National Water Policy*. July 2004. Federal Republic of Nigeria. 3
[11]http://extwprlegs1.fao.org/docs/pdf/nig158231.pdf, accessed on 30-09-2020
[12]*National Water Policy*. July 2004. Federal Republic of Nigeria. 3
[13]https://www.scribd.com/document/334597884/Security-and-Safety-in-the-Gulf-of-Guinea-The-Role-of-Intelligence-Led-Law-Enforcement-Strategy, accessed on 30-09-2020
[14] Charles Ukeje and Wullson Mvomo Ela. 2013. *African Approaches to Maritime Security-the Gulf of Guinea*. Abuja: Friedrich-Ebert-Stiftung. 9
[15] Charles Ukeje and Wullson Mvomo Ela. 2013. *African Approaches to Maritime Security-the Gulf of Guinea*. …. 9
[16] Charles Ukeje and Wullson Mvomo Ela. 2013. *African Approaches to Maritime Security-the Gulf of Guinea*…. 10
[17] See Udensi Lawrence Okoronkwo, Etu Ndubuisi Okpara and Chieke Esther Onyinyechi. 2014. National Security and Maritime Piracy in Nigeria: A Sociological Discource. *Humanities and Social Sciences Letters*, Vol. 2, No. 1. 62

439 piracy attacks worldwide were reported in 2011, and more than half of the attacks were attributed to the Somali pirates operating in the GoG of Aden, the Red Sea, the Arabian Sea, the Indian Ocean, and Off the Coast of Oman.[18] Until 2007, the bulk of maritime piracy was largely concentrated in Asia. For the first time in 2007,the occurrences of pirate attacks in East Africa surpassed those in the Asian waters. Similarly, by 2009, attacks by pirates in Africa surpassed those in Asia substantially.[19] In 2018, the IMB reported 72 pirate attacks on vessels at the sea between Ivory Coast and Cameroon.[20]

The Historicity of Maritime Piracy in Nigeria

The historicity of piracy in Nigeria especially in the Niger Delta is rooted in the pre-colonial and postcolonial histories of the region.[21] It is attributable to the significance of the region to the Trans-Atlantic Trade. The legacy of the slave trade, war canoes, and levied traditional duties (*Comey*) during the colonial times made the people in the region water-dependent.[22] This was taken to the extent that the collection of such security fees translated to a protection package meant to sustain the monopoly on foreign trade and to tax European traders who were eager to access markets in the hinterland. Despite the end of colonial rule, this practice is still relatively in practice in the region, especially in Okrika. This implies that many communities dependent on the trade and tax gotten from the water.

Besides, it could be argued that the loss of the right to tax and the protection of foreign vessels in postcolonial Nigeria, could have partly fuelled the development of sea piracy in the Niger Delta. In the early 1990s, for instance, communities along the coast in the Niger Delta were reported to have regularly attacked vessels suspected to be transporting valuables in an unorganized manner. Despite the damages that it caused, these pirate-related activities of the communities although loosely organized were not seen as an act of piracy

[18]https://studies.aljazeera.net/en/reports/2012/06/2012612123210113333.html, accessed on 30-09-2020 ; also see C. Alessi. 2012. Combating Maritime Piracy. Council on Foreign Relations. Retrieved from www.cfr.org/frame/combating-maritimepiracy/p18376 cited in Udensi Lawrence Okoronkwo, Etu Ndubuisi Okpara and Chieke Esther Onyinyechi. 2014. National Security and Maritime Piracy in Nigeria: A Sociological Discource. *Humanities and Social Sciences Letters*, Vol. 2, No. 1. 61

[19] Kennedy K. Mbekeani and Mthuli Ncube. 2011. Economic Impact of Maritime Piracy. *Africa Economic Brief*. Volume 2, Issue 10, 14th July 2011. 4

[20] Crime Waves: The Gulf of Guinea is now the World's Worst Piracy Hotspot. *The Economist*, June 29th 2019. Retrieved from www.google.com/amp/s/amp.economist.com/international/2019/06/29/the-gulf-of-guinea-is-now-the-worlds-worst-piracy-hotspot , accessed on 12/10/2020

[21] Akinsola Jimoh. 2015. Maritime Piracy and Lethal Violence Offshore in Nigeria. *IFRA-NIGERIA WORKING PAPERS SERIES, N 051*. 2

[22] Marc-Antoine Perouse de Montclos. 2012. Maritime Piracy in Nigeria: Old Wine in New Bottle. *Studies in Conflict & Terrorism*, 35. 534

but sea robbery. The character of the menace was such that armed fishermen were stationed strategically close to the shore to steal valuables and share their booties with relatives and circle. In the early 1970s, there were reported petty theft and the evolution of sea robbers around the Lagos anchorage without any connection to the Niger Delta.[23]

The menace of piracy in Nigeria is attributed to the oil boom in the country in the early 1970s.[24] According to the report, the oil boom in Nigeria's oil orchestrated the massive importation of several luxurious goods such as consumables and electronic gadgets. This led to a massive influx in the number of overseas commercial vessels in the ports in Nigeria. Within this period, there is a consensus that the issue was more or less restricted to stealing from the vessels in the port due to the inability of the port authority to manage its security. In recent times, the security challenges appear to have changed in nature, trend, and character, due to a change in the motivating factors.[25] These changes have largely resulted in the increasing spate of piracy such as bunkering.

In Lagos for instance, most of the people that were involved in pirate-related crimes were principally fishermen and able-bodied young boys from coastal communities. Hence, they can easily escape into the water, and in most cases, they can operate and use speed boats. This accounts for the rampart nature of the menace in the Niger Delta, due to the avalanche availability of water bodies in the area. Piracy in the Contemporary in the Gulf of Guinea, has, however, snowballed into a Nigeria-centric bane. Whereas Somali piracy, occurs mostly in the high seas, a substantial part of the piracy in the GoG takes place in Nigerian territorial waters.[26] Nigeria has suddenly become the epicenter of pirate activities as about 80 percent of the reported piracy incidents in the GoG take place within Nigeria's territorial waters.[27]There is a connection between piracy and oil production in Nigeria. In Nigeria, what started as a small-scale petty robbery of the personal effects of crew and ship equipment onshore would later become more organized and syndicated, as pirates now carry out their operations in a more systematic fashion and with faster crafts.[28]

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[23] Marc-Antoine Perouse de Montclos. 2012. Maritime Piracy in Nigeria: Old Wine in New Bottle…. 534

[24] Udensi Lawrence Okoronkwo, Etu Ndubuisi Okpara and Chieke Esther Onyinyechi. 2014. National Security and Maritime Piracy in Nigeria: A Sociological Discource…. 64

[25] Udensi Lawrence Okoronkwo, Etu Ndubuisi Okpara and Chieke Esther Onyinyechi. 2014. National Security and Maritime Piracy in Nigeria: A Sociological Discource. … 64

[26] Brume-Eruagbere, Omovigho Cynthia. 2017. Maritime Law Enforcement in Nigeria: The Challenges of Combating Piracy and Armed Robbery at Sea. World Maritime University Dissertations. 555. 7

[27] Brume-Eruagbere, Omovigho Cynthia. 2017. Maritime Law Enforcement in Nigeria: The Challenges of Combating Piracy and Armed Robbery at Sea… 7

[28] Brume-Eruagbere, Omovigho Cynthia. 2017. Maritime Law Enforcement in Nigeria: The Challenges of Combating Piracy and Armed Robbery at Sea… 7

Towards the dawn of the 21st century, piracy in the country became more sophisticated. This change has been partly attributed to the introduction and use of cell phones through the utilization of the Global Positioning System (GPS), night visions, modernized weapons, and improved speed boats.[29] The trajectories of piracy in the country have however, shown that the trend has shifted from Lagos to the Niger Delta region, in such a way that differs from the nature of the menace in the 1970s. This implies that between the 1970, 1980, and 1990s, Lagos was the major area where piracy peaked in the country. In 1980, for example, the International Association of Port Authorities called for a boycott of Nigeria due to the increasing piracy cases in the Lagos axis. The Lagos anchorage recorded 51 attacks against 9 in the entire Niger Delta.[30] This shows that Lagos was the epicenter of pirate-related issues in the country because of the dawn of the 21st century.

As earlier mentioned, since the early 2000, the Niger Delta has become the major area in Nigeria that has been subjected to incessant attacks on the sea. This paradigm shift has been attributed to the rise in armed groupsbqht1257, militancy, and the affiliation of militant groups with confraternal grouping in the area.[31] It also reflects the militarization of the agitations and protests for resource control especially oil resources, championed by NDPVF (Niger Delta People's Volunteer Force) and the MEND (Movement for the Emancipation of the Niger Delta) since 2004 and 2006 respectively. Be that as it may, the spate of maritime piracy in the Niger Delta area is no longer limited to petty crimes; it now includes kidnapping, arms smuggling, "bunkering," theft, and the sale of crude oil in big quantities. Suffice it to mention that pirates in the Delta region of the country do not only try to seize boats, they sometimes hijack fishing trawlers to attack other vessels.[32]In 2013, for instance, Nigeria was described as second to Somalia in terms of piracy. This was contained in a report by the Lloyd's Maritime Association (LMA), a union of the United Kingdom (UK) ship owners.[33] This was a sequel to the report that there were about 58 pirate attacks on the union's ships in 2012 while by October 2013, 22 attacks were reported. The association would, however, threaten to increase charges on goods entering Nigeria and many other African countries. According to Udensi *et al*, there have been rising reports of piracy-related activities on the Nigerian

[29] Marc-Antoine Perouse de Montclos. 2012. Maritime Piracy in Nigeria: Old Wine in New Bottle... 534

[30] Marc-Antoine Perouse de Montclos. 2012. Maritime Piracy in Nigeria: Old Wine in New Bottle… 534

[31] Marc-Antoine Perouse de Montclos. 2012. Maritime Piracy in Nigeria: Old Wine in New Bottle…. 534

[32] Marc-Antoine Perouse de Montclos. 2012. Maritime Piracy in Nigeria: Old Wine in New Bottle… 535

[33] Vanguard, 2013. Retrieved from www.vanguard.com/2013/10/nigeria-indonesia-others-rank-high-piracy, cited in Udensi Lawrence Okoronkwo, Etu Ndubuisi Okpara and Chieke Esther Onyinyechi. 2014. National Security and Maritime Piracy in Nigeria: A Sociological Discource. *Humanities and Social Sciences Letters*, Vol. 2, No. 1. 63

coast,[34]with most of these attacks taking place around Lagos, which is Nigeria's commercial nerve center and also in the oil-rich Niger Delta region. Suffice it to say that the quagmire of piracy in Nigeria's Niger Delta region was to a high extent, compounded by the emergence of militancy and insurgency in the area between 1999 and 2012. According to the African Development Bank, Nigeria and Somalia have an all-time high maritime pirate attacks on the continent, while the propensity of maritime piracy in West Africa occurs more profoundly and substantially in Nigeria.[35]

Piracy in Concept and Context

The word piracy seems to connote uniformity in the manner in which the act is carried out. This is contrary to the trajectories of the nature and intrigues of pirates and piracy globally. This implies that despite though aftermaths of piracy remaining the same, it differs from place to place.[36] Globally, the act has remained closely connected because they involve the same kind of actors and dramatis personae, the utilization of similar *modus operandi,* and often the same adverse results. This explains the fact that it is multidimensional, multifaceted, and structurally complex.[37]

According to the resolution of the Nyon Conference which was convened on September 11, 1937, in its official resolution signed on September 14[38], piracy was taken as the 'sinking of commercial shipping by submarines[39], in violation of the rule of Part IV of the London Naval Treaty of April 22, 1930. Before the conference, the pirate was conceived as the "enemy of mankind". This was due to the 'general hostility' and the indiscriminate attacks by the pirates on both state and non-state vessels.[40]Be that as it may, the United Nations Convention on the Law of the Sea (UNCLOS) in 1992 defined piracy as either of the following:

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[34] Udensi Lawrence Okoronkwo, Etu Ndubuisi Okpara and Chieke Esther Onyinyechi. 2014. National Security and Maritime Piracy in Nigeria: A Sociological Discourse… 63-64

[35] Kennedy K. Mbekeani and Mthuli Ncube. 2011. Economic Impact of Maritime Piracy. *Africa Economic Brief*. Volume 2, Issue 10, 14th July 2011. 4

[36] Brume-Eruagbere, Omovigho Cynthia. 2017. Maritime Law Enforcement in Nigeria: The Challenges of Combating Piracy and Armed Robbery at Sea… 4

[37] Charles Ukeje and Wullson Mvomo Ela. 2013. *African Approaches to Maritime Security-the Gulf of Guinea*. … 22

[38] Carl Schmitt. 2011. The Concept of Piracy (1937). *Humanity: International Journal of Human Right, Humanitarianism, and Development*, Vol. 2, No. 1. Retrieved from www.muse.jhu.edu/article/421343/pdf , accessed on 12/10/2020

[39] Carl Schmitt. 2011. The Concept of Piracy (1937). *Humanity: International Journal of Human Right, Humanitarianism, and Development*, Vol. 2, No. 1. Retrieved from www.muse.jhu.edu/article/421343/pdf , accessed on 12/10/2020

[40] Carl Schmitt. 2011. The Concept of Piracy (1937). *Humanity: International Journal of Human Right, Humanitarianism, and Development*, Vol. 2, No. 1. Retrieved from www.muse.jhu.edu/article/421343/pdf , accessed on 12/10/2020

i. Any form of unlawful violence or adoption, or acts of attack committed for private ends by the crew or the passengers[41] of private ships or a private aircraft, and directed: 1. On the high seas, against another ship or aircraft, or persons or property on board such ship or aircraft[42]; 2. Against a ship, aircraft, persons, or property in a place outside[43]the jurisdiction of any state;
ii. Any form of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft.[44]
iii. Any form of igniting or deliberately facilitating any of the acts outlined in (a) and (b).[45]

This conception of piracy although insightful did not capture some of the attributes of what others conceived as piracy within the water bodies in Africa. This is contrary to UNCLOS' conception of piracy and the African experiences. It is against the foregoing that the International Maritime Organization (IMO) advanced that piracy connotes an act of boarding any vessel with the mindset to steal or any other crime and with the intent or capability to use force in pursuance of such an act.[46]

According to Ukeje and Myomo, contemporary international maritime law succinctly provides a distinction between sea- Piracy (perpetrated on the high sea) and armed theft at sea. The authors averred that criminal acts against economic, military, and security infrastructure at sea could be added to the above.[47]To Kennedy K. Mbekeani and Mthuli Ncube, piracy has become a serious threat to traditional maritime security. They assert that piracy has been an age-long problem, contending that in ancient times, even Julius Caesar was captured by pirates who demanded ransom in the process. They contend that piracy constitutes a serious risk to seaborne trade which involves variegated goods, being transported between the economically industrialized north and the economically dependent south, through several of the world's volatile, risky,

[41] Herbert Anyiam. 2014. Gulf of Guinea Crime & Piracy. *Maritime Security Review*. Retrieved from www.marsecreview.com/2014/07/gulf-of-guinea-crime-piracy/ Accessed on 09-08-2020
[42]www.sailorinsight.com/unclos, accessed on 30-09-2020
[43] Herbert Anyiam. 2014. Gulf of Guinea Crime & Piracy. *Maritime Security Review*. Retrieved from www.marsecreview.com/2014/07/gulf-of-guinea-crime-piracy/ Accessed on 09-08-2020
[44] Herbert Anyiam. 2014. Gulf of Guinea Crime & Piracy. *Maritime Security Review*. Retrieved from www.marsecreview.com/2014/07/gulf-of-guinea-crime-piracy/ Accessed on 09-08-2020
[45]*International Maritime Bureau: Report for the Period 1 January – 31 March, 2019*. London: IMB. 3
[46]*International Maritime Bureau: Report for the Period 1 January – 31 March, 2019*. London: IMB. 3
[47] Charles Ukeje and Wullson Mvomo Ela. 2013. *African Approaches to Maritime Security-the Gulf of Guinea*. ... 22

and dangerous waterways, especially along the Strait of Malacca and the Gulf of Guinea.[48]

Praxis and Issues of Nigeria's Littoral Insecurity

The Nigerian maritime space is majorly significant to the country, the West African region, and the African continent[49] generally. Blessed with a coastline that stretches about 850 square kilometers, and other navigable inland waters; Nigeria accounts for about 76% of the entire shipping business in West Africa.[50] There is no gain in saying that the maritime insecurity in Nigeria is *ipso factor* tied to oil production[51] in the Niger Delta region. There is therefore a connection between piracy and the claim or struggle for an equitable distribution of Nigeria's oil wealth, and the frequent protests resulting in the destruction caused by oil production in the region. Unlike the incidences of littoral insecurity in Somalia, most of the issues and attacks in Nigeria are targeted at ships in territorial waters while they are at anchor or berthed.[52]In Nigeria, Lagos, Off Bayelsa, Brass, Bonny Island, and Port Harcourt constitute the major piracy hotspots. The pirates in the country are heavily armed, and violent and often attack or/and robbed vessels and kidnapped crew along and off the coast, rivers, anchorages, ports, and surrounding waters. Most of these attacks occur up to about 170 nm from the coast.[53] According to IMB, all waters in the country are risky.

The nature, patterns, and dynamics of piracy in Nigeria are quite specific unlike the events in Southeast Asia, the Gulf of Benin is lacking the requisite islets which will serve as hideouts to be used in attacking boats outside of the Niger Delta. Pirates in this area often use diverse tactics to ambush vessels in places like the Cawthrone Channel close to Bonny in between the sea and the river.[54]

[48] Kennedy K. Mbekeani and Mthuli Ncube. 2011. Economic Impact of Maritime Piracy. *Africa Economic Brief*. …. 1

[49]www.lawjournal.ub.ac.id/index.php.law.article.download.2003.pdf, accessed on 30-09-2020

[50] Ekundayo Oluwaremilekun Babatunde. 2019. Artitration Mechanisms in Nigeria's Maritime Disputes Settlement: Challenges and Prospects. *Journal of Legal Studies*, Volume 6, Number 1. 3

[51]https://www.silo.pub.extractive-economies-and-conflicts-in-the-global-south.html, accessed on 30-09-2020

[52] Kennedy K. Mbekeani and Mthuli Ncube. 2011. Economic Impact of Maritime Piracy. *Africa Economic Brief*. Volume 2, Issue 10, 14th July 2011. 5

[53]*International Maritime Bureau: Report for the Period 1 January – 31 March, 2019*. London: IMB. 17

[54] Marc-Antoine Perouse de Montclos. 2012. Maritime Piracy in Nigeria: Old Wine in New Bottle. …. 532

Table 1: The Actual and Attempted Attacks on Vessels in GoG, January – March **2015-2019**

LOCATION	2015	2016	2017	2018	2019
Benin Republic				5	1
Cameroon				1	1
Democratic Republic of Congo		2			
Ghana	2			1	3
Guinea				1	
Gulf of Aden				1	
Ivory Coast	1	1			1
Kenya		1			
Liberia					1
Mozambique			1		
Nigeria	7	10	7	22	14
Sierra Leone			2		
Somalia			2	1	
The Congo	1		1		
Togo					1

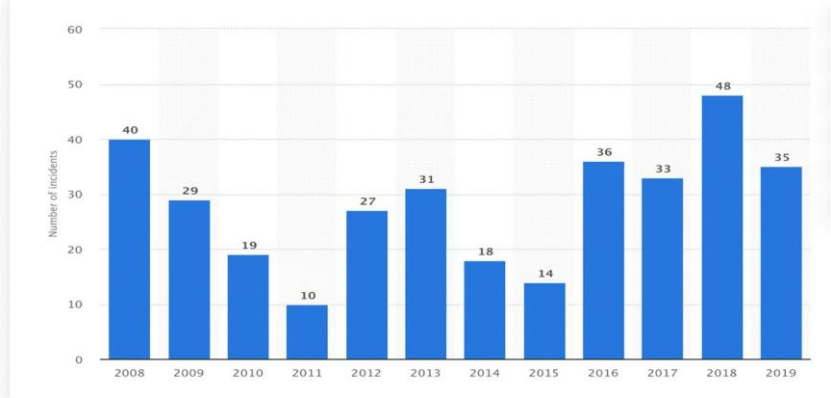
Source: adopted from *International Maritime Bureau: Report for the Period 1 January – 31March 2019*. London: IMB. 5

From the table above, among all the countries along the coast of GoG, Nigerian water was the most volatile between 2006 and 2014, according to the

International Maritime Bureau report in 2019. The table also revealed that the combined cases of piracy in other countries were not up to the reported cases in Nigeria.

Between 2006 and 2014, the Nigeria Watch (NW) reported 18, 009 fatalities caused by violence in the Nigerian coastal states.[55] In 2018, for instance, out of the nine vessels fired upon worldwide, eight of them were fired off the coast of Nigeria within about 65 nautical miles off the coast of the country.[56] This is against the backdrop that there has been an increasing record of piracy in the nation's littoral borders. According to the IMB, in 2017 about 33 attacks were recorded while in 2018 it went from 22 to 48 attacks. In 2019, out of a total of 77 attacks worldwide, 21 of these attacks took place in Nigeria[57] as shown in chat 1. This is obviously enough to declare the nation's water body as a troubled zone. The situation in Nigeria has become very precarious because it has been on the increase at a time when it is plummeting in other regions of the world.

Chat 1: Actual and Attempted Piratical Attacks in Nigeria from 2008-2019



Source: adapted from Chijioke J Nwalozie. 2020. Exploring Contemporary Sea Piracy in Nigeria, the Niger Delta, and the Gulf of Guinea. *Journal of Transportation Security.* 4

The data on chat 1 corroborates the information provided in Table 1. The chat reveals that it was only in 2011 when the Federal Government was in serious talks with the various groups in the Niger Delta toward instituting the amnesty program that the pace of the piracy in the Niger Delta declined. Between 2012

[55] Akinsola Jimoh. 2015. Maritime Piracy and Lethal Violence Offshore in Nigeria. *IFRA-NIGERIA WORKING PAPERS SERIES, N 051*. 2

[56] Chijioke J Nwalozie. 2020. Exploring Contemporary Sea Piracy in Nigeria, the Niger Delta and the Gulf of Guinea. *Journal of Transportation Security.* 4

[57] Chijioke J Nwalozie. 2020. Exploring Contemporary Sea Piracy in Nigeria, the Niger Delta and the Gulf of Guinea. *Journal of Transportation Security.* 5

and 2014, attacks on vessels went abated but it should be noted that with the Federal Amnesty program, it is believed that attention became shifted from attacks on oil facilities to pirate-related attacks in the GoG. This accounts for the spike in the menace between 2015 and 2019 as contained in the chat.

Table 2: Number of Deaths resulting from Violence and Maritime Piracy per Coastal State in Nigeria as reported by NW between 2006 and 2014

State	Total Number of caused by Violence	Total Number of Deaths Caused by Piracy
Akwa Ibom	597	13
Bayelsa	1161	60
Cross River	1062	21
Delta	3314	25
Lagos	6152	25
Ogun	1857	2
Ondo	902	1
Rivers	2964	40
Total	18,009	187

Source: Adopted from Akinsola Jimoh. 2015. Maritime Piracy and Lethal Violence Offshore in Nigeria. *IFRA-NIGERIA WORKING PAPERS SERIES, N 051*. 12

The data contained in Table 2 shows the volatile nature of the Nigerian littoral space in the Niger Delta. Table 2 revealed that there is a connection between the nature of the violence and piracy in the area. Table 2 also shows that there is a high rate of piracy attacks in the area. The effect of this has been very critical on the fishing sector in Nigeria. Fishing, for instance, is the second-highest non-oil export commodity in Nigeria. However, the activities of pirates and their associated attacks on fishing trawlers have made many fishing captains very

reluctant to sail. Nigeria is likely to lose as much as US$600 million in export earnings due to the activities of pirates especially in its fisheries.[58]

Besides, the economic issue is yet another critical factor that has threatened the safe navigation of the Nigerian littoral space in the Niger Delta. This is because the nature of maritime piracy in the region is attributed to the inability of the Government to effectively utilize the oil wealth from the region to develop the nation and the oil-producing states. Despite the dependence of the nation on oil from the Niger Delta, it has not provided the essential conditions and services for its citizens to realize their economic potential in the society. This and the emergence of the agitations for resource control that followed snowballed into the breeding of ethnic militants in the Niger Delta. region[59] It should at this juncture be noted that the emergence of militancy in the area between 1999 and 2012 coupled with the training of youths in heavy weapon handling and sophisticated maritime operation technicalities and the rise in piracy is far from a coincidence.

Table 3: Comparison between the NW and IMB Data on the Number of Piracy Deaths per Year in Nigeria

Year	Total Number of Piracy Deaths Offshore (NW)	Total Number of Piracy Deaths Offshore (IMB)
2006	7	1
2007	30	1
2008	7	0
2009	4	0
2010	4	0
2011	0	0
2012	5	4

[58] Kennedy K. Mbekeani and Mthuli Ncube. 2011. Economic Impact of Maritime Piracy. *Africa Economic Brief*. Volume 2, Issue 10, 14th July 2011. 6

[59] Akinsola Jimoh. 2015. Maritime Piracy and Lethal Violence Offshore in Nigeria. *IFRA-NIGERIA WORKING PAPERS SERIES, N 051*. 10

2013	12	1
2014	3	0

Source: Adopted from Akinsola Jimoh. 2015. Maritime Piracy and Lethal Violence Offshore in Nigeria. *IFRA-NIGERIA WORKING PAPERS SERIES, N 051*. 11

The above table shows that there is a glaring difference between the reported cases of pirate-related attacks and the attacks in Nigeria. This was attributed to the fact that most of the attacks have gone unreported in a bid not to scare vessels away from the waterways in the country.

The Response of the Nigerian State

Nationally, one of the first measures adopted to repress piracy at the sea was to bring militancy to an end. This was premised on the conviction that militancy was one of the main sources of piracy in the country. Hence, the Nigerian Government in 2012, instituted an Amnesty Programme for all the militants in the area to surrender. The wisdom of the government was guided by the trajectories of piracy in the country between the 1970s and 2000 (See Table 2). The transformation of Operation Restore Hope (a Joint Task Force) to Operation Pulo Shield (A Maritime Security) in 2012 sequel to the success of the Amnesty program was yet another policy instituted by the Nigerian Government in tackling the quagmire of piracy in the country. In 2016, the operation was scrapped and replaced with Operation Delta Safe.[60] The change was necessitated by the need to restructure the Joint Task Force in tackling the security threats in the Niger Delta[61] and its water bodies such as piracy, bunkering, vandalism, and other criminal activities.[62]

The above transition was to be closely followed by the establishment of the FALCON EYE system by the Nigerian Navy in a bid to curb the menace of piracy and other sea-related crimes. The approach was inaugurated in June 2016 by the Nigerian Navy. The system through its technological capacities was adopted by the Nigerian Navy because it availed them the opportunity to reduce the cost of patrols and above all, gives the Navy an accurate way of doing things according to the Navy Chief, Vice Admiral Ibok Ete Ibas.[63] The system was seen as a novel choke point approach to combat piracy and armed offenses on the

[60] Defence HQ. Operation Pulo Shield in Niger Delta Scrapped. June 23, 2016. Retrieved from www.defenceinfo.mil.ng/operation-pulo-shield-in-niger-delta-scrapped/ , accessed on 10-09-2020

[61]www.sailorinsight.com/unclos

[62]www.akwaibomonline.blogspot.com/2013/09

[63] Nigerian Navy's Falcon Eye Maritime Surveillance System fully Operational. Retrieved from www.google.com/amp/s/www.defenceweb.co.za/security/maritime-security/nigerian-navys-falcon-eye-maritime-surveillance-system-fully-operational/amp/ , accessed on 10-09-2020

nation's littoral territory. The approach entails positioning boat houses in strategic points along the creeks and estuaries for easy surveillance and patrol.[64]Before the inauguration of the FALCON EYE, the Nigerian Navy ships were used to patrolling without any meaningful focus, but with the new system, they could sit back at strategic locations, identify vessels of interest, and thereafter take the necessary actions.[65]

According to Philip Nwosu, the NN adopted the sophisticated Israeli-designed mass surveillance system to curtail the growing security challenges in the nation's territorial water within the GoG.[66] The FALCON EYE is a high-tech mass surveillance developed in Israel but manufactured by the United Arab Emirates (UAE)-based Falcon Technologies. The technology is through the use of several electro-optic systems and cameras which are operated from a command centre. These cameras help in detecting the movement of vessels and humans at the high sea within a clearly defined security environment.[67] In addition, the NN in 2018, acquired 16 vessels out of which were 10 small boats and 6 patrol vessels to protect the Nigerian maritime environment.[68]

In a similar vein, the federal government of Nigeria birthed the Nigerian Maritime Administration and Safety (NIMASA) in 2007. The function of the group as contained in the NIMASA Act 2007 is inter alia, to provide Maritime Security, undertake air and coastal surveillance, etc.[69] The body in furtherance of its mandate agreed with the Nigerian Air Force for the deployment of locally made Unmanned Aerial Vehicles (UAVs) for aerial surveillance of the Nigeria littoral areas.[70]In addition, the agency initiated a collaboration between itself and the Nigerian Navy in the area of intelligence[71] sharing between NIMASA's

[64] Brume-Eruagbere, Omovigho Cynthia. 2017. Maritime Law Enforcement in Nigeria: The Challenges of Combating Piracy and Armed Robbery at Sea. World Maritime University Dissertations. 555. 43

[65] Nigerian Navy's Falcon Eye Maritime Surveillance System fully Operational. Retrieved from www.google.com/amp/s/www.defenceweb.co.za/security/maritime-security/nigerian-navys-falcon-eye-maritime-surveillance-system-fully-operational/amp/ , accessed on 10-09-2020

[66] Philip Nwosu. Nigerian Navy Using Falcon Eye. Retrieved from www.marsecreview.com/2015/12/nigeria-navy-using-falcon-eye/ , accessed on 11-10-2020

[67] Philip Nwosu. Nigerian Navy Using Falcon Eye. Retrieved from www.marsecreview.com/2015/12/nigeria-navy-using-falcon-eye/ , accessed on 11-10-2020

[68] DefenceWeb, 2018

[69] Nigerian Maritime Administration and Safety Agency Act, 2007. A439

[70] Brume-Eruagbere, Omovigho Cynthia. 2017. Maritime Law Enforcement in Nigeria: The Challenges of Combating Piracy and Armed Robbery at Sea. World Maritime University Dissertations. 555. 43

[71]https://t.guardian.ng/news/us-pledges-military-assistance-to-navy

command, control, communication, computers, and Intelligence Centre of the Deep Blue Project.[72]

Conclusion and Recommendation

This chapter contends that the Nigerian littoral boundary and bodies have snowballed into one of the unsafe water routes in the continent. This is based on the fact that of all the countries along the GoG, the country has had the highest number of attacks on vessels in the continent, especially between 2006 and 2019. The chapter further echoed that despite the nexus between militancy and piracy in the oil-producing region in Nigeria, the implementation of the amnesty program in the area has not translated into any meaningful reduction in the incidences of piracy along the GoG. It is however, believed that the continuation and increasing rise in piracy in the area shows that the amnesty programme alone is not effective enough in putting the menace of piracy to rest in the area.

i. The government should look inward and tackle the problem of corruption and sabotage within the rank and files of the security agencies operating in the area.
ii. Aside from the youths who participated in the amnesty program, the government should create a working avenue for other youths in the area to be gainfully employed and engaged. This is because it appears that aside from the leaders of the militant groups, their boys were not well captured in the amnesty program (See Table 2).
iii. There should be a confidence-building campaign in the region to rework the orientations of the people to the government.
iv. There is a need for the government – federal, state, and local – to aggressively provide infrastructural amenities in the Niger Delta area. This is critical in stemming the tide of restiveness in the region.

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