

Implementation of the Yaounde Code of Conduct and Maritime Insecurity in the Gulf of Guinea

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Abstract

The transnational character of maritime insecurity has made trans-border cooperation a *sine qua non* in the mitigation of illicit maritime activities the world over. The resource-laden Gulf of Guinea region has remained largely under-utilized due to the high incidence of piracy, sea banditry and other associated crimes within the maritime domain. This study investigated the interface between the implementation of the *Yaoundé Code of Conduct* of June 2013 and maritime insecurity in the Gulf of Guinea. Utilizing the Marxist Political Economy paradigm, the study found that the repressive measures adopted in the *Code of Conduct* were implicated in the rising spate of piracy and armed robbery at sea within the region. Consequently, it recommended that the key stakeholders, especially the Signatories to the *Code of Conduct*, members of the ECOWAS, ECCAS, GGC, among others should fashion and implement an all-inclusive security policy that would address the structural and economic disarticulation in these littoral states which accounted for the origin and sustenance of the illicit maritime activities.

Keywords: Yaoundé, Code of Conduct, piracy, armed robbery, repressive measures, Marxist political economy

1. Introduction

The Gulf of Guinea has remained one of the most important regions in the world. The significance of the region has been accentuated by the availability of high-profile strategic resources like hydrocarbon, gold, diamond and aquatic creatures. Similarly, the high growth potential of oil and gas, their development at sea or in coastal areas, the region's proximity to European and North American markets, the ongoing tensions between the Russian Federation and the European Union (EU) member-states, the political instability in the Middle East and the growing demand for fossil fuels in emerging countries all contribute to the heightened geo-strategic importance of the Gulf of Guinea region. According to Onuoha (2012:4) "the region contains 50.4 billion barrels of proven reserves and it produces 5.5 million barrels of oil per day". It is also a key hub of commercial maritime activities like exports of hydrocarbons and imports of manufactured goods and food items. This attests to the fact that international trade is critical to many African economies. With over 90 percent of foreign trade (imports and exports) passing through it, the Gulf of Guinea maritime domain has become the heart of the global economy.

Nonetheless, there is growing awareness that the vast resources and potential in the Gulf of Guinea are being undermined by multi-faceted domestic, regional and international threats and vulnerabilities. Rather than contributing to stability and economic prosperity for countries in the region, pervasive incidence of insecurity in this resource-laden maritime domain has resulted in more than US\$2 billion in annual financial losses, significantly constrained investment and economic prospects, growing crime and potentially adverse political consequences (Gilpin, 2007). The expansion of organised crime and terrorism in the region has also generated concern within the international community. Some of these transnational organized crimes in the Gulf of Guinea maritime domain as highlighted in *Article 1 (5) of the Yaoundé Code of Conduct Concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in West and Central Africa* otherwise referred to as the *Yaoundé Code of Conduct* for short include but not limited to the following acts when committed at sea: money laundering, illegal arms and drug trafficking, piracy and armed robbery at sea, illegal oil bunkering, crude oil theft, human trafficking, human smuggling, maritime pollution, illegal, unreported and unregulated (IUU) fishing, illegal dumping of toxic waste, maritime terrorism and hostage taking and vandalism of offshore oil infrastructure.

Particularly growing in nature, intensity and frequency of these maritime criminalities are piracy and armed robbery at sea. Although these acts are frequently manifested at sea, their origins are land-based. Recorded piracy attacks in 2012 extended from Guinea in the west to Angola in the south. Partly due to the significant decrease in piracy off the coast of Somalia as a consequence of massive deployment of international naval forces, the Gulf of Guinea region became one of the most severely affected regions in the world in 2012, with 62 documented attacks on shipping. In total, 207 sailors were taken hostage. Most attacks took place in the waters of Togo and Nigeria with the latter recording 31 attacks in 2013 alone (ICC *International Maritime Bureau (IMB) Annual Report*, 2013; Tull, 2014). Table I below contains details on the trends of actual and attempted attacks against ships in the Gulf of Guinea.

Arguably, the Gulf of Guinea region has emerged the most dangerous maritime zone in Africa. IMB recognizes the region as one of the three major areas that suffer from piracy; others being the Gulf of Aden and South East Asia. The prevalence of piracy and armed robbery against ships in the zone is a major regional

problem that is increasingly compromising the development of its geo-strategic economic resources. The menace has threatened maritime trade in the short term and the stability of coastal states in the long term. According to Bridger (2013), as many as 60% of piracy activities in the region go unreported due to the shipping companies' attempt to prevent increased insurance premiums. However, between 2007 and 2011, there were an estimated 150 cases of maritime piracy to the east of the Niger Delta, mainly off the Cameroonian coast (International Crisis Group, 2012). Also, there were 45 and 64 incidents of actual and attempted attacks against ships in the Gulf of Guinea by 2010 and 2011 respectively, and by the end of 2012, pirates in the Gulf of Guinea had launched around 100 attacks (Baldauf, 2012). Moreover, the 2014 *IMB Q2 Report* indicates that there were 73 incidents in 2013 and 38 in the first half of 2014.

In problematizing the implication of the repressive measures adopted in the *Yaoundé Code of Conduct* of June 2013 *vis-à-vis* the rising spate of piracy and armed robbery at sea, this study found that extant literature is generally patchy. In other words, no systematic research effort has been wholly committed to unravelling the overall implication of the exclusively repressive focus of the *Code of Conduct* on the increasing rate of piracy and sea banditry in the Gulf of Guinea. Some of these studies include: International Crisis Group (2012), Onuoha (2012), Ukeje & Ela (2013), Gottlieb (2014), Affa'a-Mindzie & Blyth (2014), Mejia (2012) and Okai (2014). While Onuoha (2012) and International Crisis Group (2012) examined the role of inter-regional collaboration in the mitigation of piracy and other illicit maritime activities in the Gulf of Guinea, their recommendations lack the capacity to arrest the structural underpinnings of maritime insecurity in the region. On the other hand, Ukeje & Ela (2013) identified the rigid attachment of the Gulf of Guinea coastal states to their sovereignty as a threat to the achievement of maritime security and safety in the region as envisaged by the *Code of Conduct*. Other studies, especially Gottlieb (2014) and Affa'a-Mindzie & Blyth (2014), tend to argue that the implementation of the exclusively repressive declarations, especially the *Code of Conduct*, accounts for the marginal reduction in the incidences of piracy and sea robbery in the region. However, it must be noted that this measure lacks the capacity to ensure maritime safety and security on a sustainable basis in the region. On the other hand, Okai (2014) did not define any role for the Gulf of Guinea coastal states. He rather emphasized the need to employ the SECLOMTS model of the AFRICOM as the panacea for bridging the institutional capacity gap in the region effectively. Lastly, Mejia (2012) locates his analysis of piracy and other illicit maritime activities within Somalia and the Gulf of Aden coastlines. The report which examines the interface between piracy and the concept of failed states holds that there is sufficient evidence to suggest that the Somali piracy phenomenon can trace its roots to the plunder of Somalia's fishery resources, dumping of toxic wastes off its coast and the absence of an effective government. However, this is an insufficient explanation for the rising spate of piracy and armed robbery at sea in the Gulf of Guinea maritime domain that is dominated by relatively stable governments like Nigeria, Cameroon, Angola, Benin, among others.

Generally, the extant literature conceptualized security to conform to its traditional realist identification with two broad characteristics. First, security has been associated with the perpetuation of a regime and not necessarily the welfare of a country and its inhabitants. Second, the focus has been primarily land-centric because regime security has seldom had a maritime dimension. Consequently, maritime security arrangements in the Gulf of Guinea are under-resourced and have received scant policy attention. As a corollary, the exclusively security-policy and repressive focus of the *Code of Conduct* has precluded the adoption of structural solution to the problem. Moreover, the strategic approaches for the eradication of these illicit activities in the region as recommended in these studies merely promote knee-jerk responses to maritime insecurity. Consequently, they ignore the structural and economic causes of piracy, which arise from the subjection of largely young populations to unbridled exploitation, uneven distribution of resource wealth, corruption and social exclusionism. It is against this background that this study analyzes the implementation of the *Yaoundé Code of Conduct* of 2013 and the control of maritime insecurity in the Gulf of Guinea. Hence, a critical investigation of the implementation of the relevant articles of the *Yaoundé Code of Conduct* of 2013 *vis-à-vis* the worsening incidents of piracy and armed robbery at sea within the region has necessitated the enunciation of the following research question: *Are the repressive measures adopted in the Yaoundé Code of Conduct of 2013 implicated in the rising spate of piracy and armed robbery at sea in the Gulf of Guinea?*

The paper is divided into the following: introduction, theoretical framework of analysis, background to the introduction of the *Yaoundé Code of Conduct*, the repressive focus of the *Yaoundé Code of Conduct* and insecurity in the Gulf of Guinea and conclusion.

2. Theoretical Framework of Analysis

This study employs the Marxist Political Economy paradigm as a tool for analyzing the interface between the repressive focus of the *Yaoundé Code of Conduct* of June 25, 2013 and the rising spate of piracy and armed robbery at sea in the Gulf of Guinea. The Marxist paradigmatic orientation arose as a counterpoise to the dominant bourgeois political economy which was expounded and popularized by Adam Smith and David Ricardo in the 18th century. This paradigmatic prism is propounded in Marx (1984), Marx (1967) and Marx

(1977) but extrapolated and expanded in Ake (1981), Nikitin (1983), Ihovbere (1985), Akpuru-Aja (1998), among others.

The political economy approach is essentially based on dialectical materialism. The theory of dialectical materialism emphasizes the primacy of material condition, the dynamic character of social reality and the relatedness of different elements of society (Ake 1981). The theory is premised on the notion that man is principally motivated by economic or material needs. Labour is the essence of material existence, hence, economic activity is man's primary concern. According to Akpuru-Aja (1998:16), "the thrust of this perspective is that the understanding of a society's politics and culture depends primarily on the understanding of its economic structure as defined by the relations between employers of labour and the working class in the process of production". To Marx, every political system corresponds to and reflects its kind of economic structure. Thus, in the Preface to his work: *A Contribution to the Critique of Political Economy*, Marx places premium on the sub-structural component of the society (otherwise called the base or foundation) which plays a determinant role on its super-structural counterparts like politics, ideology and culture of society. Accordingly, he asserts that:

neither legal relations nor political forms could be comprehended whether by themselves or on the basis of a so-called general development of the human mind, but that on the contrary, they originate in the material conditions of life...in the social production of their existence, men inevitably enter into definite relations, which are independent of their will, namely relations of production appropriate to a given stage in the development of their material forces of production. The totality of these relations of production constitutes the economic structure of society, the real foundation, on which arises a legal and political superstructure and to which correspond definite forms of social consciousness. The mode of production of material life conditions the general process of social, political and intellectual life (Marx, 1984:20-21).

Thus, from the substructure, one easily understands the nature of internal relations, how a society organizes, manages and reproduces itself, the causes of tension, conflicts or contradictions in any given society as well as the direction of social change. Marx holds that the primary cause of tension and other social dislocation in a society is economic factor. He first employed the political economy approach for analyzing the root causes of conflicts and contradictions in the English capitalist economy. Corroborating the above argument, Akpuru-Aja (1998:17) asserts that "if one understands the economic structure of a society, the relations between the people in production process, it is easier to understand the nature of politics, culture, national security, socio-psychological consciousness, ideological inclinations".

In relation to the study, the escalation of piracy and armed robbery at sea in the Gulf of Guinea, the economic fragility of the littoral states who are Signatories to the *Yaoundé Code of Conduct*, and by implication, their weak enforcement capacity of counter-piracy and armed robbery against ships operations, among others, can be best articulated within the analytic purview of the Marxist Political Economy approach. The approach also enables us to explain the failure of the coastal states to effectively manage the industries that partly or fully operate at sea, guarantee the socio-economic well-being of coastal communities and enforce the relevant articles of the *Code of Conduct* in territorial or international waters. Consequently, pirates and sea bandits now thrive in the area. The ongoing criminality is not only deeply rooted in the mismanagement of economic resources by the coastal states but largely symptomatic of profound and complex governance problems in the region.

The prevalence of bad governance in these states has underpinned illegal maritime activities in the region. Despite their vast oil endowments, most of the Signatories parade worst indices of human development such as high rate of unemployment and low standard of living. With declining opportunities for legitimate livelihood amidst affluence, some youths in the region are easily recruited for violent conflicts or take to piracy and other illicit activities for survival. The case of resource-conflicts in Nigeria's oil-rich Niger Delta region and Angola's Cabinda region arising from bad governance are quite archetypical. Although blighted by dearth of economic resources, the repressive focus of the *Yaoundé Code of Conduct* has accentuated the imperativeness of expending the largely meagre resources at the disposal of the Signatories on the procurement of equipment and training of naval personnel. The resultant effect of this state of affair is the unprecedented diversion of scarce capital in the budget for the procurement of sophisticated military hardware, thereby denying capital projects in education, health, agriculture and construction sectors the needed attention (Nwangwu & Ononogbu, 2014). Following this analytic tradition, the repressive focus of the *Code of Conduct* is a mere reflection of the overwhelming dominance of the mainstream realist, militaristic and state-centric interpretation and understanding of national, regional and global security. This orthodox scholarship which has dominated the international system evolved from the Westphalia state system after 1648. Thus, the scholarship conceptualizes national security purely as politico-military phenomenon.

The emphasis on repression as provided in *Articles 6, 7 and 8* of the *Code of Conduct* is evident in the flurry of cross-border and regional naval acquisitions, emphasis on international naval training and assistance

programmes, increased naval interventions in pirate attacks, heightened naval patrols and vessel security measures, employment of local armed security, use of extra-watch duty, reinforcement of ship's self-defence and use of citadel safe rooms. It is not surprising that piracy and armed robbery at sea are brewing in the region largely because of the non-committal disposition of the Signatories to eradicate the underlying structural defects that underpin and sustain these illicit activities. Therefore, the *Yaoundé Code of Conduct* of June 2013, like several other regional/trans-boundary arrangements, is destined to collapse because of the repressive focus of the relevant provisions of the document. As a result of the foregoing, the incidences of piracy and sea banditry have not abated as reported in the *IMB Piracy and Armed Robbery against Ships Q2-2014 Abridged Report* and *NYA International Q2-2014 Piracy Assessment Report*, among others.

3. Background to the Adoption of the *Yaoundé Code of Conduct* of 2013

Although maritime organizations, especially the International Maritime Organization (IMO), have followed the illicit maritime activities in the Gulf of Guinea for years, the United Nations (UN) placed a central focus on the issue following appeals from the President of Benin, Thomas Boni Yayi, for assistance in combating transnational maritime crimes in the region. The United Nations Security Council (UNSC) had earlier adopted *Resolutions 2018* and *2039* in October 2011 and February 2012 respectively which, among other things, encouraged states of the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS) and the Gulf of Guinea Commission (GGC) to fashion a comprehensive strategy through the development of domestic laws and regulations, where these are not in place, criminalizing piracy and armed robbery at sea; the development of a regional framework to counter piracy and armed robbery at sea, including information-sharing and operational coordination mechanisms in the region; and the development and strengthening of domestic laws and regulations, as appropriate, to implement relevant international agreements addressing the safety and security of navigation, in accordance with international law (Phillips, 2012; the *Yaoundé Code of Conduct Concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in West and Central Africa*, 2013).

Consequent upon the adoption of these resolutions, ECOWAS, ECCAS and GGC member-states convened the Cotonou Joint Ministerial Conference on Maritime Security in the Gulf of Guinea held in March 2013 to draft a regional strategy. The Cotonou Conference paved way for the historic June 24 and 25, 2013 Summit in Yaoundé, Cameroon. The summit with the theme: *Maritime Security in the Gulf of Guinea* brought together twenty-five countries from the Gulf of Guinea to formalize the adoption of an integrated response to a comprehensive security challenge in the region. The documents drafted during the Cotonou Conference were endorsed at the Yaoundé Summit and became known as the *Yaoundé Code of Conduct Concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in West and Central Africa* otherwise known as the *Yaoundé Code of Conduct* of June 2013. Other ancillary documents that were adopted during the summit included the *Declaration of the Heads of State and Government of Central and West African States on Maritime Safety and Security in their Common Maritime Domain and a Memorandum of Understanding among the ECCAS, ECOWAS and GGC on Maritime Safety and Security in Central and West Africa* (Ukeje & Ela, 2013; Affa'a-Mindzie & Blyth, 2014).

The 15-page 21 Articles *Code of Conduct* which entered into force upon signature by two or more signatories recognised the African Union Commission (AUC) as its depository in *Article 20 (2) and (4)*. The *Code of Conduct* is borne out of the need to step up the continent's strategic approach towards maritime safety and security. It is part of the increasing commitment of African leaders to express political will and set the leadership tone in the governance of Africa's maritime domain. Accordingly, *Article 2 (1) (a)* of the *Code of Conduct* among other things states that the Signatories intend to cooperate to the fullest possible extent in the repression of transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea. Other relevant provisions of the *Code of Conduct* which are indispensable to this study are Articles 6 & 7 which provide for *Measures to Repress Piracy* and *Measures to Repress Armed Robbery Against Ships* respectively. As outlined in the *Yaoundé Code of Conduct* (2013:8), the provisions of these articles state as follow:

Article 6: Measures to Repress Piracy

1. Consistent with *Article 2*, each Signatory to the fullest possible extent intends to cooperate in:
 - (a) arresting, investigating and prosecuting persons who have committed piracy or are reasonably suspected of committing piracy;
 - (b) seizing pirate ships and/or aircraft and the property on board such ships and/or aircraft; and
 - (c) rescuing ships, persons, and property subject to piracy.
2. Any Signatory may seize a pirate ship beyond the outer limit of any State's territorial sea, and arrest the persons and seize the property on board.
3. Any pursuit of a ship, where there are reasonable grounds to suspect that the ship is engaged in piracy, extending in and over the territorial sea of a Signatory is subject to the authority of that Signatory. No Signatory

should pursue such a ship in or over the territory or territorial sea of any coastal State without the permission of that State.

4. Consistent with international law, the courts of the Signatory which carries out a seizure pursuant to paragraph 4 may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ship or property, subject to the rights of third parties acting in good faith.

5. The Signatory which carried out the seizure pursuant to paragraph 4 may, subject to its national laws, and in consultation with other interested entities, waive its primary right to exercise jurisdiction and authorize any other Signatory to enforce its laws against the ship and/or persons on board.

6. Unless otherwise arranged by the affected Signatories, any seizure made in the territorial sea of a Signatory pursuant to paragraph 5 should be subject to the jurisdiction of that Signatory.

7. The Signatories intend to encourage states, ship owners and ship operators, as deemed appropriate, to take measures to protect against pirates, taking into international conventions, codes, standards and recommended practices and in particular, the recommendations adopted by IMO.

Article 7: Measures to Repress Armed Robbery against Ships

1. The Signatories intend for operations to suppress armed robbery against ships in the territorial sea and airspace of a Signatory to be subject to the authority of that Signatory, including in the case of hot pursuit from that Signatory's territorial sea or archipelagic waters in accordance with UNCLOS.

2. The Signatories intend for their respective focal points and Centres (as designated pursuant to Article 8) to communicate expeditiously alerts, reports, and information related to armed robbery against ships to other Signatories and interested parties

Lending his voice to the desirability of a more effective regional effort against piracy and other illegal maritime activities in the Gulf of Guinea, the Cameroonian President, Paul Biya, in an opening speech during the Yaoundé Summit noted *inter alia*:

Gulf of Guinea countries are witnessing a boom, with a strong economic growth, a well-educated élite, a young population aware of the stakes. But our determination, our national and regional capacities, as well as our efforts to eradicate piracy seem inadequate to prevent or effectively stamp out the threat. Therefore, collective effort is a must, for us to avoid a situation where, once eliminated in one country or area of the Gulf of Guinea, this scourge would rear its head in another...I must underscore the need for a holistic approach to piracy. This would help us come up with innovative solutions, commensurate with the context and scale of this scourge for states of the region and for the international community (Biya, 2013: 5).

At this point, it must be emphasized that prior to the adoption and implementation of the *Yaoundé Code of Conduct* of 2013, the Gulf of Guinea States had taken several initiatives towards combating piracy and other associated trans-boundary maritime criminalities within the region. In his study, Onuoha (2012) noted that the high incidents of piracy and other maritime crimes in the region have prompted several national, bilateral, regional and extra-regional engagements to improve maritime security. At the national level, the Nigerian Government in January 2012 transformed its Joint Task Force *Operation Restore Hope*, which was initially established to combat militancy in the Niger Delta into an expanded maritime security framework, known as *Operation Pulo Shield*. Some other Gulf of Guinea States like Republics of Benin and Ghana also adopted measures in the form of increased policing, provision of detection and surveillance systems, creation of Maritime Domain Awareness (MDA) capabilities and acquisition of requisite platforms to suppress piracy. Bilaterally, the Governments of Nigeria and Benin Republic in October 2011 set up a combined maritime patrol of their waters code-named *Operation Prosperity*. Efforts were also made to expand the operation in order to include the Ghanaian and Togolese navies, in a bid to increase the span of surveillance and eliminate maritime threats. Most importantly, regional measures to improve maritime security have come in the form of joint training exercises among navies of the Gulf of Guinea States. As reported in Onuoha (2012), in February 2012, the Nigeria Navy hosted *Exercise Obangame Express*: an annual naval exercise of Africa, US and Europe. The maritime interdiction exercise attended by 12 nations— Nigeria, United States, France, Italy, Spain, Cameroun, Ghana, Gabon, Equatorial Guinea, Sao Tome & Principe, Togo, Benin Republic and Republic of Congo— was aimed at enhancing the response capabilities of navies in the region. The idea was to encourage countries in the region to improve on interoperability of communications and sharing MDA information to collectively combat piracy and other maritime crimes.

4. The Repressive Focus of the *Yaoundé Code of Conduct* and Insecurity in the Gulf of Guinea

It is pertinent to note from the outset that piracy and armed robbery at sea are often misunderstood and even interchanged by some writers. Academics tend to discuss the definition of piracy *ad infinitum*. "It is", according to Murphy (2009:7), "a slippery concept that defies accurate and incontestable definition". For instance, there is

a definition under the *Law of the Sea Convention*, a marine insurance definition, domestic law definitions, a customary international law definition, among others. However, for purposes of this exercise, the study shall rely exclusively on the conceptual lucidity of the word “piracy” as contained in *Article 101* of the *1982 United Nations Convention on Law of the Sea (UNCLOS)* which is also reproduced in *Article 1 (3)* of the *Yaoundé Code of Conduct* of June 25, 2013. According to the document, piracy consists of any of the following acts:

(a) Any illegal act of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed— (i) On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; (ii) Against a ship, aircraft, persons or property in a place outside the 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 private ship or aircraft; (c) Any act of inciting or of intentionally facilitating an act described in sub-paragraph (a) or (b).

In the same vein, the 2013 Annual IMB Piracy Report quoting the IMO defines Armed Robbery in Resolution A. 1025 (26) Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against Ships to mean any of the following acts:

(a) Any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship within a state’s internal waters, archipelagic waters and territorial sea; (b) Any act of inciting or of intentionally facilitating an act described above.

The *Yaoundé Code of Conduct* is the culmination of initiatives directed towards stronger trans-boundary and inter-regional cooperation in combating piracy and other incidents of maritime insecurity in the Gulf of Guinea. Among other things, the *Code of Conduct* reiterated its concern about the serious threats posed by piracy, armed robbery at sea and other illicit maritime activities in the Gulf of Guinea. However, attacks off the coast of Gulf of Guinea constitute a fair share of the high incidents of piracy recorded in Africa. According to Onuoha (2012:5), “the Gulf of Guinea accounted for 427 of the 1434 attacks in African waters between 2003 and 2011”. The 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 has largely involved the use of speedboats to attack and dispossess shipping crew of cash, cargo and other valuables when the vessel is at anchor or in harbour. Moreover, the UNSC Report of (2013), shows that the incidents of piracy and related criminal activities have risen significantly, making the region the second most dangerous piracy zone on the African continent. The report indicates that a total of 58 attacks were reported in the region during the first 10 months of 2011, which was an increase from the 45 attacks recorded in 2010. Twenty-one of the reported attacks in 2011 occurred off the coast of Benin, 14 off the coast of Nigeria, 7 off the coast of Togo, 4 off the coasts of the Democratic Republic of Congo, 2 off the coast of Ghana and 1 off the coasts of Angola and Côte d’Ivoire. In 2010, Nigeria reported 25 attacks, Guinea 6, Cameroon 5, Côte d’Ivoire 4, the Democratic Republic of the Congo 3, and Congo and Liberia 1 respectively. A more comprehensive and updated report of the trend of actual and attempted pirate and armed robbery attacks in the region is found in Tables I & II below.

It will amount to fallacy of over-generalization to conclude that the implementation of the *Yaoundé Code of Conduct* of June 2013 has not recorded any impact on the rising spate of piracy and armed robbery at sea in the Gulf of Guinea. While maritime security has traditionally been a low priority for Gulf of Guinea armed forces, the spread of piracy from Nigeria and its associated economic losses have prompted a flurry of cross-border and regional naval acquisitions and international training and assistance programmes. There was an increase in naval interventions in pirate attacks in later part of 2013, with Nigerian, Togolese and visiting French naval forces all intercepting would-be tanker hijackings. Heightened naval patrols and vessel security measures showed some successes, as both the number of tanker attacks and successful hijackings declined from a 2011 high (Bridger, 2014). Similarly, regional states have concentrated some degree of naval resources to implement safe zones around pirate-prone anchorages off Benin, Togo and Nigeria. Vessel security and situational awareness also improved as revised best management practices— such as the employment of local armed security, extra watch duty and the use of “citadel” safe rooms— become more widely applied (Bridger, 2014). Thus, prior to the seizure of *Kerala*, there had not been a successful tanker hijacking reported in the Gulf of Guinea for over five months.

Although a combination of stronger patrolling and a reinforcement of ships’ self-defence, among others, have proved effective, these measures are not addressing the root causes of the problem. As pointed out earlier, the exclusive security policy and repressive focus of the *Yaoundé Code of Conduct* as expressed in its *Articles 6, 7 & 8* has largely clogged the counter-piracy and armed robbery at sea campaign in the Gulf of Guinea. The economic disarticulation and exclusionism in these societies, which are mere manifestations of the entrenched bad/poor governance, entail that the repressive approach cannot address the problem on a sustainable basis. Indeed, while combined naval efforts have created a safe corridor for ships through the Gulf of Aden, pirates have responded by launching more attacks further offshore, in particular on oil tankers towards the Gulf and Middle East. This experience bears important lessons and warnings for the key stakeholders within the Gulf of

Guinea maritime domain. Hence, acts of piracy, sea robbery and other associated maritime crimes had since proliferated as captured in Table I below.

Arising from the foregoing, therefore, it is pertinent to emphasize that the attainment of security and stability in the Gulf of Guinea maritime domain is largely dependent on the security of human persons. Unfortunately, many communities in the region suffer from chronic insecurity in their daily lives. The prevalence of underdeveloped and undiversified economies has created an over-reliance on subsistence agriculture, which leaves many communities working for survival rather than growth. Some of these countries, especially Sierra Leone, Liberia and Niger, have some of the lowest or worst indices of human development. In the same vein, rate of access to electricity, healthcare, sanitation, and public services is generally low. Lack of education has also resulted in low literacy rates, constrained skills development and stunted the expansion of infrastructure. These have resulted in lack of employment opportunities and uncertainty of livelihoods. The youth populations of many of the countries in the region are left with few opportunities for gainful employment, thereby providing a fertile recruiting ground for insurgent groups and criminal networks who offer work, financial incentives, status and in some cases, basic services and protection to individuals and communities in need —effectively replacing the state. In the light of the foregoing, it would be totally incorrect to rely exclusively on repressive approach as a remedy for the menace of piracy, sea banditry and other associated crimes in the region.

As shown in Tables I & II below, actual and attempted piracy and armed robbery at sea attacks in the Gulf of Guinea have not been evenly distributed. The incidents of piracy in the region decreased from 64 attacks in 2003 to 56 in 2004 and 25 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 picked up again with 53 cases recorded in 2011, 62 in 2012, 73 in 2013 and 38 in the first half of 2014. The majority (55 percent) of the attacks recorded between 2003 and 2013 occurred in Nigerian waters. Between 2003 and 2005, there was a decline in the number of attacks in Nigerian waters, and overall in the Gulf of Guinea. However, there was an increase in the number of attacks between 2007 and 2008. The upsurge was mostly because of the ferocious agitation of the oil-rich Niger Delta militants against perceived exclusion of the region by successive governments as well as the environmental criminality perpetrated by foreign oil companies. The operational tactics of the militant groups included hostage-taking of oil workers, sabotage of oil facilities, attacks on oil vessels, illegal oil bunkering, kidnapping and ransom receipts, among others.

Moreover, available reports from credible maritime-related organizations like the *IMB Q2-2014 Abridged Report* and *NYA International Q2-2014 Piracy Assessment Report* as well as other independent reporters indicate that since the adoption and implementation of the *Yaoundé Code of Conduct*, piracy and sea robbery had not abated. As shown in Table I, some of the major attacks include criminal boarding of an anchored general cargo ship by two robbers in a speedboat on June 30, 2013; hijacking of the 75,000-ton Greek-owned vessel, the *MT Kerala*, off the coast of Angola by a sophisticated pirate gang on January 18, 2014; hijacking and boarding of Medallion Reedererei-owned tanker *SP Brussels* underway in West of Beyelsa by two armed pirates on April 29, 2014; criminal boarding of *China Spirit*, a berthed bulk carrier, in Freetown Port, Sierra Leone by five robbers armed with knives in a boat on May 05, 2014; hijacking of *Fair Artemis* with 24 crew members on board with operator on approximately 40NM south of Accra, Ghana on June 04, 2014; hijacking of a fishing vessel, *Marine 711* by pirates on June 05, 2014; the disappearance of a Liberia-flagged *MT Fair Artemis* (Greek oil tanker) in the pirate-infested Gulf of Guinea on June 09, 2014; attacking of a patrol of the Joint Task Force in Robot Creek, Nembe Local Government Area of Bayelsa State, by approximately 30 armed robbers in two speedboats on June 24, 2014; interception and hijacking of two passenger boats in Zion community of Southern Ijaw Local Government Area of Bayelsa State by gunmen on June 28, 2014; criminal boarding of an anchored general cargo ship near position 05:12.5N - 004:03.8W, Abidjan Anchorage by two pirates, in a speedboat on June 30, 2014; attack on a passenger boat on the Ogbia-Nembe in Bayelsa State on July 20, 2014; attack of an oil rig in Gbarain, in Southern Ijaw Local Government Area of Bayelsa State on July 23, 2014, among others.

Table I: Timeline of Selected Piracy and Armed Robbery Attacks in the Gulf of Guinea

S/N	Date	Event	Victim(s)/Consequences	Sources
1	Jan. 4, 2009	Pirates hijacked the French ship <i>Bourbon Leda</i>	Five Nigerians, two Ghanaians, one Cameroonian and one Indonesian who were on board. It was freed Jan. 7	http://en.wikipedia.org/wiki/Piracy_in_the_Gulf_of_Guinea on 15th Aug., 2014.
2	Jan. 21, 2009	Gunmen attack the diesel tanker <i>MT Meredith</i>	Kidnapped a Romanian, who was released a day later	Tattersall (2009). Retrieved from http://af.reuters.com/article/topNews/idAFJOE50K06D20090121 on 15th August, 2014.
3	Jan. 23, 2009	Rebels steal some items from the Exxon tanker <i>MT Ngoni</i> . They also seized a tugboat		http://tradenewsire.blogspot.com/2013/12/nigeria-step-up-fight-against-ssa.html Retrieved on 15th Aug., 2014.
4	April 21, 2009	Rebels attacked the Turkish ship <i>Ilena Mercan</i>	Kidnapped two crewmen	http://dailyc.com/en-world/gunmen-attack-nigeria-oil-tanker-two-kidnapped/252530 Retrieved on 15th Aug., 2014.
5	Nov. 24, 2009	Pirates hijacked the Liberian-flagged <i>Cancale Star</i> off Benin	Killed a Ukrainian officer before robbing the ship	http://news.bbc.co.uk/2/hi/africa/8376715.stm Retrieved on 15th Aug., 2014.
6	Dec. 1, 2009	The Ghanaian Navy intercepted the hijacked oil tanker <i>African Prince</i> a week after it had been taken	The pirates escaped but had earlier killed the ship's chef	http://news.bbc.co.uk/2/hi/africa/8389284.stm Retrieved on 15th Aug., 2014.
7	Mar. 13, 2010	A Chinese fishing vessel was hijacked off the Bakassi Peninsula, Cameroon	Seven fishermen were abducted but later released with the vessel on March 18 after the payment of ransom.	http://ca.reuters.com/article/topNews/idCATRE62C1P020100313 Retrieved on 15th Aug., 2014.
8	Sept. 23, 2010	Hijacking of a vessel belonging to the company Bourbon off the Nigerian coast	Three Frenchmen were kidnapped from the vessel	http://english.cri.cn/6966/2010/09/22/45595868.htm Retrieved on 15th Aug., 2014.
9	Aug. 3, 2011	Two Panamanian-flagged tankers were attacked off Benin's coast	The ships were not taken	Elijah (2011). http://af.reuters.com/article/energyOilNews/idAF16E7J32DM20110803 Retrieved on 15th Aug., 2014.
10	Aug. 19, 2012	A British-owned oil tanker was hijacked in the Port of Togo		http://ngex.com/news/public/article.php?ArticleID=2416 Retrieved on 15th Aug., 2014.
11	Aug. 28, 2012	A Greek-owned oil tanker was hijacked in the Port of Togo		http://scaptain.com/pirates-hijack-oil-tanker-togo/ Retrieved on 15th Aug., 2014.
12	Sept. 4, 2012	A Singaporean-flagged oil tanker, the <i>MT Abu Dhabi Star</i> , was hijacked off the coast of Lagos	The pirates fled as soon as they realized a Nigerian naval ship was approaching	http://www.seaenews.com/tr/search/?s.keyword=Abu%20Dhabi%20Star Retrieved on 15th Aug., 2014.
13	Oct. 15, 2012	Hijacking of a Luxembourgish-flagged anchor handling vessel named <i>AHT Bourbon Liberty 249</i> , off the coast of Nigeria	Liberation of the 7 abducted crew members	http://issuu.com/pml01/docs/280213 Retrieved on 15th Aug., 2014.
14	Dec. 23, 2012	An Italian-registered ship was hijacked by seven Nigerian pirates, off the coast of Bayelsa State	Pirates released the ship with most of the crew, but took three Italians and a Ukrainian as hostages	http://ngex.com/news/public/article.php?ArticleID=2416 Retrieved on 15th Aug., 2014.
15	Jan. 16, 2013	A Panamanian-flagged vessel, <i>ITRI</i> owned by <i>Koda Maritime</i> , was hijacked while transferring 5,000 tons of oil near Abidjan		http://ngex.com/news/public/article.php?ArticleID=2416 Retrieved on 15th Aug., 2014.
16	Feb. 3, 2013	A Luxembourgish-flagged oil tanker, <i>Gascogne</i> (owned by France) was hijacked approximately 70 nautical miles south of the port city of Abidjan		http://issuu.com/pml01/docs/280213 Retrieved on 15th Aug., 2014.
17	Feb. 4, 2013	A Marshall Islands-flagged chemical tanker, <i>Pyxis Delta</i> (owned by the UAE), was hijacked off the coast of Nigeria	A Filipino crew-member was killed during the hijacking	http://old.nationaldailyns.com/point-blank-point-blank-43139/6976-piracy-in-the-gulf-of-guinea-african-and-this-dangerous-ahoy Retrieved on 15th Aug., 2014.
18	Feb. 11, 2013	A UK-flagged cargo ship, <i>Ester C</i> , (owned by the Isle of Wight-based Carisbrooke Shipping) was hijacked by pirates between the Cameroonian port of Douala and the port of Malabo in Equatorial Guinea	Three crewmen were taken hostage after pirates attacked the ship	http://www.bbc.com/news/uk-england-hampshire-21409734 Retrieved on 15th Aug., 2014.
19	April 16, 2013	A Greek-flagged crude oil carrier, <i>Cap Theodora</i> , was attacked by pirates 36 nautical miles off the coast of Principe Island	The ship thwarted the attack by increasing its speed and performing evasive manoeuvres	http://www.handyshippingguide.com/shipping-news/bulk-freight-and-container-shipping-interests-see-piracy-and-cargo-theft-in-west-africa-spiral-4544 Retrieved on 15th Aug., 2014.
20	May 25, 2013	A Nigerian-flagged oil products tanker, <i>MT Matrix</i> , was hijacked approximately 40 nautical miles off the coast of Bayelsa State	There were 12 Pakistani and five Nigerian crew aboard the vessel when it was attacked, one of the sources said.	http://logbaby.com/news/pirates-hijack-oil-tanker-abduct-12-pakistanis-five-nigerians-17364.html Retrieved on 15th Aug., 2014.
21	June 30, 2013	Criminal Boarding: Two robbers in a Speedboat with long knives approached and boarded an anchored general cargo ship.	The robbers escaped with stolen ship's stores in their boat. All crew mustered and a search was carried out throughout the ship.	http://www.nyainternational.com/downloads/email/Q2-2014-Piracy-Assessment-West-Africa.pdf Retrieved on 15th Aug., 2014.
22	Jan. 18, 2014	A sophisticated pirate gang hijacked the 75,000-ton Greek-owned vessel, the <i>MT Kerala</i> , off the coast of Angola	More than a week later and 1,300 miles away, the hijackers released <i>Kerala</i> off the coast of Nigeria, after offloading 12,270 tons of its diesel cargo to other ships	Bridger (2014). Retrieved from http://news.usni.org/2014/03/10/piracy-gulf-guinea-oil-soaked-pirates on 16th July, 2014.
23	April 29, 2014	Hijacking: Two armed pirates boarded Medallion Reederer-owned <i>SP Brussels</i> underway in West of Beyelsa, Nigeria	The crew retreated into the citadel. Head count in the citadel indicated two crew missing	http://www.nyainternational.com/downloads/email/Q2-2014-Piracy-Assessment-West-Africa.pdf Retrieved on 15th Aug., 2014.
24	May 05, 2014	Criminal Boarding: Five robbers armed with knives in a boat approached <i>China Spirit</i> , a berthed bulk carrier, in Freetown Port, Sierra Leone	Two robbers boarded the ship and took hostage the duty cadet on rounds	http://www.nyainternational.com/downloads/email/Q2-2014-Piracy-Assessment-West-Africa.pdf Retrieved on 15th Aug., 2014.
25	June 04, 2014	Hijacking: The vessel <i>Fair Artemis</i> with 24 crew members on board and was transporting gasoil lost contact with operator on approximately 40NM south of Accra, Ghana.	The vessel was missing until 6th June when it was reported that it was hijacked and looted in Togolese waters. Pirates released the vessel after a week and had stolen the cargo.	http://www.nyainternational.com/downloads/email/Q2-2014-Piracy-Assessment-West-Africa.pdf Retrieved on 15th Aug., 2014.
26	June 05, 2014	Pirates hijacked a fishing vessel, <i>MARINE 711</i>	41 crew members were held hostage.	http://www.nyainternational.com/downloads/email/Q2-2014-Piracy-Assessment-West-Africa.pdf Retrieved on 15th Aug., 2014.
27	June 9, 2014	A Liberia-flagged <i>MT Fair Artemis</i> (Greek oil tanker) vanished in the pirate-infested Gulf of Guinea reportedly moved from Ghanaian to Togolese waters		http://africacenter.org/2014/06/media-review-for-june-9-2014/#sthash.BhzyO9Pc.dpuf on 15th Aug., 2014.
28	June 24, 2014	Approximately 30 armed robbers in two speedboats attacked a patrol of the Joint Task Force (JTF) in Robot Creek, Nembe Local Government Area of Bayelsa State, Nigeria.	Three suspected pirates died and one soldier was also killed. Two boat operators were injured.	http://www.nyainternational.com/downloads/email/Q2-2014-Piracy-Assessment-West-Africa.pdf Retrieved on 15th Aug., 2014.
29	June 28, 2014	Gunmen intercepted and hijacked two passenger boats in Zion community of Southern Ijaw Local Government Area, Bayelsa State	Several passengers were abducted.	http://www.nyainternational.com/downloads/email/Q2-2014-Piracy-Assessment-West-Africa.pdf Retrieved on 15th Aug., 2014.
30	June 30, 2013	Criminal Boarding: Two robbers in a Speedboat with long knives approached and boarded an anchored general cargo ship.	The robbers escaped with stolen ship's stores in their boat. All crew mustered and a search was carried out throughout the ship.	http://www.nyainternational.com/downloads/email/Q2-2014-Piracy-Assessment-West-Africa.pdf Retrieved on 15th Aug., 2014.
31	June 30, 2014	Two robbers, armed with long knives, in a speedboat boarded an anchored general cargo ship near position 05:12.5N - 004:03.8W, Abidjan Anchorage.	The robbers escaped with stolen ship's stores in their boat.	http://www.oni.navy.mil/Intelligence_Community/piracy/pdf/20140723_WTS.pdf Retrieved on 15th Aug., 2014.
32	July 20, 2014	Pirates attacked a passenger boat on the Oghia-Nembe in Bayelsa State	They killed two persons and stole cash and valuables from boat passengers.	http://www.oni.navy.mil/Intelligence_Community/piracy/pdf/20140723_WTS.pdf Retrieved on 15th Aug., 2014.
33	July 23, 2014	Armed criminals attacked an oil rig in Gbarain, in Southern Ijaw Local Government Area of Bayelsa State	Five attackers were killed while two policemen were said to have sustained minor injuries.	http://www.oni.navy.mil/Intelligence_Community/piracy/pdf/20140723_WTS.pdf Retrieved on 15th Aug., 2014.

Source: Compiled by the Researchers

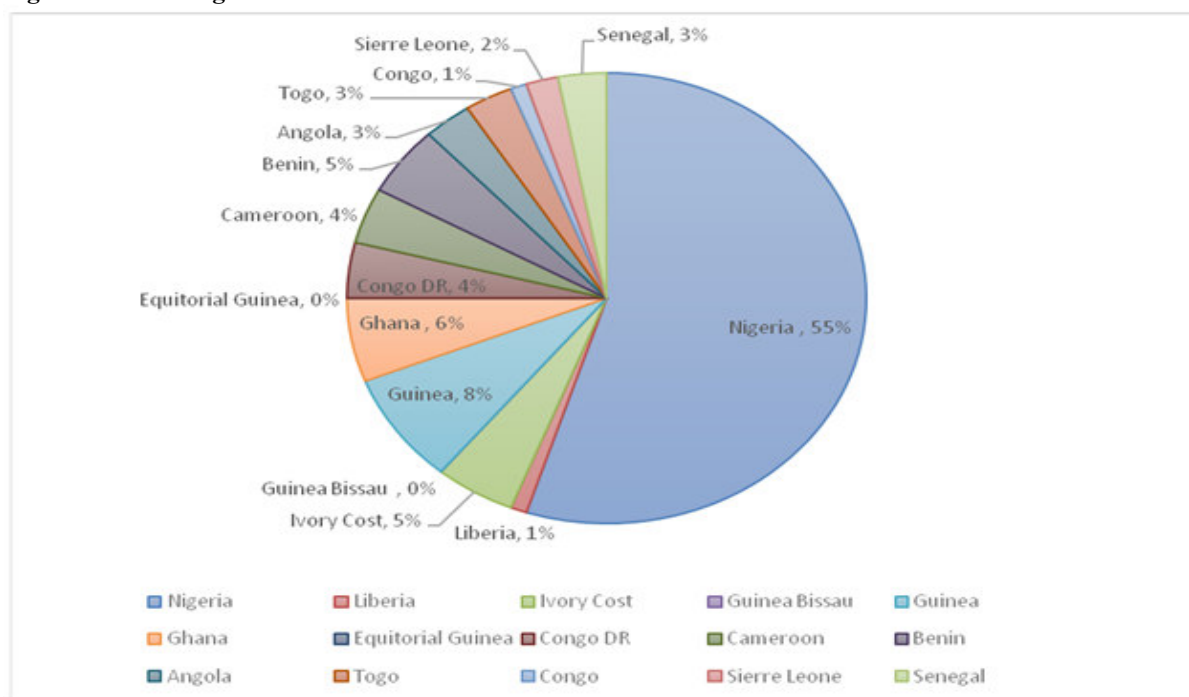
Table II: Actual and Attempted Attacks against Ships in Selected States in the Gulf of Guinea,2003–2014*

Africa	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014*	Total
Angola	3	—	—	4	1	2	—	—	1	—	—	2	13
Benin	1	—	—	—	—	—	1	—	20	2	7	—	32
Cameroon	2	4	2	1	—	2	3	5	—	1	5	5	30
Congo DR	—	—	—	3	4	1	2	3	4	2	—	—	19
Equatorial Guinea	—	—	—	—	—	1	—	—	—	—	—	—	1
Ghana	3	5	3	3	1	7	3	—	2	2	2	2	33
Guinea	4	5	1	4	2	—	5	6	5	3	3	—	38
Guinea Bissau	—	—	—	—	—	—	1	—	—	—	—	—	1
Cote d'Ivoire	2	4	3	1	—	3	2	4	1	5	4	1	30
Liberia	1	2	—	—	1	1	—	1	—	—	—	1	7
Nigeria	39	28	16	12	42	40	29	19	10	27	35	18	315
Senegal	8	5	—	—	—	—	—	—	—	—	—	—	13
Sierra Leone	—	3	—	2	2	—	—	—	1	1	2	1	12
The Congo	—	—	—	—	—	1	—	1	3	4	3	5	17
Togo	1	—	—	1	—	1	2	—	6	15	12	3	41
Total	64	56	25	31	53	59	48	39	53	62	73	38	602

Source: Adapted from IMB Piracy and Armed Robbery against Ships Annual Reports, 2003–2014

***The column for 2014 is for the first half of the year** Besides Nigeria, other countries (as shown in Figure I) with high number of incidents between 2003 and 2013 include Guinea (8 percent), Ghana (6 percent), Cote d'Ivoire (5 percent), and Benin (5 percent). The case of Benin is quite startling. There was only one incident off Benin waters in 2003, while none was recorded between 2004 and 2008. In 2011, however, Benin had 20 cases of pirate attacks. The upsurge in piracy off the coast of Benin is largely attributed to Nigerian pirates who extended their attacks further out at sea. For example, the pirates that attacked and killed one of the crew of the *Cancale Star* on 23 November 2009 were from Nigeria. The Liberia-flagged oil tanker was attacked some 18 nautical miles (33km) off the coast of Benin, in what is believed to be the country's first of such attack (Onuoha, 2012).

Figure I: Percentage Distribution of Attacks in the Gulf of Guinea 2003-2013



Source: Adapted from IMB Piracy and Armed Robbery against Ships Annual Reports, 2003-2013

5. Conclusion

In summary, the study found that the repressive focus of the *Yaoundé Code of Conduct* of June 25, 2013 has led to the adoption of certain militaristic measures by the Signatories to the document. Thus, national and trans-boundary efforts aimed at the mitigation of piracy and sea banditry has now shifted emphasis to a flurry of cross-border and regional naval acquisitions, international naval training and assistance programmes, increased naval interventions in pirate attacks, heightened naval patrols and vessel security measures, employment of local armed security, use of extra-watch duty, reinforcement of ship's self-defence and use of citadel safe rooms. However, this repressive approach has been implicated in the rising spate of these illegal maritime activities in the Gulf of Guinea maritime domain. This is amply demonstrated through the increased occurrence of these trans-boundary crimes since the enunciation and enforcement of the document. While these militaristic security measures are quite commendable in the main, they are incapable of addressing the problems on a sustainable basis. This is largely because such measures are carried out at the expense of the socio-economic well-being of coastal communities. Consequently, this has accentuated their declining opportunities for legitimate livelihood amidst affluence. Hence, some youths in the region are easily recruited for violent conflicts or take to piracy and other illicit activities for survival. It is, therefore, not surprising that piracy and sea banditry are brewing in the region because of the non-committal disposition of the Signatories to the document to eradicate the underlying foundational or structural defects that underpin them.

Arising from the above findings, therefore, the study puts forward the following recommendation for policy implementation: the root causes of piracy and armed robbery against ships in the Gulf of Guinea should be tackled rather than reacting to the symptoms of the malaise. Most security challenges confronting Africa have their origin in the progressive failure of governance and internal contradictions that serve to undermine human development. The *Yaoundé Code of Conduct* of 2013 should, therefore, be repackaged in order to comprehensively address the various threats and challenges, especially piracy and sea robbery which bedevil maritime safety in the Gulf of Guinea. Any long-term measure aimed at the reduction of piracy and armed robbery at sea in the region must involve the implementation of poverty reduction programmes, provision of social safety nets and the generation of employment opportunities. These are aimed at empowering the poor and vulnerable, thereby making piracy and associated crimes unattractive in the region.

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