

The Security Implication of Sea Piracy and Maritime Insecurity in Contemporary Africa Economy

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ABSTRACT

This work evaluates the factors in the resurgence and upsurge in piratical activities in contemporary Africa's maritime domain. Its main objective is to situate and explicate the claims of: 'state failure' and 'alienation', and their role in the rise of sea piracy and maritime insecurity. It argues that sea piracy and maritime insecurity represents a very complex matrix of both domestic and global dimensions that have fueled criminality and lawlessness by non-state agencies. The work further holds that the bewildering increase in the incidences of sea piracy and maritime insecurity has continuous dire consequences and have inflicted unquantifiable damage on the continent's attempts at achieving sustainable developments, peace, security, stability and prosperity. The findings contends that 'state failure', which has to do with the functional dimension of statehood, and denotes the lost of certain powers and privileges, ascribed and critical to state's developmental and security functions, to transform society into a modern industrial one, improve economic performance, prevent and alleviate poverty, and create prosperity is lacking. To this end, good governance, security sector reform, improved military, diplomatic as well as legal regimes and instruments, among others were recommended.

Keywords: *Africa, Alienation, Development, Maritime, Security, State Failure*

INTRODUCTION

Maritime Piracy has recently received renewed attention with the release in January 2008 of the International Maritime Bureau (IMB) 2007 annual report. Based on statistics compiled by the IMB's Piracy - Reporting Centre at Kuala Lumpur, Malaysia, the report reveals a ten percent increase in reported incidents of piracy worldwide (Jesugbamila, 2010). Until very recently, maritime piracy which has been largely concentrated in Asia: Indonesia, Malaysia, Singapore and Philippines-, as the traditional dangerous hotspots of global piracy (Unuoha, 2012), has shifted its concentration to African waters owing to a combination of factors, amongst which includes: the increased and profound impact of globalization, which as a consequence, has increased global trade and commerce; the intensification of global trade; the end of the cold war; technological advances; weapons proliferation; as well as of the state's-failure to fulfill their quintessential and traditional role and functions of security provisions, much of which also extends to the maritime security domain, frontiers and corridors and other myriads of factors (Uadiale, 2012), such as: alienation and marginalization; the social problems of poverty, and unemployment, resource disputes among others, have contributed to fueling a significant increase in piracy, and a deterioration in Africa's maritime security environment (Jesugbamila, 2010).

Today, whilst Somalian pirates extended their reach and threatened not only the Gulf of Aden, and East Somalia, but also the southern part of the Red Sea, the Babel Manded straits and the East coast of Oman, on the one hand, Nigeria continues to remain an area of high concern. This high profile attacks in the Gulf of Aden, off the Horn of Africa waters, and in the Gulf of Guinea (GG), mostly caused by Nigerian pirates have elicited renewed international attention to the problems of piracy in the waters of Africa. Be that as it is, with almost half of the world's reported pirate attacks on waters mainly near the Nigeria's coast, and especially GG and off the Somalia's coast, as cited above, it is often said that piracy have constituted immense and profound threats to the international security architecture with ramifications in, and consequences for Africa's geo-strategic, economic, social, political, environmental, humanitarian, energy and developmental prospects. So dire and unquantifiable have these damage been that they have threatened all the present and future threads that knits the contours, permutations, rubrics, fabrics, trajectories, and architecture of, and for the continent's sustainable development.

EXPLICATING THE CONTEMPORARY AFRICAN STATE IN THE CONTEXT OF SEA PIRACY AND MARITIME INSECURITY

The increased maritime pirate attacks in Africa are stemmed up by the consequential failure of the State to carry out its social responsibilities. African states are either failed, failing or weak, and in terms of security, good governance; maintenance of law and order etc, they are lagging behind. Generally, African State, failed, failing and weak - prone to the menace of piracy are those States whose governments are not able to exert effective control over, or provide essential services to a significant part of its territory. This may be due to internal or external conflicts, ineffective government, or State collapse. Such States lack indigenous and local development strategies, and demonstrate inadequate leadership and fragile governance. At other climes, such States typify those whose governments have only tenuous hold on power and their territory, and are, thus at the risk of becoming failed state. These may include States emerging from, or are on the brink of conflict. Weak States represent yet a third category, and are those at the risk of failing.

Characteristically, such States capture the entire gamute, which includes: loss of monopoly over legitimate use of power; reliance on black markets to support the legal economy; inability to collect taxes; make or participate in collective decisions etc (Uadiale, 2012). The above characteristics are typical of States in Africa where maritime piracy is rampant for instance, the States in the Horn of Africa, such as, Somalia and the Gulf of Guinea, of which Nigeria is a good example. Every State recognizes that it has an obligation to protect both the property and persons under its rule. That an internal forging of coercive and economic power is essential to its existence, and that security provision is a measure of both State effectiveness and durability. The perils of State failing in their quintessential security responsibilities and functions are starkly highlighted when one looks towards the African Continent plagued by a host of intra-state instabilities, lawlessness, criminality, civil wars, ethnic clashes, recurrent *coup d' et at*, armed insurgencies, factional fighting among others. The African Continent exemplifies manifold forms of non-state violence and declared

absence of the States' monopoly over force and all forms of organized violence (Uadiale, 2009). It is, therefore, note-worthy that landward and maritime insecurity are inter-dependent; as insecurity on-land, eventually, causes maritime insecurity. In turn, the latter obstructs the potential benefits from good order at sea to flow the communities' on-land through order, vibrant trade, safe sea lanes and effective dominion. The fact is that weak regimes on-land eventually gives rise to weak maritime regime. The resultant maritime insecurity then extends from the harbour to the high seas, the later having the most visible (Uadiale, 2012).

The Gulf of Guinea in Maritime Perspectives: The Gulf of Guinea is fast emerging as an important region because of its landmass as well as its maritime domain. Its large population offers a potential market combined with abundant energy resources typified by the proximity of large oil producers (Angola and Nigeria); maturing oil producers (Congo, Brazzaville); matured producers showing signs of decline (Cameroon and Gabon); and new producers (Equatorial-Guinea) and Chad. Located off the Gulf of Guinea, West African countries border an important sea lane that shows a visible connectivity with local energy commodities. Different from the seas of the Horn of Africa, the West African region is located in a major consumer market. In addition to the maritime sphere and energy resources, other commodities are also important. Important mineral like diamond, the regions rain forest habitat, agricultural commodities such as cocoa and tourism, all forms hubs of economic importance with international appeal. In effect, the Gulf of Guinea (GG) region depicts what Murphy as cited in Uadiale (2012). calls a 'scramble for the sea'; as the Gulf is viewed increasingly as a partial solution to the ever increasing needs regarding energy, population, food and territory. Such a hub of activity also draws crime such as piracy and the competition with maritime activities, good and bad, increasingly entering the fold. When the focal point of growth, wealth and power is situated off-shore, maritime boundaries are disputed, and inter-state tensions tend to escalate quickly. These volatile conditions always favour insurgent - styled activities - piracy at sea (Uadiale, 2012).

The Gulf of Guinea, located off the coast of West Africa and extending from the Western Coast of Cote d' Ivoire, past Nigeria, to the Gabon estuary is one of the World's most dangerous maritime regions with regards to piracy (Uadiale and Ebitubo, 2011). In particular, the report highlighted a sharp escalation in piracy - related activity off the coast of Nigeria, and the region now challenges both the Malacca straits and the Somali coastline as one of the world's most piracy prone maritime environment. The majority of these attacks occurred around Lagos, Nigeria's main port and commercial centre, and in the oil rich Niger-Delta region. In the Niger Delta, the problem of piracy has been compounded by a growing insurgency, where militants are fighting for an increased share of the region's wealth and have attacked shipping interests in pursuit of this cause. Given the number of piracy incidents and the level of continuing instability in the Delta region, it appears likely that Nigeria's maritime security environment will remain precarious for the foreseeable future. Despite its rise in the IMB hotspots list, piracy is by no means a new phenomenon in Nigeria, with piracy related activity plaguing Nigeria's coast and waterways since the early 1970s. The boom in Nigeria's oil export and the accompanying boom in imports of

various goods, such as processed food, liquor cigarettes, cars and electronics, from the 1970s saw a sharp rise in the numbers of foreign commercial vessels calling on Lagos, Apapa, Port Harcourt and other major Nigerian ports. The ports, however, lacked the capacity to handle the swift surge in maritime trade, which caused long delays in and around harbour areas. These delays combined with lax-security in port areas and on-board ships were to create ample opportunity for theft and robbery perpetrated by gangs of local inhabitants against foreign-vessels. In this sense, the attacks were more aptly described as 'opportunity', rather than 'organized' piracy (Uadiale, 2012). There was no indication that the attack were organized beyond the gangs that perpetrated the attacks, and the attacks did not require meticulous planning, knowledge or sophisticated equipment.

By the second half of the 1980s however, Nigeria's piracy resurfaced as part of a generally, deteriorating social situation and increased levels of violence and criminality in the country, particularly in the Lagos and Niger-Delta region. Not only did the 'opportunistic' attacks against ships at berth or anchor in Lagos and Apapa resume, but a well-organized and violent form of piracy also emerged in the Niger-Delta region, in the major distributaries of the Niger such as the Warri, Bonny and Escravos rivers. In the late 1990s, several ships have been attacked there while on the way by pirates armed with firearms often including automatic riffles such as AK 47. Many of the attacks have involved the kidnapping of crew members that have been held for ransom and, or the hijacking of vessels. Piracy on Nigeria's rivers, and around the GG coast was exacerbated by the activities of Movement for the Emancipation of the Niger Delta (MEND), as from 2003. MEND is one of the largest militant group in the Niger Delta region in Nigeria. The organization opposes and exposes exploitation and oppression of the people in the Niger Delta (ND), and the devastation of the natural environment by the Federal Government of Nigeria (FGN) and Multi-National Corporations (MNCs) involved in the extraction of oil in the ND. MEND has been linked to attacks on foreign owned petroleum companies in Nigeria, engaging in actions including: piracy, kidnapping, theft, and property destruction (Uadiale, 2012). Also, others who operate in the Nigeria coastal theatre come under threats essentially from:

- Financially motivated criminal gangs operating for personal gain; and,
- Local community base factions, wanting concessions from international organizations operating in the region (Uadiale, 2012).

While much of the insecurity, piracy off the Somali coast stems from the collapse of governance, and of law and order in Somalia, in the GG, the situation is somewhat different. Maritime piracy in the GG is more directly politically driven. In Nigeria for instance, politics on-land directly results in offshore actions, causing the hub of insecurity on-land in the Niger Delta region to spill into the Gulf to promote bad order at sea (Uadiale, 2012). According to the maritime watchdogs - the IMB, the waters of Nigeria are now the second most dangerous in the world, next to Somalia. The proliferation of piracy in the West African (WA) region has been a concern amongst governments and the oil industry since 1999. Militant groups - turned pirates in the Niger Delta claims that they are sabotaging the oil industry for political purposes, in protest of the mismanagement of Nigeria's oil wealth. Other rebel groups that were active in Nigerian waters include groups that were

fighting against the return of oil rich Bakassi - Peninsular to Cameroon. However, these political grievances are increasingly taking on a criminal nature; as attacks have also been recorded in the waters stretching from Angola in the south, around Africa's central and western coast to Guinea in the west (Uadiale, 2012).

The Horn of Africa Region in Maritime Perspectives: For decades, peace and stability have evaded the Horn of Africa region as countries in the region were ravaged by conflicts. Ethiopia experienced a civil war and was engaged in conflicts with Eritrea and Somalia. Sudan was torn apart by a civil war, and Somalia was ravaged by clan warfare. Beside the fact that the major powers initially pursued their cold war interest in the region, thereby added to the turbulence. These conflicts became interrelated, with factions in the various countries obtaining and giving support across national borders. However, it was the situation in Somalia that impacted most on maritime security in the waters surrounding the Horns of Africa. Its recent history warrants brief attention.

Somalia has been in disorder for some decades; and from 1987 onwards, the country was ravaged by internal conflict. Central authority soon disintegrated, and by 1990, most of the countries were a patchwork of contending fiefdoms, controlled by clan chiefs. Somalia was now in a state of chaos and civil war. With utter civil lawlessness, banditry and mass starvation and no organized government, warlords fought each other for their spoils; causing a new upsurge in violence after many years of violence and anarchy. Thus, Somalia remained without a strong central government authority. It is one of the failed post-cold war state that efforts at conflict resolution, and the international community have become little more than bystanders.

Somalia no longer has a National Armed Forces or a Police Force, yet militia groups exist and some factions hire protection. In summary, the region generally has insufficient early warnings and intelligence services, and no maritime surveillance and reconnaissance capacity. Also no credible maritime forces with sufficient mobility, flexibility and fire power necessary for sustainable operations and deterrence exists. If one adds the lack of coast guards, as well as the fact that no single agency or co-ordinated body that co-operate on the maritime security issues of the region exists, maritime security is, indeed, a quandary (Uadiale, 2012).

Mainly as a consequence of the disintegration of central government authority in Somalia, the lack of maritime security in the Horns of Africa has become a grave problem. This is one of the few cases in Africa where security problems on land have spilled over and affected the maritime security severely. The lack of maritime security in the region and the fact that it was not possible to enforce the law and maintain good order at sea, threatened maritime communication, broke down maritime sovereignty, and stimulated piracy. Apart from this, political rivalry in the Horn of Africa made the maritime landscape vulnerable to maritime piracy. The fractured maritime security domain and architecture, resulting from the Somali state's-failure to wield both internal and external security cohesion, affected negatively the income from fishing. Also, as there was no coast guard to protect against fishing trawlers from other countries, illegal fishing, and big companies dumping waste killed fishes in Somalia waters. This led to the erosion of fish stock. Local fishermen

started to band together to protect their resources. Of course, this is as a result of the lack of interest to effectively police the country's vast territorial waters and Exclusive Economic Zone (EEZ), which together comprises close to 1,200,000 square kilometers. The breakdown of central authority, thus meant that the water off Somalia in practice were transformed into a lawless maritime region with no regular Navy or Coast guard to reinforce National and International laws of the sea or to regulate and manage the countries fisheries. In Somalia, the immediate beneficiaries, at least in the short term, of the collapse in maritime policing were local, mainly artisanal fishermen. In particular, the opportunity for indiscriminate exploitation of shark and lobster, combined with high export demands, particularly from the Middle East and Eastern Asia for these species, provided a more rare economic opportunity in the war-torn country and, moreover, attracted a large number of people who previously had not been engaged in fishing (Uadiale, 2012).

The collapse of centralized state power also led to a surge of illicit and unregulated fishing by foreign trawlers in Somalia territorial waters and EEZ. According to 2003 United Nation's (UN) report, 'The once thriving Somalia fisheries industry has deteriorated into a 'free for all' among the world's fishing fleets, for over a decade, as hundreds of vessels from various member state have continuously fished Somali waters in an unreported and unregulated manner. . . . This has had far-reaching consequences and may already have a disastrous effect on the sustainable management of Somalia maritime resources'. The Foreign fishing vessels, the nationalities of the owners of which included, France, Japan, Kenya, Korea, Pakistan, Saudi Arabia, Spain, Sri Lanka, Taiwan and Yemen, mainly fished large pelagic fish species including: tuna, sword fish and Spanish mackerel, but also smaller species such as: sandiness, anchovies and mackerel. There are reports that some of the vessels used prohibited and destructive fishing methods such as: drifting nets, dynamites and breaking of coral reefs, thus risking serious damage to the maritime environment and habitats. Although there is a lack of thorough studies of the effects of the unregulated fishing on the fish population . . . , there are indications that several important species have suffered sustainable declines.

For example, in Puntland, 80% of the original stock of lobster is believed to have disappeared and a number of formerly abundant shark species, including: saw, hammerhead, white and mako sharks have totally disappeared in some areas. In the absence of any central government, authorities capable of regulating the fishing industry, various warlords and faction leaders have stepped in to fill the power vacuum at sea. Claiming both to protect what was perceived as traditional property rights to certain fishing waters held by local fishermen and to perform legitimate Coast guard functions, the 'warlords' began to issue fishing licenses to foreign trawlers and to harass and extort money from those who did not comply. These activities proved very profitable, enabling some faction leaders to enrich themselves as well as pay their private militias and so re-supply them with arms and ammunition. Little of the revenue, however, was allocated to resource management or even to effective monitoring of the fishing industry. Rather than fulfilling the legitimate and even urgent function of protecting Somali waters from over fishing and environmental degradation, the 'Coast guard' operations took the form of protection rackets or a system

of extortion bordering on piracy. With conflicting claims to sovereignty over the sea, buying a 'fishing licence' from one faction or warlord did not guarantee freedom of harassment from the other groups. This fishing situation along the Puntland coast, sometimes resembled Naval warfare with fishing boats being armed with heavy anti-craft cannons and many of the crew members carrying weapons. There was, obviously, only a small distinction between the protection racket based on the selling of dubious fishing licences and outright piratical activity (Uadiale, 2012).

THE DYNAMICS AND TRENDS OF MARITIME PIRACY IN CONTEMPORARY AFRICA

The frequency of worldwide Maritime Piracy attacks is rapidly increasing to such an extent that it was reported by the Piracy Reporting Centre (PRC) at Kuala-Lumpur to be at an average of one reported pirate attack roughly every thirty one hours. This, however, increased to roughly one attack every twenty nine hours by 2007. The number of pirate attacks in Africa has surpasses those in Asian waters since 2007. This continued into 2008 and 2009 with attacks in Africa doubled those in Asia (Uadiale, 2012).

For much of the past seven years, maritime piracy has been on the increase around Africa in spite of growing national, regional and international efforts at improving maritime security on these sea routes. Based on statistics from the IMB, piracy and Armed Robbery against ships Annual report, there were a total of 1434 incidents of piracy in Africa between 2003 and 2011. Beginning from 2007, the number of attacks have been on the increase. The reason for this astronomical rise was due to the out break of piracy off the coast of Somalia and Gulf of Aden. However, attacks of the coast of GG constitute a fair share of the high incidence of piracy recorded in Africa. The GG accounted for 427 of the 1434 attacks in African waters between 2003 and 2011. The frequent attacks in GG, though not as high as those of the Somali coast, is however, on the rise (Unuoha, 2012).

Since 2007 when African waters overtook waters of South-East Asia - Indonesia, Malaysia, Singapore, and Philippines - as the traditionally dangerous hot-spots of global piracy, much international attention and efforts at countering piracy in Africa have been on Somali Maritime piracy. This is understandably so, because piracy off the Somali coast accounts for more than half of pirate attacks recorded annually in Africa, if not globally. For instance, there were 439 piracy attack worldwide in 2011, more than half of which, were attributed to Somali pirates operating in the Gulf of Aden, the Red Sea, the Arabian Sea, Indian Ocean, and off the coast of Oman. The spike in attacks prompted the deployment in 2008 of an ongoing international coalition of Navies to fight Somali piracy (Unuoha, 2012). Yet, violence at sea is also brewing in another African gulf: the Gulf of Guinea. The increase in the number of attacks in 2011 in the GG and the fear that this would further increase in 2012 have prompted analysts to question whether foreign Navies, will intervene to shore up maritime security in the region as they have done in waters off the coast of Somalia. The incidences varied in geographical locations encompassing the waters off the East and South coast of Somalia including the Indian Ocean, the Gulf of Aden, the Southern Red Sea, the start of Bab El-Mandeb, off the East coast of Oman and the Arabian sea; for the Horn of Africa region; to over a dozen countries from West and

Central Africa namely, Angola, Benin, Cameroon, Central African Republic, Cote d' Ivoire, Democratic Republic of Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Nigeria, Republic of Congo, Sao Tome and Principe, Senegal, Sierra Leone and Togo. A region defined here as part of the Atlantic Ocean South-East of Africa. The region's geo-strategic and maritime potentials are quite attractive (Unuoha, 2012). It has over 6,000km coastal arc which stretches from Senegal in West Africa through Cameroon in Central Africa to Angola in Southern Africa embodies its value as an area of global geo-maritime importance as well as its vulnerable security. Devoid of any strait or chokepoint that constraints shipping and increases vulnerability to accidents or attacks, the GG is a key hub of commercial maritime activities - exports of hydro-carbons and imports of manufactured goods and food items. The growing investments in the region, especially in offshore oil infrastructure, means that coastal trading and maritime traffic are bound to increase in the region.

The region's maritime affluence are enormous endowments with minerals and marine resources such as: oil, diamonds, gold, and fishes, among others. In particular, it is home to huge hydrocarbon deposits; which however, co-exists with a litany of maritime afflictions. These afflictions can be broadly categorized as economic, political, and environmental. Amongst many of the economic threats are drug trafficking, illegal oil bunkering, pipeline vandalism, piracy, poaching and sea robbery. The environmental threats include: Coastal erosion and maritime pollution - dumping of toxic wastes and accidents from oil industry. Resource - Insurgency is a major political threat in the region. There is also real threat of the proliferation of Small Arms and Light Weapons (SALWS), and possible threat of maritime terrorism. Particularly growing in nature and frequency of these afflictions is sea piracy. Thus, for a region of such geo-strategic and maritime significance, ensuring that good order at sea prevails as a matter of absolute necessity for the GG States and extra-regional powers with growing economic interests in the region. This explains why the rapid increase in incidences of piracy in the region has attracted the attention of the United Nations Security Control (UNSC) - The UNSC has adopted two resolutions - 2018 (October 2011) and 2039 (February 2012) - calling for more regional co-ordination and logistical support to regional security initiatives to counter the growing menace of piracy in the region (Unuoha, 2012).

Several groups of pirates currently operate in Somali waters. Piracy is organized predominantly along clan lines, and based in distinct remote port towns. The groups have varying capabilities, and patterns of operation, making general response more difficult. The pirates can be divided into three main categories namely:

- (a) Local Somali fishermen - considered the brain of the pirate operations due to their skill and knowledge of the sea. Most of them think that foreign boats have no rights to cruise next to the shore, and destroy their boats.
- (b) Ex-militia men who used to fight for the local clan-warlord, used as the muscle;
- (c) Technical experts who operate equipment such as General Positioning Systems (GPS) devices.

In the GG region, the increase in the number of piracy attacks is mostly related to the

insurge in the activities of ethnic militants in Nigeria's oil rich ND region by groups protesting the perceived marginalization of the region by successive governments in Nigeria. The characteristic of the militant protests was the emergence and activities of MEND, among other groups. The GG pirates are known to be violent, as they usually deploy sophisticated arms and weapons like AK 47. The traditional *modus operadi* of pirates operating in the region had largely involved the use of speed boats to attack and dispossess shipping crew of cash, cargo and valuables, when the vessel is at anchor or in harbour, but mostly close to the shore (Uadiale and Ebitubo, 2011).

THE SECURITY IMPLICATIONS OF SEA PIRACY AND MARITIME INSECURITY IN CONTEMPORARY AFRICA

The dangers associated with contemporary piracy are complex and multi-faceted. Despite that at the most basic level, attacks constitute a direct threat to the lives and welfare of the citizens of a variety of flag States, and apart from the risk of death or injury, many who have been subjected to a pirate attack suffer considerable mental trauma, and may never get to sea again. On the other hand, many other residents in some hamlets in places like the States in the Horn of Africa, Somalia appreciate the rejuvenating effects of the pirates on shore, as spending and re-stocking has had on their impoverished towns. A presence which has often times provided jobs and opportunity whereas there was none. Entire hamlets, have in the process been transformed into veritable boomtowns, with local shop owners and other residents using their gains to purchase items such as generator, allowing full days of electricity, once an unimaginable luxury. This is to say, maritime piracy has both positive and negative impacts. But the negative impacts are far more incomparable to that of the positive ones.

Due to the fact that Non-State Actors (NSA's) for example, MEND, has resorted to piracy to achieve their aims and objectives since it is politically motivated piracy, and for the fact that there is a fineline between what some experts consider to be piracy, and what others consider to be terrorism, one cannot, but conclude that piracy is a condemnable act. In counting the cost of maritime piracy, therefore, we can only but appreciate the dangers associated with the menace when we examine the whole gamute and trajectories of the phenomena to, and for the African Continent such as: trade and investment, transportation, higher insurance premiums, higher cost of operations, higher cost of goods, lesser income to regional ports, higher security cost, increased pump price of gasoline, disruption of livelihood systems, shortage of food supply, the proliferation of SALW; undermines diplomatic relations, foreign intervention, human rights violations, threats to commercial shipping, threats to humanitarian aid deliveries; impact on fishing; environmental degradation, impact on oil production; human fatality, damage to property, bad culture amongst the youth, money laundering among many others. The damage piracy has caused to the African Continent, and that of the rest of the world are fathomless. If proper measures are not taken, African countries would still remain under-developed for the years to come and especially when African countries are trying to be ranked as developed countries in the 21st century and even beyond (Uadiale and Ebitubo, 2011).

Toward A Comprehensive Maritime Security in Contemporary Africa: Piracy is of note in international law; as it is commonly held to represent the earliest invocation of the concept of Universal Jurisdiction. The crime of maritime piracy is considered a breach of *jus cogens*. Those committing thefts on the high seas, inhibiting trade and endangering maritime communication are considered by sovereign States to be *hostis humani generis* (enemies of humanity). That was why the UN Convention on the law of the sea (UNCLOS) of 1982, article 100 makes sure that States shall co-operate to the fullest extent in the repression of piracy on the high sea or in any other place outside the jurisdiction of any State. The UNSC further issued four resolutions - (1816, 1838, 1846 and 1851, in 2008) (Uadiale and Ebitubo, 2011), and 2018 in October 2011, and 2039, in February, 2012) (Unuoha, 2012) all to facilitate responses to piracy in the Eastern African Countries and of the Horn of Africa, as well as calling for more regional co-ordination and logistical support to regional security initiatives to counter the growing menace of piracy in the region (Unuoha, 2012). Also the 1988 Convention for the Suppression of Unlawful Acts against the safety of maritime Navigation, (SUA Convention), provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible or suspected of seizing or exercising control over a ship by force or threat thereof, or any other form of intimidation.

To this end, UNCLOS, SUA and the UNSC resolutions gave countries, regional organizations and private bodies (Merchant Ships) the authority, with the consent of the regional governments in the Horn of Africa States to enter the Horn of Africa territorial waters in order to suppress act of piracy and armed robbery at sea. International efforts to respond to the threat of piracy have taken on a multi-faceted approach. The UNSC authorized third party governments to conduct anti piracy operations in Somali territorial waters and other waters of the Horn of Africa. Among such third parties are CTF - 151, the European Union's (EU's) operation ATALANTA, the Contact Group on Piracy off the coast of Somalia (CGPCS), NATO's Operation Ocean Shield, and other Navies 'National escort' operations etc. Regional bodies such as the African Union (AU), the Arab League, the International Maritime Organization (IMO), and ad-hoc groupings such as the participants in the December 2008 International Conference on piracy in Nairobi, Kenya have held consultative meetings and issued policy statements condemning piracy in the region, and providing guidance for the development of co-coordinated, collaborative - regional responses. However, despite military counter piracy patrol measures in the Horn of Africa and other piracy hot spots in African waters as described above, pirates have continued to hijack ships and take hostages. In this respect, the answer to the main problem is that piracy needs a common operational procedure. The militaries need to integrate all the information they have. That is where the problem lies. A lot of information is classified. You don't want to give information away that is militarily significant. Lack of co-ordination is, therefore, hampering efforts to bring the problem under control.

Other problems hindering anti-piracy operations on the high seas of Africa includes: the balance of power issues; evolving capabilities; as well as vulnerabilities. There are also the problems of jurisdiction, limited by International regulation; weak Naval capabilities; poor equipment and limited capabilities; limited efforts by local and regional governments

to curtail piracy, State failure in terms of governance, which engenders arms proliferation, armed robbery and piracy, and, in fact, lawlessness, have been the order of the day in these areas of the African continent. Mention, must also be made of the unwillingness and the inability to act by national and regional governments; redundancy; official corruption; the Nigeria's government Amnesty to MEND; paucity in vital information to trap pirates; wide gap of communication between the people and the counter-piracy Joint Task Force; as well as the perversion in the use by most governments; environmental groups; shipping companies and so on of Privatised Security Industry (PSI), who, in turn, have prospered at the other end of the market place working for dictators, regimes of failing States, organized crime, drug cartels, and terrorist - linked groups (Uadiale and Ebitubo, 2011), to complicate the situation.

CONCLUSION AND RECOMMENDATIONS

Preliminary analysis of the possible causes of maritime piracy in Africa indicates that being a failed State, at least as measured by the FSI, is necessary, though not sufficient condition for maritime piracy. Additionally, maritime piracy is more likely to occur when the State has lost some control over the legitimate means of violence in society; that is, where armed militias, para-military gangs and the likes are able to operate with near impunity. In addition to being either highly or moderately failed, it is necessary for a State to be in an area where merchant shipping concentrates; either in the vicinity of a major sea lane of communication, or important hub ports (Nincic, 2008), to engender the phenomenon of sea piracy and maritime insecurity.

However, these conditions, based on the evidence of the models here presented, do not explain sufficiently most cases of maritime piracy in Africa. Looking at countries where piracy occurs less often than the models would predict, suggest that those countries may do a better job at enforcement, something not adequately captured in models, or where some other motivating factors operating as a disincentive for potential pirates. A closer look at countries like Somalia, Nigeria and Tanzania where piracy levels are higher than expected, suggests that there may be other forces at work. Environmental conditions, particularly fisheries decline, which could live fishermen out of work worth closer examinations. Fishermen have boats and the necessary sea skills to become pirates; the inability to continue to ply their trade due to declines in fish stocks, combined with a lack of other economic activities, could provide the incentives necessary to turn to piracy.

While this work determined the importance of the failed State in explaining maritime piracy, more analysis is clearly needed to establish the specific causes of maritime crime so that detailed and targeted initiatives can be implemented to address this important issue. While taking steps to reduce over all State failure will certainly help, this may not be realistic in the short run, . . . , however, more targeted solutions are in order, particularly in the countries (Nigeria, Somalia, Tanzania) where pirate activities continued to flourish (Nincic, 2008). To press, therefore, for the much desired sea change, engender a comprehensive maritime security blue print and road map, this study provide that:

- i Improve the maritime security situation in the waters of Africa, especially in piracy

prone areas. Higher and better awareness of the realities of the situation. Improve cooperation amongst role players both of State and non-State actors, enhances the capacities to limit maritime piracy.

- i An enhanced integrated approach to maritime security in the region is necessary. Naval and civilian role players involved in the maritime sphere should developed an integrated approach that connects all aspects, and they must think, plan and work together.
- iii Ships should, whenever and wherever possible, maintain around the clock anti-piracy watch when traveling in the water prone to piratical activities.
- iv All crew should be kept fully abreast of basic anti-boarding procedures such as the use of fire hoses to repel attacks and ensuring high, on deck visibility. There should be no move, however, to arm ships, a measure that several ship masters have called for.
- v Shipping associations could also take greater advantage of some of the commercially available satellite technologies. One particularly promising device, which has been endorsed by the IMG, is ship-loc. A tiny transmitter that beams a ship's position to a specially dedicated IMB web page of up to 15 times a day.
- vi Nationally, States need to find a balance between addressing problems on their territories, both onshore and offshore. As security problems on-land often divert resources from security at sea.
- vii Governments also need to address the underlying socio-economic issues that fuel piracy. These include: the large scale unemployment, lack of social services and political frustrations that prompt more people to join these criminal organization. This is in addition to stepping up law enforcement in the regions waters.
- viii More attention should be given to maritime surveillance by government. Maritime security budget should be even more than that of land and air space security budgets.
- ix The governments of these piracy prone areas should employ more hands to police the vast areas of their territorial waters.
- x The IMO should work out modalities, principles or ways to use the sea. The use of the sea laws should be modified to enable Flag States, usefully help alleviate some of the problems by providing resources, funds and equipment to counter surveillance and monitoring .
- xi An effective mechanism should be adopted for collection, analysis and dissemination of intelligence throughout the Task groups, and other contributing ships.
- xii Piracy prone States in Africa should integrate ocean policies involving: national, regional, international and private role-players.

All of these require greater political will, foresight that is currently being demonstrated in the region. In the absence of a more feasible and proactive stance, Africa may well emerge as the major new piracy hot-spot of the 21st century, exemplifying what the IMB is already referring to as the epitome of terrorism and anarchy at sea (Uadiale and Ebitubo, 2011).

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