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# Maritime violence in the CEMAC region: causes, challenges and solution perspectives

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# MARITIME VIOLENCE IN THE CEMAC REGION: CAUSES, CHALLENGES AND SOLUTION PERSPECTIVE

By

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A dissertation submitted to the World Maritime University in partial

fulfilment of the requirements for the award of the degree of

**MASTER OF SCIENCE**

**In**

**MARITIME AFFAIRS**

**(OCEAN SUSTAINABILITY, GOVERNANCE AND MANAGEMENT)**

2017

# DECLARATION

I certify that all the material in this dissertation that is not my own work has been identified, and that no material is included for which a degree has previously been conferred on me.

The contents of this dissertation reflect my own personal views, and are not necessarily endorsed by the University.

(Signature): ...........................................

(Date): 18th Sept. 2017

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# ACKNOWLEDGEMENT

# ABSTRACT

Title of Dissertation:  **Maritime Violence in the CEMAC Region: Causes, Challenges and Solution Perspective**

Degree:  **MSc**

In recent years, the Gulf of Guinea, especially the CEMAC maritime region has witnessed an upsurge of criminal activities, generally termed maritime violence.

This dissertation is a practical consideration of the concept of maritime violence with respect to the CEMAC maritime space. This is achieved through an examination of the definition of the concept under international law as well as a discussion on the factors accounting for its emergence, growth and characteristics. The impact of the phenomenon is also considered, along with the national and cooperation measures adopted by the countries of the CEMAC region to stem it. The methodology adopted is a literature review of existing primary and secondary sources, realized through traditional library and archival research in Malmo and in Cameroon, including the use of online sources.

This dissertation identifies two important issues: a) the best known acts of maritime violence reported within the CEMAC maritime space are piracy, armed robbery against ships and terrorism. However, while piracy is defined under the United Nations Convention on the Law of the Sea (UNCLOS 82), "armed robbery against ships", terrorism and other forms of violence are best appreciated through guiding instruments such as International Maritime Organization (IMO) circulars, publications by international non-governmental organizations e.g the International Maritime Bureau), etc. ; b) The causes, effects and challenges of maritime violence in the countries of the CEMAC zone are common in nature and sometimes interrelated.

The concluding section of this dissertation is putting forward ways and means through which the nations concerned could continue to enhance their efforts with a view to stemming maritime violence.

**KEY WORDS: Maritime Violence, CEMAC Zone, Security, Measures, Cooperation**

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# LIST OF ABBREVIATIONS

ACOTA          Africa Centre for Strategic Studies

AFRICOM        US Africa Command

APS            Africa Partnership Station

CEMAC          Economic Community for Central African States

CMD            Multinational Coordination Centre

COPAX          Council for Peace and Security

CRESMAC        Regional Centre for Maritime Security in Central Africa

ECOWAS         Economic Community of West African States

GoG            Gulf of Guinea

ICC            International Chamber of Commerce

ICG            International Crisis Group

IMB            International Maritime Bureau

IMO            International Maritime Organization Awareness

MOWCA          Maritime Organization of West and Central African States

MSC            Maritime Safety Committee

ReCAAP         Regional Cooperation Agreement on Combating Piracy and
               Armed Robbery against Ships in Asia.

SUA            Suppression of Unlawful Acts against the Safety of Maritime

UNCLOS         United Nations Convention on the Law of the Sea, 1982

IMO            International Maritime Organization

MARPOL         International Convention for the Prevention of Pollution from
               Ships

SOLAS          International Convention for the Safety of Life at Sea

# CHAPTER 1

## 1.1 **INTRODUCTION**

Security at sea is challenged by numerous threats. In recent years, there has been global concern for maritime security, where various acts of violence are committed at sea, such as armed robbery against ships, maritime terrorism, maritime interstate disputes associated with threat and/or use of violence, trafficking of narcotics, people and illicit goods, arms proliferation, illegal fishing, environmental crimes, maritime accidents and disasters amongst others (Bueger, 2014, p. 1). These unlawful phenomena have steadily been on the rise, causing enormous damage to human life and property, with great negative impacts on international trade, peace and security.

According to the Oxford Learners' Dictionary, security involves the act of protecting a country, buildings or persons against attacks, danger, etc. But, beyond this definition, security can be viewed as measures put forth to respond to collective needs for order and protection from internal and external threats in the oceans and from the oceans (Klein, 2011, p.2) From a maritime perspective, maritime security is a recent expression that became prominent after September 11, 2001 attack thus can be understood as a set of policies, regulations, measures and operations to guard against maritime security threats within the maritime domain (Germond, 2015, p.1).

Maritime safety on the other hand, involves all measures put in place by maritime stakeholders (international maritime community, maritime administrations, insurance companies, ship-owners etc.) to ensure safety, prevent dangers and minimize the effects of any when it occurs. The International Maritime Organization (IMO) addressed the question of maritime safety under the Maritime Safety Committee by distinguishing maritime safety and security. Thus maritime safety is the act of preventing or minimizing the occurrence of accidents at sea while security is related to protection against unlawful and deliberate acts (Klein, 2011, p.8). Criminal acts, which remain a reality today are a major security challenge to the international

community, especially in the Gulf of Guinea in terms of prevention, curbing it and management.

The Gulf of Guinea (GoG) covers a vast area (6000km coastline) from Senegal to Angola with over 20 sovereign coastal states and islands including some landlocked states (Lindskov *et al*, 2015, p. 7). The region comprises states of West and Central Africa (Angola, Cameroon, Congo Brazzaville, Gabon, Equatorial Guinea, Nigeria, Democratic Republic of Congo, Sao-Tome and Principe). It is of geo-strategic importance as it is the region's major shipping route and is significantly rich in natural resources, oil and other minerals. In 2012, for example, it was estimated that the GoG produced approximately 4% of global oil and by 2015 could supply a quarter of United States oil (IPI, 2014, p.2). The region also supplies significant quantities of petroleum products to Europe and Asia.

Figure 1: Map showing Central and West African states of the GoG



Source: **https://www.google.se**

Despite, or because of these attributes, the GoG is facing numerous challenges caused by increasing maritime crimes often manifested at sea but also from land-based origins. In 2013, for example, the GoG surpassed the Horn of Africa as it was associated with the highest number of piracy attacks and armed robbery against ships that comprised

1/5 of all recorded maritime incidents globally (Osinowo, 2015, p. 2). This worrying rise in number of attacks off the coast of West and Central Africa resulted in the region becoming the next piracy hot spot (Dalaklis, 2012, p. 5) As a result, the International Crisis Group (ICG) referred to it as "The New Danger Zone" (ICG Report, 2012, p.1). Meanwhile, the peculiarity of attacks in this region is that they are more violent when compared with other regions of the world and Nigeria alone accounts for an average of about 87 attacks per year (Steffen, 2017, p.1). This figure is quite high in view of the fact that it moved up from previous years and many more incidents are usually unreported. The maritime space within the CEMAC sub-region (especially the waters of Cameroon, Gabon, Equatorial Guinea, and Republic of Congo) is a portion of the GoG. Hence, insecurity within this sub-region can be understood against the backdrop of insecurity in the Gulf.

Figure 2: Map of Africa showing the main piracy and armed robbery hotspots
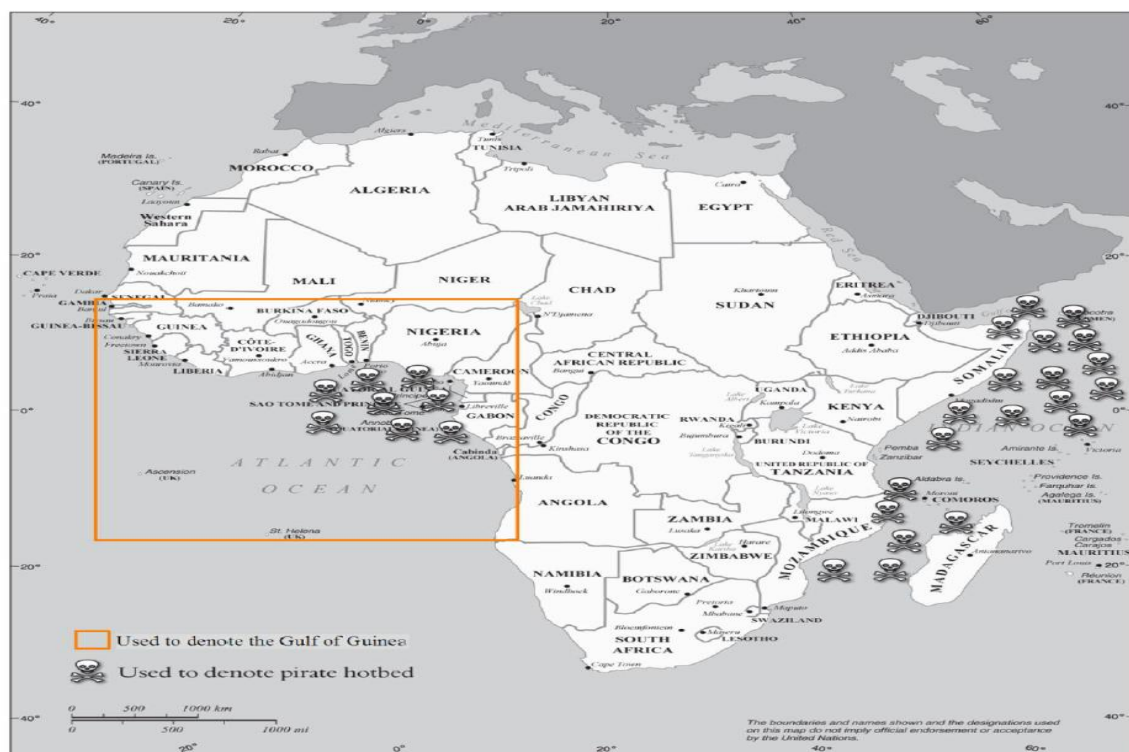


Source: (Onuoha, 2012, p.2)

This dissertation aims to identify the different forms of maritime violence in the CEMAC[1] sub-region, and also discuss the causes of such violence as well as the challenges faced in dealing with it. Finally, it examines some regional approaches to tackle these threats along with some solution perspectives. After the examination of the background of the study, the analysis will continue with a successive discussion of the following: the interest of the subject, purpose of study, literature review, problem, hypothesis, methods as well as the plan of work.

## 1.1. Interest of the subject

Maritime violence is a major security problem with a global impact. It is causing enormous damage, threatening and endangering human life - hence the reason why nations around the world, especially those most affected, have been spurred into a national, regional or multinational effort to curb this problem.

However, some countries, instead of being proactive when it comes to dealing with the issue, tend to be recessive and so the practice of violence flourishes, often nourished by weak maritime border control.

It is important to better understand the causes, challenges and impact of this phenomenon before any effective effort to curb it can be proposed and hopefully adopted - therein lies the interest of this study.

The interest of this dissertation also lies in the fact that it seeks to give a clearer insight into maritime violence in the CEMAC coastal area, as distinguished from other similar crimes (especially maritime terrorism), in order to contribute towards raising public awareness and underscoring the need to understand the measures needed to curb it.

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[1] CEMAC, French acronym for "Central African Economic and Monetary Community", known in French as "Communauté Économique et Monétaire de l'Afrique Centrale". This sub-regional organization comprises six States (Cameroon, Gabon, C.A.R, Chad, Congo and Equatorial Guinea).

## 1.2. Purpose of study

The main focus of this dissertation is to identify and examine the major causes of maritime violence in the CEMAC sub-region, consider the challenges faced in combating such violence, as well as to appreciate regional approaches to tackle these threats.

At the same time, the dissertation also seeks to serve as both a theoretical and practical document on maritime violence in the CEMAC region. The idea is that the relevant contents will serve as a handy working document for specialists and non-specialist as well as students who may be interested in the aspects considered herein.

It could thus be said that the purpose of the analysis in hand is basically to crystallize acquired research skills in a manner that adds to, or fills a void in the literature on maritime violence in the CEMAC region.

## 1.3. Limitation of study

This dissertation addresses two sub-portions, namely, "Maritime violence in the CEMAC Region" and "Causes, challenges and solution perspective". Rather than being distinctive or unrelated, the discussion on the two is clearly interwoven.

Although the maritime space of the countries of the CEMAC region falls within a wider sub-geographical area called GoG, this work focuses on maritime violence within the said maritime space and reference will be made to the wider geographical area only where necessary. Some maritime incidents that have occurred in the broader region will be analysed and appreciated in the light of the entire discussion.

Finally, this dissertation addresses the efforts made by the sub region, bilaterally or multilaterally to curb maritime and further suggests some solution perspectives.

## 1.4. Stating the problem

As aforementioned, maritime violence is an important issue today, especially as concerns "high risk" zones like Somalia, Gulf of Aden and the GoG. It is useful to note that it is not necessary for a country or region to be exposed to political or other difficulties similar to those of Somalia, for example, in order for violent activities to thrive within its maritime space. In other words, the existence of maritime violence anywhere on the globe depends on certain basic fundamental factors which could be general or specific. Maritime violence may occur, even where there are no failed states.

Accordingly, this dissertation sets out to answer the following fundamental questions: **What are the major causes of maritime violence in the CEMAC maritime region and what is the current situation and trend?** This fundamental question leads us into asking the following sub-questions**:**

- What are the factors influencing maritime violence within the CEMAC region?
- What are the characteristics of maritime violence within the region?
- What are the measures currently in place aimed at curbing it?
- How can the situation be further improved?

## 1.5. Hypothesis

Based on the "problem" stated above, this dissertation sets out to:

- Appreciate the trend of maritime violence and associated realities of the CEMAC region through a consideration of relevant historical material.
- Provide a clear picture of types of maritime violence in the region based on a certain number of reported and unreported cases;
- Address efforts being made by countries in the region to curb the problem of maritime violence while projecting into the future.

## 1.6. Literature review

As earlier stated, this study attempts an indepth explanation of, and discussion on the concept of maritime violence in the CEMAC region. Legal instruments such as UNCLOS 82 and SUA 88 as well as leading authors such as Churchill and Lowe, I.A. Shearer, etc. provide definitions for different forms of maritime violence. Web sites of various international bodies concerned with maritime affairs (e.g. the International Maritime Bureau (IMB) and International Maritime Organisation (IMO) do provide us with valuable material such as soft law instruments that help us get a broad and practical insight into the concept of maritime violence.

Furthermore, international non-governmental organisations such as the IMB and the International Chamber of Commerce (ICC) do publish statistics and annual reports on maritime violence activities world-wide. Many articles, reports and proceedings have been written on maritime violence- e.g. the proceedings of the international symposium held at WMU in 2002 on *Maritime violence and other security issues at sea,* reports from International Conferences on Piracy at sea (ICOPAS) held in Malmo, 2011, etc. amongst others.

Finally, while some authors such as Ntuda Ebode have discussed maritime violence within the CEMAC region from a political standpoint and other perspectives, there seems to be no readily available research work that examines the characteristics and trend of maritime violence within the CEMAC region, not to mention its causes, impact and ways of curbing it, which is what this work sets out to do.

## 1.7. Methodology

The methodology includes collection of qualitative data. The use of both primary and secondary sources will help in the collection of relevant data based on pre-conceived but flexible ideas and guidelines.

Relevant textbooks, international instruments as well as specialized dictionaries and textbooks written by leading law of the sea authorities and specialists on maritime

piracy will be used along with secondary sources such as web sites of the IMB and the IMO as well as relevant articles and journals.

In all the cases some data will be collected through archival and traditional library research.

## 1.8. Organization of work

In terms of structure, the dissertation consists of five chapters. The analysis initially begins with an introductory chapter focusing on aspects like interest of subject, purpose of study, stating the problem, hypothesis, methodology, literature review etc. which all make up the first chapter.

The second chapter explains the key concepts to be used in the dissertation and distinguishes the major terms that fall under maritime violence. It also provides a background view of the CEMAC region with respect to maritime violence (presentation of the region, its security structures and objectives, etc.). An analysis is made of recent trends of maritime violence in the CEMAC region and some reported cases are discussed in this chapter.

The third chapter highlights major factors influencing maritime violence and discusses the socio-political and economic impacts of such violence. Furthermore, chapter four appraises the measures aimed at combating security threats- ranging from national, regional to international measures and also discusses the challenges faced.

Finally, the fifth chapter concludes the dissertation and puts forth some recommendations and solution perspectives based on the analysis in the dissertation.

# CHAPTER 2

## 2.1- DEFINITION OF THE CONCEPT OF MARITIME VIOLENCE

It is necessary to define and elucidate the terms used in this dissertation to avoid any confusion. The purpose of this chapter is to define and clarify the term "maritime violence". The best known forms of maritime violence are piracy, armed robbery against ships and terrorism, and these happen to be the major forms of maritime violence that occur within the CEMAC sub-region. However, there are others too -e.g. vandalism, theft, etc. This chapter presents a background view of the CEMAC region in terms of maritime violence and further describes the security structures and objectives of the sub-region.

In the sections that follow, the various interrelated aspects of maritime violence will be briefly explained in order to provide a clear insight into the subject. It is important to first understand and analyze the meaning of "maritime violence" before considering specific forms with respect to the CEMAC sub-region.

### 2.1.1- Maritime violence as defined by "The Joint International Working Group"

According to Professor Max Mejia, there is no international convention that defines 'maritime violence'. He is of the view that maritime violence could be understood in the light of a working definition provided by **"The Joint International Working Group"** for Uniformity of the Law of Piracy and Acts of Maritime Violence as follows:

*Article 3. The crime of maritime violence is committed when, for any unlawful*

*purpose, any person or persons, intentionally or recklessly;*

*a) injures or kills any person or persons in connection with the commission or*

*the attempted commission of any of the offences set forth in sub-Sections 1*

*(3) (b) – (h) or*

*b)   performs an act of violence against a person or persons on board a ship; or*

*c)   seizes or exercises control over a ship or any person or persons on board*

*by force or any other form of intimidation…*(Mukherjee, 2002, p. 36).

This definition was formulated by the International Working Group in an attempt to put an end to disagreements as to whether crimes at sea were acts of piracy, armed robbery, sabotage or terrorism as all share the common aspect of 'violence' regardless of motive or location of crime (Mukherjee, 2002, p. 29).

The definition looks convincing, as it covers most acts of violence committed at sea such as unlawful and forced attacks, hostage taking, murder, armed robbery, amongst others. However, given that the said definition is a working definition provided for the purpose of consistency with the law of piracy and acts of maritime violence, and considering the fact that the main forms of maritime violence relevant to this dissertation are 'piracy', 'armed robbery against ships', and 'maritime terrorism', it is important at this point to make a clear distinction between these applicable terms as recognized by international law.

### 2.1.2- Piracy as per UNCLOS 82

The most authoritative document on sea governance is the United Nations Convention on the Law of the Sea (UNCLOS 82) which, in its article 101 defines piracy as constituting of the following acts:

*1.   any illegal acts of violence or detention or any acts of depredation committed for*

*private ends by the crew or passenger 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 or aircraft, persons or*

*property in a place outside the jurisdiction of any State;*

*2.      any act of voluntary participation in the operation of a ship or of an aircraft with*

*knowledge of facts making it a pirate ship or aircraft;*

3. *any act of inciting or of intentionally facilitating an act described in subparagraph (i) or (ii)…* ( Churchill & Lowe., 1999).

A lot could be said about the above definition in terms of its restrictiveness because for an act to be considered as piracy under international law it has to fulfill **all** 6 criteria mentioned in article 101. Also, based on the above, at least two ships must be involved. The reality, however, is that, *there are not many pirate gangs out there that lurk in secret covers on board modern versions of the Queen Anne`s Revenge and the Adventure Gallery, just lying in wait to swoop upon the next unsuspecting prey* (Mejia, 2002, p.32)

Accordingly, one may wonder what will be the case, for example, where no private or second ship was involved- would it therefore not be a case of piracy? Most unlawful acts of violence today would find it difficult to pass the 'five' point piracy test of article 101 of UNCLOS 82 (Mejia, 2002, p. 32).

Given that maritime piracy is a major problem that many coastal states around the world are trying to curb through national and international efforts, the definition of UNCLOS ought to be more encompassing if such efforts have to be meaningful. However, given that it took the UN decades to negotiate UNCLOS 82 and a further twelve years for the convention to enter into force, it seems far-fetched at this point to contemplate an amendment of the instrument so as to revisit article 101.

## 2.1.3- Definition by International Maritime Organization

The International Maritime Organization (IMO) (a specialized agency of the United Nations responsible for measures to improve the safety and security of international shipping) has, in article 2.2 of the Maritime Safety Committee (MSC) Circular 984, defined 'piracy and armed robbery against ships' as "any unlawful act of violence or detention or any act of depredation, threat thereof other than an act of piracy, directed against a ship or against persons or property on board such ships within a State's jurisdiction over such offences (IMO, 2002, p. 4). It seems therefore that the IMO definition covers anything that 'looks like piracy, smells like piracy and hurts like

piracy, but is not piracy under UNCLOS 82' (Mejia, 2002, p. 33). However, this IMO definition is only part of IMO soft law instruments and can thus only become hard law when a state adopts and incorporates it into its national law.

## 2.1.4- Definition by International Maritime Bureau

At this point, it would be necessary to define piracy as per IMB,[1] the leading Non-Governmental Organization responsible for providing annual reports on incidents of maritime piracy.

To facilitate reporting as well as comments on the incidents, the IMB put forth an all-inclusive definition as "an act of boarding or attempting to board any vessel with the apparent intent to commit theft or any other crime and with the apparent intent or capability to use force in the furtherance of that act". However, it should be noted that this definition is not recognized under international law (Neethling, 2010, p. 92) and is used only for statistical purpose (Talley, 2008, p. 106).

Having clarified the issue of piracy and armed robbery against ships, it is important at this point to consider 'terrorism'. However, the aim here is basically to distinguish the term from armed robbery against ships, as opposed to indulging in any elaborate discussion on the subject. This view is underscored by the fact that, as indicated earlier, UNCLOS provisions on piracy are not adequate to tackle all acts of violence committed at sea.

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[1] IMB, a specialized division of the International Chambers of Commerce is a non-profit organization established in 1981 to act as a focal point in the fight against all types of maritime crimes and malpractices.

## 2.1.5- Terrorism as defined by The Council for Security Co-operation in The Asia Pacific (CSCAP)

According to Professor Max Mejia, terrorism influences the political behavior of the adversaries by attacking and threatening targets processing symbolic rather than material significance (Mejia, 2002, p 35). The Council for Security Co-operation in the Asia Pacific (CSCAP) has given an extensive definition of maritime terrorism as "… *the undertaking of terrorist acts and activities within the maritime environment, using or against vessels or fixed platforms at sea or in port, or against any one of their passengers or personnel, against coastal facilities"* (Neethling, 2010, p. 93).

The key point here is that maritime terrorism is motivated by political goals, while that is not necessarily the case with piracy, including piracy in the specific case of Africa or the CEMAC sub-region.

## 2.1.6. Distinguishing piracy and armed robbery against ships from maritime terrorism

Maritime terrorism is a new phenomenon that is sometimes confused with piracy and armed robbery against ships; however, it differs from other unlawful acts of violence. To appreciate what terrorism is, it is necessary to briefly discuss the Suppression of Unlawful Acts Convention (SUA). The SUA Convention while stating in its article 2 that it does not apply to warships or other military or police ships, specifies in its article 3 certain acts against shipping including the seizure of ships and the endangering of the ship, its cargo or equipment, and attempts to commit those acts (SUA, 1988).

Violent acts committed in the case of maritime terrorism are, therefore, motivated by political goals while piracy and armed robbery against ships are not necessarily underpinned or driven by a political goal. Thus maritime violence committed based on an established political cause could amount to maritime terrorism.

It is important to distinguish piracy and armed robbery against ships on the one hand from terrorism on the other hand because while some armed gangs claim to be fighting

for one political cause or another, they appear at the same time to focus on 'personal gain'.

Furthermore, to better appreciate maritime violence in the CEMAC region, it is necessary to define the key terms as adopted under the CEMAC Merchant Shipping Code.

## 2.1.6- Definition under the CEMAC Code

Given that the CEMAC region is the focal point of this dissertation, it is important to understand the region`s view on the concept of maritime violence. The Economic and Monetary Community of Central Africa`s Merchant Shipping Code (CEMAC Code1) to which member counties of the sub region subscribe, defines piracy in its article 587. This article defines piracy in the same terms as article 101 of UNCLOS 82 *mutatis mutandis* 'illegal acts' being one of the reconciling expressions between the two. The CEMAC Code further provides a list of illegal acts under its article 588, while article 589 describes illegal acts in relation to off-shore installations. In summary, the CEMAC Code is basically a sub-regional adoption of the IMO position regarding the definition of piracy.

## 2.1.7- Partial conclusion in relation to defining maritime violence.

In the foregoing discussion, in an attempt to clarify the concept of maritime violence, the terms of piracy, armed robbery against ships and maritime terrorism were analyzed. Some of the definitions did not fully address the concepts as per international law; UNCLOS 82, in particular, did not address the issue of armed robbery against ships or

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1 The CEMAC Merchant Shipping Code was issued in Bangui, Central African Republic, on August 3, 2001, as Regulation 03/01 UEAC 088-CM- 06. 102. It replaced the UDEAC Merchant Shipping Code issued as Act No. 6/94- UDEAC-594-CE-30 on December 22, 1994. The code rules on the following: - Applicability of the law to vessels, Ship safety, Marine environment and pollution, Maritime transport, and other procedures related to shipping (Dictionnaire Linguee, 2017).

maritime terrorism which are all considered as major security threats. The Joint International Working Group for Uniformity of the Law of Piracy and Acts of Maritime Violence, on its part, was considered to be far too elaborate, in addition to not constituting international law on the subject, while IMB came up with an all-inclusive definition that was not also recognized by international law. Terrorism is addressed in this dissertation only to the extent that it is sometimes confused with piracy and armed robbery against ships.

Given that, piracy and armed robbery against ships are the major security threats, IMO, after adopting the definition of piracy as stipulated by article 101 of UNCLOS 82, came up with a soft law definition that covers the two expressions "piracy and armed robbery against ships" (Mejia, 2002). In the context of this dissertation, the definition put forth by IMO as "any unlawful act of violence or detention or any act of depredation, or threat thereof, other than an act of 'piracy' directed against a ship or against persons or property on board such ships within a State's jurisdiction over such offences", though only a soft law instrument, is nevertheless very helpful in addressing the issue.

Having clarified the key concepts used in this dissertation, to better contextualize, direct and develop our orientation, it is now important to provide a background view of the CEMAC region in relation to maritime violence.

## 2.2- BACKGROUND VIEW OF THE CEMAC REGION WITH RESPECT TO MARITIME VIOLENCE

Maritime violence is a worldwide phenomenon and each 'hot spot' around the world has its own history, geography and other realities. The CEMAC region in Central Africa is geo-strategically situated in the Gulf of Guinea, West Coast of Africa. The maritime space within the CEMAC sub-region which includes the waters of Cameroon, Gabon, Equatorial Guinea and the Republic of Congo is an important area at a pivotal position in the Gulf of Guinea hence insecurity within this sub-region can be understood against the backdrop of insecurity in the Gulf of Guinea.

Figure 3: The CEMAC States.



Source: **https://www.google.se**

It is an area endowed with valuable resources, a strategic transport route for international shipping; flow of international maritime trade in the CEMAC zone, as well as import and export of goods is dependent on the area. This maritime space is faced with numerous threats to peace and security as a result of increasing acts of maritime violence that occur within the CEMAC sub-region such as piracy, armed robbery against ships and terrorism. In the sections that follow, it is pertinent to briefly present the CEMAC sub-region and its security structures as well as analysis the trends in maritime violence within this sub region.

## 2.2.1- Brief presentation of the CEMAC region

Following the Lagos Plan of Action, the Economic Commission of Africa in the mid-60s proposed the division of Africa into regions for the purpose of economic development (Lagos Plan of Action, 1980). CEMAC is one of the oldest regional agreements in Africa that replaced the defunct UDEAC (Central African Customs and

Economic Union), a largely neglected customs union established after independence of most states of the region in the 1960s. It was created in 1994 to achieve a regionally integrated Central African region (Leke, 2012, p.74); but, the mandate was broadened to cover security concerns aimed at the regions peace and security (Meyer, 2008, p. 13). Made up of six states (Cameroon, Gabon, Central Africa Republic (CAR), Chad, Congo and Equatorial Guinea) it covers a total surface area of 30 million km2 with a population of about 37 million people (IDW, CEMAC, 2012).

The countries within the region share a common history, language and geographical area with French being the common language spoken. Of the six states, Chad and Central African Republic are landlocked (Leke, 2012, p. 66). Ethnic diversity, a serious challenge to integration has often led to instability in the region thus to maintain and strengthen peace and security (COPAX), the Council of Peace and Security was created. COPAX protocol was ratified in 2004 and included defense and security mechanism in line with African Union peace and security (United Nations Economic Commission for Africa, 2015).

CEMAC works hand in hand with other regional bodies like ECCAS to prevent regional crisis, a priority for African Union in the maintenance of peace and security in the continent. These Central African regional bodies have major security structures established to tackle maritime threats in the sub region, as will be discussed below.

## 2.2.2- Security structures of the CEMAC region

The Horn of Africa (Somalia) and the Gulf of Guinea are the main maritime sceneries in Africa that witness severe threats to maritime security and international trade as a result of increased acts of violence and criminality at sea. The waters of the CEMAC region falls within the maritime landscape of the Gulf of Guinea where attacks are most visible in the maritime zones of Cameroon, Congo, Equatorial Guinea and Gabon (Ingerstad & Lindell, 2015, p.1). It is therefore important for States in the region to ensure security within the maritime space as maritime insecurity has far-reaching socio-economic and political ramifications that transcend national borders.

In the Central African sub-region, CEMAC and ECCAS[1](Economic Community for Central African States) are the two regional economic communities that address the issues of peace and security facing the region (Meyer, 2011, p. 9). Created in 1983 with its priority to enhance Central Africa`s region Peace and Security, ECCAS works parallel with CEMAC on maritime safety and security issues as seven member states of ECCAS have coast in the Gulf of Guinea of which four are CEMAC member states.

These economic communities initially had economic objectives but widened their scope to include peace and security because of the increasing security threats plaguing the region. ECCAS main security structure is the Council for Peace and Security (COPAX) an organization for the promotion, maintenance and consolidation of peace and security in Central Africa. ECCAS commitment on maritime security that began in 2009 was reinforced at the Yaounde summit in 2013 when it adopted a joint strategy to combat piracy (Ingestad *et al*, 2015). This will be further discussed in the chapter on measures to combat maritime violence.

Meanwhile, an inter-regional coordination center - the Regional Centre for Maritime Security in Central Africa (CRESMAC) was created in Cameroon to link ECCAS and ECOWAS. Also, the Africa Law Enforcement Program was initiated by the US Department for Homeland Security and the US Coast Guard, to help build maritime law enforcement and capability to detect and deter illicit activities within the Gulf of Guinea (Shafa, 2011, p.13). The Maritime Organization of West and Central Africa (MOWCA)[2] and the Gulf of Guinea Commission are institutions established to ensure integration and coordination of maritime activities. (Lindskov *et al*, 2015, p.28). Meanwhile, IMO in collaboration with MOWCA, established a sub-regional

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[1] ECCAS has ten member states (Cameroon, Gabon, CAR, Chard, Republic of Congo, Equatorial Guinea, Burundi, DRC, Angola, and Sao Tome and Principe with overlapping membership in other regional cooperation like CEMAC, COMESA, EAC, amongst others (Meyer, 2011, p.9)

[2] MOWCA was established in 1975 to ensure and promote maritime safety and security issues in the GoG (Shafa, 2011).

Integrated Coast Guard Network for West and Central Africa to tackle security challenges in the region. These security structures have certain objectives that will be discussed next.

## 2.2.3- Objective of Central African region maritime security bodies

Given that maritime insecurity and violence are major threats to the security and economic stability in the Central African sub-region, especially CEMAC, coastal as well as inland states that depend on maritime trade in this region including relevant stake holders (UN, IMO as well as regional and sub- regional institutions) have mobilized themselves to step up efforts to address the increasing threats by coming up with a common strategy.

ECCAS in Central Africa has a relatively more advanced and more vigorous maritime security agenda than its West African counterpart ECOWAS. Two major security bodies that tackle maritime security issues in Central African sub region are CRESMAC and MOWCA. CRESMAC`s security agenda began in 2009 when it was institutionalized by the International Coordination Centre for Central Africa (ICC) with headquarters in Congo. It is aimed at creating an integrated maritime security strategy needed to effectively respond to emerging security threats (Ujeke et al, 2013, p. 24). CRESMAC promotes information sharing, joint patrol surveillance of maritime space as well as harmonization of actions at sea.

MOWCA`s major objective is to tackle all maritime matters that are regional in character. It has an information communication center to ensure control and flow of information between member states as well as an intelligence gathering capacity to help member states gain a better understanding of threats and security trends in the region (Shafa, 2011, p.20). There is also a department responsible for investigation and prosecution of maritime offences committed within the Exclusive Economic Zone (EEZ) and territorial waters of member states.

ECCAS, in order to ease operation actions to better tackle security threats of the sub region, divided the Central Africa Section of the GoG into three zones (A, B and C) stretching from Angola to Cameroon. There is also Zone D that covers the most vulnerable CEMAC states of Cameroon, Gabon, Equatorial Guinea, Sao Tome and Principe (Ukeje & Mvomo, 2013, p. 24).

Following increasing maritime security threats in the CEMAC sub region, in June 2013, a milestone was made when Heads of States of West and Central African States (ECOWAS and ECCAS) as well as the Gulf of Guinea Commission met in Yaounde to adopt the Code of Conduct as well as adopted a memorandum of understanding to prevent and suppress illegal acts perpetrating the GoG states (Michel Luntumbue, GRIP report, 2016). All these measures will be addressed in the subsequent chapters.

Having briefly examined the geography, history, structure as well as the maritime security objectives of the CEMAC sub region with respect to maritime threats, it is now important to analyze and appreciate the trends of maritime violence in the sub-region in recent years.

## 2.3. ANALYSIS OF TRENDS OF MARITIME VIOLENCE IN THE CEMAC REGION

A major challenge facing the economy of Central African nations is the unprecedented rise of insecurity in the GoG in recent years as a result of increasing maritime violence and more especially (piracy, armed robbery against ships, hijacking, hostage taking at sea for ransom etc.). According to IMB reports, GoG is now the most significant piracy hotspot as it has seen an upsurge in attacks since 2013. There has been an increase in maritime crimes and attacks both in frequency and geographic scope, especially in 2012, where the reported number of attacks in the Gulf of Guinea surpassed that of Somalia (Shaw et al, 2014, p. 11). In the sections that follow, the analysis will focus on the trend of maritime violence in the GoG and the CEMAC zone, based on a background overview and some reported cases as well as the nature of crimes in recent years.

## 2.3.1- Trends in the Gulf of Guinea

Although the GoG had its own history of raids and maritime crimes, it did not constitute a major threat until recently, when the region witnessed a significant rise in criminal incidents. Since 2009, the region has been classified as a new danger zone in Africa, finally displacing Somalia especially with regards to the violent related nature of attacks (Kamal-Deen Ali, 2015,p.95). This is because the Gulf of Aden is heavily patrolled by naval forces. As a result of this reduction of pirate activities in the Gulf of Aden, many analysts believe that the worrying rise in the number of attacks off the coast of West and Central Africa will result in the region becoming the next piracy hotspot ((Dalaklis, 2012, p. 5).

The GoG covers a large number of West and Central African Nations stretching from Senegal (West Africa) through Cameroon (Central Africa) to Angola (Southern Africa) covering over 6.000km coast ( Onuoha, 2012, p. 3). It is endowed with large reserves of minerals and marine resources with major oil producing nations like Nigeria, Equatorial Guinea, Cameroon, Angola, Congo and Gabon (Onuoha, 2010, p. 197). Oil consuming nations like US and China have focused attention on the Gulf making the region an attractive and contested hotspot approving it as the area of global maritime importance, despite its vulnerable security status (Onuoha, 2013, p.3).

Based on statistics from IMB, a specialized division of the ICC, new figures indicate the increasing violence off the coast of West Africa part of the GOG where 44 seafarers were captured in 2016 as IMB recorded 37 piracy and armed robbery incidents worldwide with the GoG dominating in number and severity.

In June 2014, for example, actual attacks that took place in Nigeria alone were 4, with 14 attempted attacks. The country also saw 16 crew members kidnapped from chemical and product tankers in 4 separate incidents. There has also been a remarkable increase in the number of reported cases off the coast of Nigeria with 36 in 2016 compared to 14 in 2015 (ICC, IMB Report, 2016). As a result, the coast of Nigeria, Benin and Togo have been classified as the most dangerous zones for maritime

violence in the Gulf of Guinea and Nigeria stands out as the epicenter of GoG piracy accounting for 80% of reported incidents in the region (Kamal –Deen, 2015, p.97).

According to the IMB report for 2016, the GoG remains a kidnap hotspot with 34 crews taken in 9 separate incidents in 2016, and three vessels hijacked. Having briefly discussed recent trends in the GoG with regards to the specific case of Nigeria, the piracy hotspot in West Africa, it is now important to examine the trends with regards to the particular case of the coastal states of Cameroon, Gabon, Congo and Equatorial Guinea that make up the coastal zone of the CEMAC region.

## 2.3.2-    Trends in the CEMAC waters

During the entire period from the early 90s to 2008, minor incidents of violent crimes or petty thefts occurred in the coastal waters of the countries of the CEMAC region (Cameroon, Equatorial Guinea, and Congo) and remained at very low levels. Indeed, Professor Ntuda Ebude has stated that piracy and armed robbery against ships actually started along the Cameroon coast during the 2$^{nd}$ half of the 1990s but remained concentrated around the Bakassi oil exploitation areas (Ebode, 2010, p.82).

Bakassi stands out distinctly from other coastal areas between Cameroon and Nigeria as well as the CEMAC zone in terms of piracy and armed robbery against ships as armed groups operating around this area have often used grievances associated with the Bakassi conflict as pretext for their actions. A typical example of what these criminal gangs can do is the hostage taking in 2008 after the rebels of the Bakassi Freedom fighters launched an attack on the supply boat SS SAGITTA kidnaping 10 persons, seven of whom were French, with two Cameroonians and one Tunisian around Bakassi within the territorial waters of Cameroon (Ebode, 2010, p.82). Also, in September 2008, about 50 heavily armed pirates landed in Limbe and organized a hold-up of six banks in the city, causing the death of one person. This attack is peculiar because it was the first time pirates or "sea gangsters" were operating on land.

Meanwhile the 2008 attacks are significant because they marked the beginning of a series of violent attacks that took place in the Cameroonian coastal waters between the period 2008-2009, extending to land with spillover effects to other neighboring states. An illustration can be seen in the diagram below that shows a series of 39 incidents in Cameroon waters between January to December 2009 with 3 cases of deaths, 8 injured and 4 abducted.

Figure 4: Statistics of piracy in Cameroonian coast 2009.

| 2009 | NB ATTACK | KILLED | INJURED | HOSTAGES |
|---|---|---|---|---|
| JAN | 6 | 1 | 1 | 0 |
| FEB | 0 | 0 | 0 | 0 |
| MAR | 1 | 0 | 0 | 4 |
| APR | 1 | 0 | 0 | 0 |
| MAY | 1 | 0 | 0 | 0 |
| JUN | 4 | 0 | 0 | 0 |
| JULY | 5 | 0 | 0 | 0 |
| AUG | 4 | 0 | 1 | 0 |
| SEPT | 14 | 0 | 6 | 0 |
| OCT | 3 | 2 | 0 | 0 |
| NOV | 0 | 0 | 0 | 0 |
| DEC | 0 | 0 | 0 | 0 |
| TOTAL | 39 | 3 | 8 | 4 |

Source: (Ebode, 2010, p. 81)

Figure 5: Chart showing 2009 statistics adopted from figure 4 above.
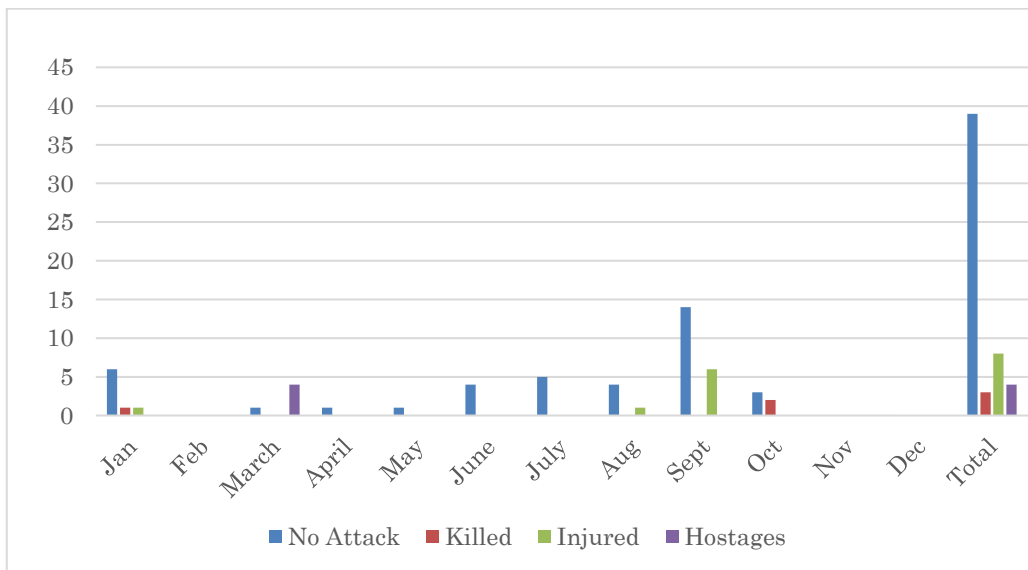


Source: The Author (adopted from figure 4 above)

The nature and frequency of these attacks underscores the fact that by 2009 there were signs of new characteristics of piracy in the GoG as activities of insurgents in the region expanded beyond the southern and western coast of Nigeria, attacking ships off the coast of Cameroon and neighboring coasts of the CEMAC region. As a result, attacks off the coast of Cameroon, Equatorial Guinea and Gabon which had substantially declined, gradually increased in 2009 until they reached a peak in 2014 where coastal nations of the region witnessed close to 10 attacks that year.

The table below shows timeline of acts of violence in CEMAC waters between 2008 and 2011. It should be noted that acts of violence during this period were more frequent and violent extending to neighboring states and reached a peak between 2010 and 2011. After this period, there was a decline in attack in the sub-region as a result of more cooperative measures to tackle them. Hence, it would be safe to highlight two things here: First, there was generally an upward trend in maritime violence in CEMAC waters from 2008 to 2011. Second, cooperative measures taken by the states concerned resulted to some extent in the witnessing of a downward trend in such violence.

| DATE | INCIDENTS | OBSERVATIONS |
|---|---|---|
| 28th September 2008 | Attack of several bank buildings in Limbe, Cameroon | Attack by perpetrators from sea. One dead |
| October 2008 | Attack on Bakassi water with hostages taken | Hostage taken: 7 French, 2 Cameroonians, and 1 Tunisian |
| 17th February 2009 | Attack on Malabo, Bioko Island, Equatorial Guinea. | Pirates from sea attacked the presidency and bank buildings |
| 24th February 2010 | Three Trawlers attacked | In Rio del Rey |
| 29th March 2010 | Attack on the Gendarmerie Brigade of Bamuso | |
| 17th May 2010 | Attack on two ships | Buoy A ( Wouri Channel) hostages taken |
| 25th July 2010 | Attack on two trawlers OLUKUNA 4 an KULA K7 | Cap Debundscha |
| 12th September 2010 | Attack on two ships ( SALMA, AMERIGO, VESPUCI) | Buoy Wouri Channel Base |
| 16th November 2010 | Attack on MOUNGO7 | Moudi Site, five dead |
| 1st February 2011 | Attack on 21st BAFUMAR at Ekondo Titi, Cameroon | One dead and one injured |
| 7th February 2011 | Attack on Gerdarmerie post in Bonjo, Bakassi, Cameroon | Two dead, one wounded, 10 hostages |
| 27th February 2011 | Attack on KANGUE village | Two hostages |
| 18th March 2011 | Attack on Ecobank Bonaberi, Douala | Five dead and seven wounded at sea, two attackers apprenhended |
| 19th March 2011 | Confrontation at sea between BIR/DELTA patrol and the alleged attackers of ECOBANK | Eighteen dead |
| 23rd July 2011 | Attack on two MONGO MEYEN I and II in Equatorial Guinea waters ( to be confirmed) | Bata zone |
| 28th July 2011 | Attack on two trawlers in Equatorial Guinea waters ( to be confirmed) | Bata region |
| 9th October 2011 | Attack on a Gerdarmerie unit from Isangele on a recommended mission to the Bakassi Peninsular. | Two gerdarmes killed |

Source: (Ukeje & Mvomo, 2013, p. 16).

Meanwhile, Gabon, the Congo, and Sao Tome and Principe have also witnessed a decline in attacks, as violent incidents have been limited to thefts from ships in ports and anchorages as well as occasional robberies in their territorial waters (Kamal –Deen, 2015, p.97).

Figure 6. Actual and attempted attacks in West and Central Africa from 2010 to June 2016.

| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | Jun-2016 |
|---|---|---|---|---|---|---|---|
| Angola | - | 1 | - | - | 1 | - | 1 |
| Benin | - | 20 | 2 | - | - | - | - |
| Cameroon | 5 | - | 1 | - | 1 | 1 | 2 |
| Dem.Rep.Congo | 3 | 4 | 2 | - | 1 | 3 | 2 |
| Tome&Principe | - | - | - | - | 1 | - | - |
| Gabon | - | - | - | 2 | 1 | - | - |
| Guinea | 6 | 5 | 3 | 1 | - | 3 | - |
| New Guinea | - | - | - | - | - | 1 | - |
| Ivory Coast | 4 | 1 | 5 | 4 | 3 | 1 | 1 |
| Nigeria | 19 | 10 | 27 | 31 | 18 | 14 | 24 |
| Liberia | 1 | - | - | - | 1 | 2 | - |
| The Congo | 1 | 3 | 4 | 3 | 7 | 5 | 1 |
| Mauritania | - | - | - | 1 | - | - | - |
| Morocco | - | - | - | 1 | 1 | - | - |
| Togo | - | 6 | 15 | 7 | 2 | - | 1 |
| Sierra Leone | - | 1 | 1 | 2 | 1 | - | - |
| Region sub- Total | 39 | 51 | 60 | 52 | 38 | 30 | 32 |
| World Total | 445 | 439 | 297 | 264 | 245 | 246 | 98 |
| Percentage of Region to world | 8.8% | 11.6% | 20.2% | 19.7% | 15.5% | 12.2% | 32.7% |

Source: (Mohammed, 2015)

As figure 6 above demonstrates, statistics from IMB annual reports involve a total of 270 actual and attempted attacks in West and Central Africa from 2010 to 2015. As indicated in the table, there was an overall increase in attacks off the coast of West and Central Africa from 8.8% in 2010 to 32.7% in the first half of 2016. Meanwhile, the first half of 2016 saw a double rise to 32.7%. This rise was as a result of the increase in attacks in Nigerian waters that represented a majority by 75% in the region (Mohamed, 2016, p.4).

It is noteworthy that, because of a spillover effect, Nigeria is associated with the majority of attacks in West and Central Africa. The rise in number of attacks in the Nigerian waters can he attributed to the militancy activities of the armed Niger Delta militants who carry out frequent kidnapping and hostage taking for ransom. Although piracy in the GoG mostly involves theft of oil, there has been an upward trend in kidnappings since late 2013 and 2014 in West and Central Africa. For example, approximately 12 ships were hijacked and 20 crew members were kidnapped in Nigerian waters in 2014 with kidnapping occurring between 12-50 nautical miles from land. The Movement for the Emancipation of Niger Delta (MEND)[1] is responsible for most of the kidnaping for ransom. This militant group justifies its claims for committing acts of theft and violence as a way to seek economic justice as it remains most underdeveloped, poor and polluted despite it being one of the richest in Africa in terms of resource wealth (Starr, 2014, p. 1).

As concerns the specific case of CEMAC coastal states, which is the focus of this dissertation, the total number of actual and attempted attacks dropped to a total of 37 reported cases between 2010 and 2015. As the chart below shows, the number of attacks during this period saw an overall downward trend with Congo witnessing the highest percentage of 7.9% followed closely by Cameroon with 3.3% and Gabon 1%. This downward trend in the Central African sub-region during that period is all the more significant when compared to West Africa where Nigeria alone witnessed 47.4% of attacks between 2010 and 2016.

Also, the downward trend could be attributed to more awareness, intensified regional cooperation, the work of naval forces patrolling the areas, ships application of self-protection measures recommended Best Management Practices (BMP) published by

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[1] MEND was formed in 2005 and draws its root from 1990s when the Niger Delta politicians funded and armed university youths to coerce political opponents (Starr, 2014, p. 1).

shipping industries and Navies (IMB 2010 annual report, p 23) amongst other best practices.

Figure 7. Chart showing the number of attacks in percentage from 2010 to June 2016
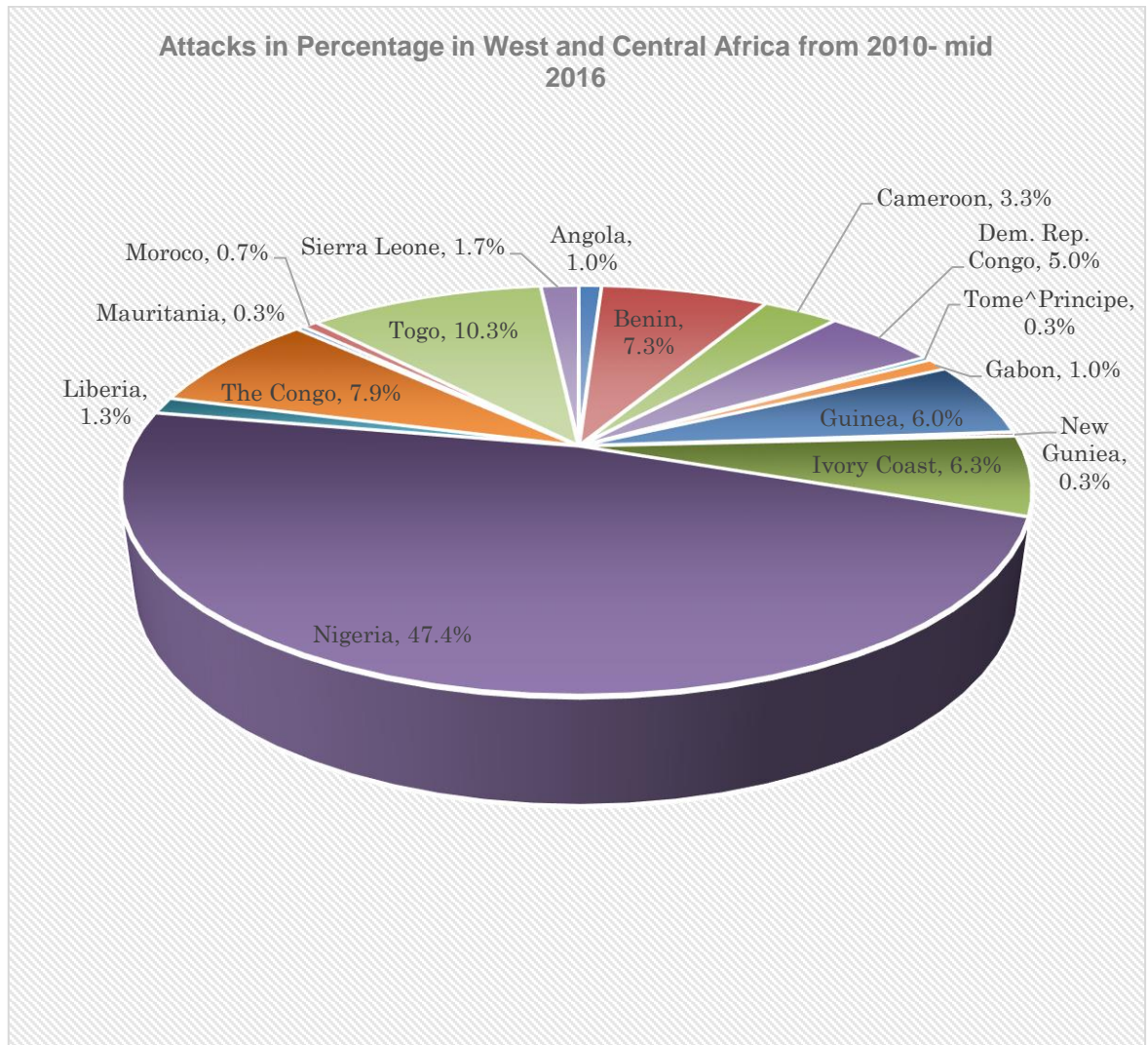


Source: The author (adopted from figure 6 above).

The chart above, demonstrates a drastic drop in number of attacks from 2010 to 2016 compared to a total of 68 reported cases recorded in the CEMAC region between 1999 to 2012 with Cameroon having 44 cases, Equatorial Guinea 2, Gabon 18, and Congo 9 actual and attempted attacks. More details are provided in figure 8 that follows.

Figure 8. Actual and attempted attacks (between 1991 and 2012).

| Africa | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Algeria | | | | 1 | | | | | | | 1 | | | | | | | | | | | | 2 |
| Angola* | | | 3 | | | | 1 | 1 | 1 | 3 | 1 | | 3 | | | 4 | 1 | 2 | | | 1 | | 21 |
| Benin * | | | | | | | | | | | | | 1 | | | | | | | 1 | 20 | 1 | 23 |
| Cameroon* | | | | | | | 3 | 5 | 3 | 2 | 7 | 5 | 2 | 4 | 2 | 1 | | 2 | 3 | 5 | | | 44 |
| Congo DR* | | | | | | | | | | 1 | 1 | | | | | 3 | 4 | 1 | 2 | 3 | 4 | 1 | 20 |
| Egypt | | | | 1 | | | | 2 | 1 | 1 | 2 | | | | | | 2 | | | 2 | 3 | | 14 |
| Equatorial Guinea* | | | | | | | | | | | 1 | | | | | | | 1 | | | | | 2 |
| Eritrea | | | | | | | | | | | | | | | 1 | | 1 | | | | | | 2 |
| Gabon* | | | | 1 | | | | | 2 | 3 | 2 | 3 | 7 | | | | | | | | | | 18 |
| Ghana * | | | | | 1 | 2 | 2 | 4 | 2 | 2 | 5 | 5 | 3 | 5 | 3 | 3 | 1 | 7 | 3 | | 2 | 2 | 52 |
| Guinea* | | | | 1 | 1 | 2 | 3 | 2 | 6 | 6 | 3 | 2 | 4 | 5 | 1 | 4 | 2 | | 5 | 6 | 5 | | 58 |
| Guinea Bissau * | | | | | | | | | 1 | | 1 | 2 | | | | | | | 1 | | | | 5 |
| Gulf of Aden | | | | | | | | | | 13 | 11 | 11 | 18 | 8 | 10 | 10 | 13 | 92 | 117 | 53 | 37 | 8 | 401 |
| Ivory Coast* | | | | 1 | | 4 | 4 | 1 | 5 | 5 | 9 | 5 | 2 | 4 | 3 | 1 | | 3 | 2 | 4 | 1 | 3 | 57 |
| Kenya | | | | | | | | 7 | | 5 | | 2 | 1 | 1 | | 4 | 2 | 1 | | 1 | | | 24 |
| Liberia* | | | | | | | | | | | | | 1 | 2 | | | 1 | 1 | | 1 | | | 6 |
| Madagascar | | | | | | 1 | | | | | 1 | 3 | | 1 | 1 | | 1 | | | | | | 8 |
| Mauritania | | | | | | | | | 1 | | | | | 2 | 1 | 1 | | | | | | | 5 |
| Morocco | | | | | | | | 1 | 1 | 1 | | | | | | 1 | | 1 | 1 | | | | 6 |
| Mozambique | | | | | | | | | | 2 | | 1 | 1 | | | | 3 | 2 | | | | 1 | 10 |
| Nigeria* | | 2 | | 1 | 4 | 9 | 3 | 12 | 9 | 19 | 14 | 39 | 28 | 16 | 12 | 42 | 40 | 29 | 19 | 10 | 10 | | 318 |
| Red Sea | | | | | | | | | | | | | | | | | | 15 | 25 | 39 | 7 | | 86 |
| Senegal * | | | | | 2 | 6 | 2 | 1 | | | 1 | 3 | 8 | 5 | | | | | | | | | 28 |
| Sierra Leone * | | | | | | 3 | 3 | | | | | 3 | 1 | | 3 | | 2 | 2 | | | 1 | | 18 |
| Somalia | | | | 1 | 14 | 4 | 5 | 9 | 14 | 9 | 8 | 6 | 3 | 2 | 35 | 10 | 31 | 19 | 80 | 139 | 160 | 28 | 577 |
| South Africa | | | | | | | | | | 1 | 1 | | 1 | | | | | | | | | | 3 |
| Tanzania | | 2 | 1 | 2 | 3 | 4 | 3 | 3 | 2 | 7 | 3 | 5 | 2 | 7 | 9 | 11 | 14 | 5 | 1 | | | 1 | 85 |
| The Congo* | | | | | | | | | 2 | | | | | | | | | 1 | | 1 | 3 | 2 | 9 |
| Togo* | | | | | | | | | 1 | | 1 | 1 | | | | 1 | | 1 | 2 | | 6 | | 13 |
| Total(Gulf of Guinea Nations*) | | 5 | 2 | 4 | 17 | 31 | 20 | 36 | 32 | 53 | 45 | 64 | 56 | 25 | 31 | 53 | 59 | 48 | 39 | 53 | 17 | | 690 |
| Total (Africa) | | 7 | 6 | 20 | 24 | 41 | 41 | 55 | 67 | 85 | 71 | 93 | 73 | 80 | 61 | 120 | 189 | 266 | 259 | 293 | 64 | | 1915 |

Source: Adapted from International Chamber of Commerce (ICC)-International Maritime Bureau (IMB) Piracy and Armed Robbery against Ships

During this period (1999-2012) as shown in the chart below, the CEMAC region witnessed a high percentage of attacks with Cameroon experiencing the highest percentage (60%), closely followed by Gabon 25%, the Congo 12% and Equatorial Guinea 3%, This increase in the number of percentage in actual and attempted attacks can be attributed to the political crisis that existed between Cameroon and Nigeria over the Bakassi peninsular, where armed groups took advantage of the situation to carry out criminal acts of violence at sea.

Figure 9. Actual and attempted attack in CEMAC region between 1991 and 2012.
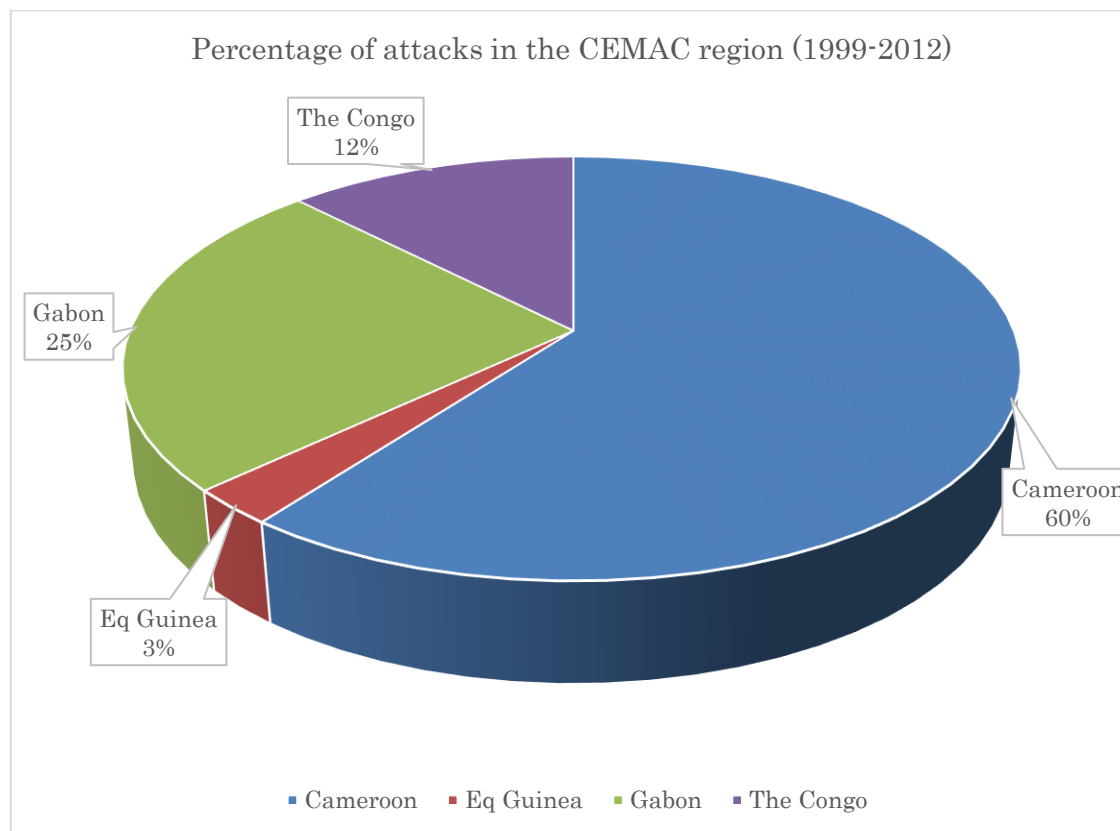


Source: The author (adapted from figure 8 above)

Meanwhile, as figure 6 above shows, in 2010, Cameroon dropped to 5 actual and attempted attacks while Congo witnessed 7 attacks in 2014. Also, Congo was the lone country in the CEMAC zone that had three actual and attempted attacks in 2011. Three countries of the CEMAC region according to figure 6, including Sao Tome and Principe witnessed an attack each in 2014, which made a total of 10 attacks recorded in the CEMAC region in 2014 alone. Meanwhile, by the end of 2016, the region recorded 7 attacks with 6 from the Congo and 1 from Cameroon.

Also, following the year 2010 to 2016, Congo and Cameroon witnessed the most frequent attacks with Congo having attacks in all 7 years with the highest being in 2014 where it recorded 7 attacks closely followed by 5 in 2015. However, it should be noted that, Equatorial Guinea is the only coastal state in the CEMAC region that

recorded no attack since 2010. No attack in Equatorial Guinea could be attributed to enhanced ports side security especially harbor theft of goods from ships at anchor, heavy patrol by naval forces, more naval patrols as the nation bought a warship and an Antonov fighter plane in 2009 to keep watch on its coasts. (ICG 2012, p 5).

The figures above therefore show a downward trend of piracy and armed robbery attacks in the CEMAC region since 2010, with a reduction to 3 in 2011. However, in the Coast of West and Central Africa, Nigeria waters alone were associated with 31 attacks, in 2013 compared to 19 in 2010 and 24 in 2016, making it the most dangerous zone in West and Central Africa for piracy and armed robbery against ships.

Also, based on IMB reports, 2016 witnessed the lowest number of attacks in Africa since 1995, with a drop in Nigerian attacks to 24 reported cases; at the same time, Cameroon, Equatorial Guinea Gabon and Congo also witnessed an overall reduction, although IMB acknowledged a number of unreported incidents have occurred in the GOG. (ICC-IMB annual report, 2016). This drop in attacks could be attributed to increase regional cooperation and awareness, international cooperation, as well as application of best management practices by ships.

Generally speaking, although statistics on incidents of piracy and armed robbery in recent years are readily available following IMB reports, details of these incidents are hard to be cross-checked, especially as 50% of piracy in West and Central Africa are underreported either due to the victim's desire for discretion or lack of supervision (Mohamed & Abdel, 2015, p. 4). Meanwhile, IMB believes that, a large number of attacks are unreported because ship owners fear detention of their ships, or reporting could result in further financial loses. Thus unless there is murder or vessel seizure, acts of violence may go unreported (Jones, 2013, p.6). Having indicated the trends, the analysis will now proceed in the subsequent sections with a discussion on the nature of attacks, followed by a presentation of some recent incidents of maritime violence in the CEMAC region is to enable the reader to appreciate the characteristics of such violence in the region.

### 2.3.3- Nature of attacks in the CEMAC zone

Four categories (or types) of maritime violence that occur within the GoG, specifically, in the coastal states of the CEMAC zone, have been distinguished by Professor Ntuda Ebode as follows: a) those who steal from ships or vessels at ports such as petit bandits roaming the ports in small or less organized groups with their actions generally less violent; b) those who operate on plate forms generally at night involving mostly the theft of electrical materials; c) those who target vessels at sea, usually organized groups carrying out organized actions such as hostage takings while armed with war weapons such as AK47 and knives, etc. and claiming to belong to politically motivated groups whose main objective seems to be to make money through maritime violence; and d) those who carry out authorized fishing (Ebode, 2010, p.82-83).

However, it is important to note that pirates operating close to the shores are generally armed (Nincic, 2009, p. 5). Also, attacks here are often more violent than in other piracy hotspots around the world. In this regard, professor Ebode has referred to AK47, knives etc. as some of the weapons used to carry out their attacks. However, the use of heightened violence seems to be the pattern in Africa, except that, armed groups operating from the coastal waters of Nigeria to Cameroon have taken to even greater violence reiterated by Nincic as follows: " The pattern of pirate attacks in Africa has tended to be different from that in Asia and elsewhere, with mariners more likely to be kidnapped for ransom and more likely to be victims of violence in African waters than Asia..." (Nincic, 2009, p.5)

### 2.3.4- Some reported cases from 2010 onwards

This section presents several cases of reported incidents in specific countries of the CEMAC zone since 2010 in order to highlight the features of such violence in the region, as discussed in the previous section. According to the IMB report, more people were taken hostage at sea in 2010 than in any other year since records history began (IMB Annual Report, 2010 p. 23). Two CEMAC coastal states (Cameroon and Congo)

witnessed a series of attacks in 2010, with 5 occurring in Douala, Cameroon (two at the anchorage and the rest at the ports) and one attack in Congo.

- On May 16$^{th}$ 2010, at the outer anchorage in Douala, ten robbers (armed with automatic weapons), attacked a Lithuanian flagged refrigerated cargo ship, opened fire, kidnapped the sailing master and later escaped. The master was later released after payment of ransom.

- The second attack at the anchorage occurred the next day, where about 23 robbers armed with guns in three boats, boarded a St Vincent and Grenadines flagged general cargo ship at anchor taking away crews properties and cash, kidnapped the master and chief engineer who were later released after payment of ransom (IMB Report, 2010, p.66).

- Meanwhile, at the Douala Ports, an attack took place on 19$^{th}$ September where two robbers in a boat during heavy rains, armed with knives boarded a berthed general cargo ship and made away with the ship`s stores. (IMB Report, 2010, p.68).

- The lone attack in Congo on 27$^{th}$ March 2010 took place at Pointe Noire anchorage where two robbers boarded a crane ship at anchor but crew shouted at robbers who escaped with the ship`s stores, no casualties were reported (IMB Report, 2010, p.66).

In 2011, the Congo was the only CEMAC state that reported three attacks that year. Meanwhile, IMB recorded 439 incidents of piracy and armed robbery that year compared to 445 in 2010 (IMB Report, 2010, p.24).

- In early August 2011, at Pointe Noire Anchorage, Congo, five robbers in a high speed boat, boarded a general Panama cargo ship at anchor and made away with ship`s stores.

- Still in August, at the anchorage, a ship`s watchman spotted four armed robbers on the main deck, immediately informed the duty officer who alerted the crew. Robbers escaped with ship`s stores.

- On 22$^{nd}$ August, robbers boarded the Liberian container ship at anchor, stole ship`s stores and escaped (IMB Annual Report, 2011, p. 73)

Cameroon and the Congo reported piracy and armed robbery in 2012, reaching a total of 5 that year in the CEMAC region. Meanwhile, IMB report indicates piracy and armed robbery reached a five-year low with 297 reported attacks compared to 439 in 2011 (IMB report, 2012, p. 24).

- In Congo, at the Pointe Noire anchorage, on 30th January 2012, five robbers in a canoe approached an anchored guard vessel during heavy rain. A robber boarded the vessel and stole ship`s stores, crew was alerted and robbers escaped. Incidence was reported to local police and port authorities.

- Another attack was reported on 4th February where the duty watchman on board noticed wet foot prints on deck, informed the crew and upon inspection of vessel, a number of stores were found broken and missing. Master contacted ports control but received no response (IMB Report, 2012, p.59).

- The 3rd incident occurred in March where four robbers armed with knives boarded an anchored vessel using a small boat. Crew sported the robbers who escaped with ship`s stores. (IMB Report, 2012, p.59).

- On 16th August 2012, unnoticed robbers boarded an anchored supply ship (Offshore Tug Singapore), broke into several store rooms and stole ship`s stores and escaped. Incident was reported to the port authorities (IMB Report, 2012, p.65).

- At the Douala ports, on 8th September, armed robbers boarded an LPG panama tanker, took hostage the deck cadet on duty and stole ship`s property. Cadet was released before they escaped. Meanwhile, the incident was reported to port control and police team (IMB Annual Report, 2012. p. 66)

In 2013, 43 of the 264 incidents were reported from the GoG with hijacking of 7 vessels and 132 crew taken hostage, indicating an 11% decrease from 2012 (IMB Report, 2012, p. 24). Meanwhile, the CEMAC region reported the following 5 incidents that year, two from Gabon and three from the Congo including an attempted attack.

- A tanker was hijacked by suspected Nigerian pirates off port Gentile, Gabon in July 2013. They attacked and successfully boarded the tanker at anchorage, took all crew members hostage and hijacked the tanker. The pirates subsequently released crew and the vessel sailed to a safe port (IMB Annual Report, 2013, p. 23).

- On 15th January 2013, at the Pointe Noire anchorage, two robbers disguised as fishermen and armed with knives boarded an anchored Grand Container Malta but crew on duty spotted them and raised an alarm. Robbers escaped, the port control was contacted but no response was received (IMB report, 2013, p 56).

- At the port Gentile Gabon, on 14th July, 20 armed pirates in a speed boat boarded a landing craft vessel, stole crews personal belonging and escaped.

- Meanwhile, on 15th July 2013, a serious hijacking incident occurred in Gabon as pirates boarded and hijacked a Malta cotton Tanker underway. All authorities in the region were informed. The tanker was released a week after off Nigeria coast with all crew members safe (IMB Report, 2013, p.62).

- On 24th November 2013, one robber boarded the off shore Tug Malaysia at anchor. Duty watchmen sighted the robber, alerted the crew and the robber escaped ship`s stores and crew was safe.

- Meanwhile, there was an attempted attack in the Congo on 18th April 2013 where three robbers in a boat approached and attempted to board an anchored ship. An alarm was raised and the robbers escaped (IMB Report, 2013, p.62).

In 2014, a total of 245 incidents were reported. According to IMB report, this year showed a remarkable decrease in reported attacks for 4 consecutive years. Meanwhile, the CEMAC coastal waters recorded 10 incidents that same year (IMB Report, 2014).

Following a reported incident in March 2015 in the Congo, unnoticed by the ship's crew, robbers boarded an anchored barge, stole ship`s property and escaped. The incident was detected the next morning. At Pointe noire anchorage, six men armed with bolos in a wooden boat approached an anchored ship but never succeeded to

attack as the crew was alerted and robbers escaped empty handed (IMB Annual Report 2015).

In 2016, IMB reported 191 incidents of piracy and armed robbery against ships, the lowest annual figure since 1998, but, the number of crew kidnapped was the highest in 10 years (IMB Annual Report, 2016). Despite these low figures, the GOG remained the kidnap hotspot, as 32 crews were kidnapped in 9 separate incidents.

This same year, the CEMAC zone recorded 7 incidents with 6 in the Congo and 1 in Cameroon. Two examples of the 2016 incidents in the Congo occurred in April where two robbers boarded an anchored ship, stole properties and escaped, and in July where an armed robber in a small boat boarded an anchored pipe laying barge, stole ship`s property and left unnoticed. The robbery was later discovered during routine rounds.

## 2.3.5- Overview of incidents presented above in relation to the definition of maritime violence

In recent years, the CEMAC zone has been an area of particular concern as the coastal nations of this maritime space have seen a growing number of opportunistic criminal activities against vessels. The peculiarity of this area is that attacks here are more violent than in other piracy hotspots of the world. Pirates may be disguised as fishermen or dressed in military uniforms and many may even originate from political separatist groups rather than just criminal syndicates.

Furthermore, as pointed out by Professor Ntuda Ebode, there are some pirates who usually operate alone, in small or less organized groups generally non-violent and some as organized groups carrying out actions like kidnapping for ransom, hostage taking while being armed in dangerous war weapons like guns and knives claiming to belong in a particular political group but whose major aim is to make money.

The main point noteworthy in the reported cases is that, criminals perpetrating maritime violence in the CEMAC region often operate around the ports and harbor while ships are at anchor or close to the shores. However, it is important to also note that, even pirates operating close to the shore are generally well armed and most incidents described above reflect this reality. It may be useful to contrast this situation with that elsewhere around the world such as in Somalia where pirates are known to venture well over 200 nautical miles offshore in search of their targets (Nincic, 2009, p. 5). The question one may ask in this regard is, do incidents that occurred in the CEMAC zone amount to piracy given that they do not satisfy the 'high sea' requirement under article 101 of UNCLOS 82?

In this regard, it would be recalled that Professor Max Mejia, has stated that in order for an act of piracy to be regarded as such under article 101 of UNCLOS, it has to be:

- an illegal act of violence;
- motivated by private gain;
- committed by persons on board a private ship;
- directed against another vessel, or the person on board the private ship;
- directed against another vessel, or the person and property on board; and
- committed on high seas or outside the jurisdiction of any state.

It is obvious that incidents recorded in the CEMAC coastal zone satisfy the first five points above - they were all "illegal acts of violence", "motivated by private gain" (theft in this case), "committed by persons on board a private vessel " (we assume this was so as this should be what made it possible for them to board the vessels in the first place). The acts were also directed at "persons or property" on board the other vessel. However, none of them satisfied the sixth or "high seas" requirement under article 101.

Another issue worth mentioning here is that of personal gain. Acts carried out by criminal gangs were historically motivated by personal gain and this consideration stands out clearly today as one of the constituent elements of piracy under article 101 of UNCLOS. Thus the element of 'motivation' in terms of personal gain is an

overriding factor when talking of maritime violence. It is therefore significant that this element is not always apparent from some of the acts of piracy and armed robbery against ships sometimes perpetrated within the CEMAC maritime space. Put differently, acts of maritime violence – e.g. murder, assault, etc. - have occurred within the CEMAC region where it was not apparent that the people behind such incidents were actually seeking "private gain". One possible explanation could be that such violent incidents are part of the legacy of the internal strife that has plagued some CEMAC countries in recent years (e.g. civil war in Congo Brazzaville).

All in all, it could be said that attacks carried out by criminals within the CEMAC maritime space are essentially acts of armed robbery against ships. A few others are politically motivated or constitute cases of military confrontations. Some of these attacks are peculiar especially in terms of the high degree of violence they exhibit.

## 2.3.6. Conclusion

Chapter two began with the definition of key concepts related to maritime violence. Piracy, armed robbery against ships as well as maritime terrorism were defined as all three terms fall under the notion of maritime violence. UNCLOS 82, in defining piracy did not address the issue of 'armed robbery against ships' or maritime terrorism considered as the major security threats in the CEMAC region.

This chapter further considered a background view of the CEMAC region with respect to maritime violence stating the security structures that make up the region and bringing out the main objectives of these structures. Trends in maritime security in the GoG were also considered, with focus on the CEMAC region.

The features of maritime violence in the CEMAC region were further discussed based on several incidents presented. For example, trends in the CEMAC region moved downward since 2010 as a result of a number of policies implemented such as more naval force patrol, best management practices by ships, increase of awareness amongst others. Despite this, the situation is still worrisome as many analysts believe West and

Central Africa will be troubled by piracy and armed robbery if more stringent measures are not adopted.

It became obvious that the level of violence in the sub region is a call for concern as criminals are very violent with the *modus operandi* being armed attacks with automatic weapons on large vessels (tankers, cargo ships), their main objective being cargo theft, large scale robbery, hijacking and kidnaping of crew for ransom (Dalaklis, 2012, p.3).

# CHAPTER 3

# 3.1. FACTORS INFLEUNCING MARITIME VIOLENCE AND ITS IMPACT IN THE CEMAC REGION

As insecurity in the CEMAC coastal region is characterized by complex inter-related factors, it is important to know the main reasons for the upsurge of criminal activities, if appropriate solution to tackle the crime have to be suggested. Different factors accounted for the upsurge of maritime violence in the CEMAC region in recent years. For example, while the notion of "failed state" could be used to explain the Somalia case, the situation in the GoG and the CEMAC coastal waters in particular could be explained, at least in part, in terms of the natural as well as socio-political considerations of the region. This chapter will discuss natural, political and socio-economic factors favoring the emergence and upsurge of maritime violence in the CEMAC region as well was the impacts of maritime violence.

## 3.1.1 Natural factors

The CEMAC region is very significant as it shares borders with all other regions on the African continent: ECOWAS[1] and CEN-SAD in the West, COMESA, IGAD and SADC in the South, and the Arab countries in the North. It has a geographical area of roughly 3 million square kilometers, (Leke, 2012, p.66).

The maritime boundary, which lies on the Gulf of Guinea, is a long area with difficult topography typified by many creeks and tough highlands. Given such difficult

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[1] The treaty of Lagos gave birth to ECOWAS (Economic Community of West African States) in 1975. Member states include: Benin, Burkina Faso, Capo Verde, Code D`Ivoire, The Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leon Togo. CEN-SAD (Community of Sahel, Saharan states) was established in 1998 following the conference of Heads of States held in Tripoli Libya it has more than 20 member states. COMESA (the common market for Eastern and Southern Africa) created in 1994 also has about 20 member states. IGAD (Intergovernmental Authority on Development was created in 1996 and SADC-( South African Development Community) established in 1980 in Lusaka, Zambia and has about 15 member states.

geographical features, coupled with the porosity of the area, one could say the said coastal region inherently gives advantage to pirates and armed robbers who take advantage of the geographic characteristics (Islands, peninsular, mangroves with difficult access) that makes it an ideal hiding place against those who seek to pursue them given that they know the terrain more than the coast guard, making them operate in total freedom (ICG Report, 2012, p.4). The natural features of the area provide numerous hideouts and escape routes, advantageous to pirates.

Other factors have to do with economic wealth. The CEMAC region and the Gulf of Guinea in general, are endowed with huge natural resources in terms of oil, mineral and marine resource, etc. The oil is known to be of good quality and therefore attractive to large consumers like US and China. It is not a coincidence that the US recently declared the GOG an area of strategic natural interest. The energy potential of the region is outstanding, as experts predict oil production will surpass that of the Persian Gulf by 2020 (Paterson, 2007, p. 29).

Other advantages include the fact that the GOG, unlike the Middle East, is more peaceful. More so, the region`s unexploited oil and gas resources are currently attracting increased amounts of foreign investments and consequently presenting additional lucrative targets for maritime crimes in the region as these tremendous potentials are creating investment opportunities for the region (Mané, 2005, p.1). Economic potentials and commercial advantages like these lead to increased maritime traffic. Needless to add that increased maritime traffic is conducive to pirate activities.

Furthermore, the different populations of the border have often clashed over resources such as oil and fish, especially within the context of the Bakassi conflict in Cameroon, a situation that criminal gangs are usually quick to exploit for their own selfish aim.

### 3.1.2 Political factors

Countries of the CEMAC region, like most African Nations, face problems of corruption, mismanagement, lack of resources etc. which impact on policy issues. The CEMAC maritime border area has not always received the attention one would have expected from the governments of the region in terms of security, exploitation of resources, development efforts etc.

In fact, Professor Nincic identifies piracy incidents in Africa as being the outfall of not maintaining good order at sea (Vreÿ, 2009, p. 20). This is the good old problem of bad ocean governance facing most African nations generally, which is often a reflection of bad governance on land as well. Regional instability as a result of state failure and bad governance leads to insecurity, and insecurity on land can easily extend to maritime insecurity (Mohamed, 2015 p. 5) as "pirates are not born at sea but on land"(IPI report, 2014, p.2).

The political situation of the Bakassi peninsular[1] crisis between Cameroon and Nigeria for example, where armed groups have been fighting government forces has often extended to sea as the peninsular became "safe haven" for pirates throughout the period that the countries could not agree on the maritime boundary in the area (Lindskov et al, 2015, p. 16). Mostly settled there, these armed groups often carry out acts of piracy and armed robbery against ships. Noteworthy is the fact that the porous CEMAC borders has proven unlikely to prohibit the political instability and militant off the south-eastern coast of Nigeria from having an effect in CEMAC waters, hence the "spillover effect" often mentioned by maritime layers.

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[1] In 2002, the International Court of Justice (ICJ) confirmed the sovereignty of Cameroon over Bakassi. Although the dispute had been settled, not all actors living in the region agreed to the ICJ ruling, this gave rise to an opposition group called "the Bakassi Freedom Fighters" whose activities had direct impact to pirate activities in the region. For example, in 2008, they claimed responsibility for an attack on a trawler in Cameroonian waters (Lindskov et al, 2015, p. 16)

Professor Theo Neethling graphically captures the Nigerian situation as follows:

> *... Conflict in the Niger Delta should be viewed in the context of poverty, political disenfranchisement and the easy availability of fire arms and armed conflict over oil. It should further be understood against this background of previous governments largely ignoring the Niger Delta, particularly because its geography made it inaccessible, and following bad governance and corruption...* (Neethling, 2010, p.99).

Other maritime disputes in the CEMAC region include the Cameroon-Equatorial dispute over an island at the mouth of the Ntem River, dispute between Equatorial Guinea and Gabon in Corisco Bay (Shafa, 2011, p.12). The ongoing rebel stand-off in Chad, political tension in the Republic of Congo, coup d'état attempt in Equatorial Guinea, amongst other political threats all characterized by emerging maritime threats for countries in the region (Vreÿ, 2009, p.23). These disputes make it difficult to address shared security challenges and create opportunities for criminals to carry out their activities.

All in all, it could be said that the lack of adequate political will and resources on the part of the governments of the coastal states of the CEMAC region within the context of the complex issues associated with their common maritime border explains to some extent the level of piracy and armed robbery against ships witnessed in the region.

We must however underscore the fact that efforts to stem those phenomena have been stepped up in recent years by the states of the CEMAC region at the national and regional levels. Having addressed some natural and political factors causing maritime violence within the CEMAC zone, this analysis will now attempt a discussion on the socio-economic factors.

### 3.1.3 Economic factors

It is basic knowledge that if there were no economic resources and potentials and attendant maritime traffic within the CEMAC coastal region, criminal gangs would have little or nothing to go after. The phenomena of piracy and armed robbery against

ships along the coastal waters of the CEMAC zone could be said to be of great strategic and politico-economic concern, all the more so at a time when globalization and maritime trade show a close interface, this makes the sea-lanes of these area of utmost importance.

The Gulf of Guinea is very rich in resources. The CEMAC region, part of the Gulf has a large population and abundant energy resources typified by the proximity of large oil producers (Nigeria and Angola), maturing oil producers (Congo Brazzaville), mature oil producers showing signs of decline (Cameroon and Gabon) and new oil producers (Equatorial Guinea and Chad); these West and Central African countries border an important sea lane that has vital connectivity with energy commodities (Vreÿ, 2009, p. 20).

Simply put, the Gulf of Guinea and the CEMAC coastal waters in particular, endowed with huge natural resource (including fishing) tend to necessitate the growth of maritime traffic in the area, a setting that naturally attracts pirates and armed robbers.

### 3.1.4 Social factors

It is a basic factor that difficult living conditions such as unemployment, coupled with a sense of neglect and abandonment could be a recipe for criminality both on land and at sea. Cameroon for example finds itself confronted by a threat from the Bakassi peninsular, where local inhabitants have felt excluded, abandoned and unhappy since the peninsular was handed back to Cameroon (Vrey, 2009, p.23). Meanwhile, livelihoods of local populations are threatened by the continuous degradation of the coastal environment, hampering agriculture and fishing thus the temptation of the locals to engage in illegal activities for survival (ICG, 2012, p.3).

Also, growth of maritime crime is as a result of structural problems such as poverty of the great majority of the population alongside the wealthy elite, unequal distribution of wealth, socio-political tension and the grievances of the local communities (ICG, 2012, p.3). One way of appreciating the poverty aspect is to recall that, at the local

border area, youths that are more frequently involved in acts of piracy and armed robbery come from poor families and, because of their vulnerability, probably undergo some brainwashing before joining the criminal groups they belong to. The promise of reward, comfort and expensive cars, financial gains, luxurious consumer goods and weapons are strong motives; these unemployed youths are lured to engage in piracy, which has become a thriving business. (Nincic, 2009, p.100).

Furthermore, dense population in the coastal areas, urban disorder, continuous rural-urban migration exacerbated by economic disparities and conflict over resources are leading to violent opposition within communities. This existence of discontent is a fertile ground for the recruitment of criminal gangs, pirates and armed robbers (ICG, 2012, p.3). These social problems thus tend to fuel insecurity within the CEMAC maritime space.

## 3.2 IMPACT OF MARITIME VIOLENCE

Given the importance of the sea in terms of international trade and the exploitation of maritime resources, there is no doubt that insecurity within any international route such as the CEMAC maritime space is bound to have negative impacts of one form or another, not only locally, but also internationally. These impacts may be political (national or transnational) or socio-economic.

### 3.2.1 Political impact

As already demonstrated, piracy within the CEMAC maritime space takes different forms, including violent attacks perpetrated by armed groups operating within the area. The activities of these armed groups are bound to have impacts on land; as there is a correlation between what happens at sea and what is the security status on land.

Maritime violence within the CEMAC maritime space, is often perpetrated by armed gangs who advance political grievances as a reason behind their action, particularly with respect to the Cameroon-Nigeria Bakassi conflict, thus insecurity on land probably extends to the maritime domain. Aggressors like the Bakassi freedom fighters,

for example, in the Cameroon-Nigerian Maritime space use deliberate campaigns or attacks at sea to influence political decisions thereby extending their political agenda offshore although their interest are driven by a combination of greed and grievances (Neethling, 2010, p.101-102). While the intention may not be to dwell on the complexities of the Nigerian political situation as it relates to this conflict, suffice is to note that there is a clear interrelation as unfortunately its impact is not limited to the two countries but spills over to other neighboring states in the CEMAC coastal waters.

Regarding maritime violence within the CEMAC maritime space, especially in terms of the activities carried out by armed groups, the least one could say is that it poisons the delicate political relations that exist between the countries of the CEMAC region in terms of settlement of disputes. Maritime violence has the propensity to adversely affect the delicate political atmosphere that reigns between the states of the CEMAC region. As a result, efforts should be made to strengthen all relevant institutions and mechanisms to tackle the issue as good order at sea is directly dependent on good governance and states are the primary actors and agents of good order at sea (Neethling, 2010, p.104). Having examined the political impact, the analysis in the next paragraph focuses on the economic issue.

### 3.2.2 Economic impact

Piracy and armed robbery against ships within the GoG and the CEMAC maritime space in particular obviously have some socio-economic consequences. Prof. Neethling has stated that the best armed groups operating within this region were responsible for attacks on oil pipelines of multinationals and also on vessels chattered by oil multinationals and vessels in neighboring states have likewise come under attack.

While the cost to the international community of maritime violence may be important in terms of energy and other resources, the other costs this phenomenon can impose are less frequently considered (Nincic, 2009, p. 5). The analyst, Anna Bowden examined the economic cost associated with maritime piracy and armed robbery against ships in terms of "Direct Economic Cost of Piracy" and "Secondary

(Macroeconomics) Costs". The former comprises the cost of ransom payment, insurance cover, re-routing, warning security equipment, navigational force, prosecution of pirates and pre-emption, while the later concerns the cost of regional trade, food price, inflation and foreign revenue (Bowden, 2010, p. 8-19). These costs are most indicative of how costly piracy and armed robbery against ships could be.

In fact, Professor Nincic even argues that threats to energy security from pirates are a concern, not because they represent a large percentage of overall pirate attacks, but because these threat may increase if maritime violence in the CEMAC coastal waters, for example, becomes more aggressive or if the terrorist groups turn into hijacking energy vessels. She further argues that, there are concerns about some pirates cooperating with radicals or terrorist groups or "turning terrorist" themselves in the future (Nincic, 2009, p. 22-24).

### 3.2.3 Social impact

The social impact of maritime violence should be viewed in the context of poverty, political marginalization, the easy availability of firearms and finally, armed conflict over oil. The plight of the coastal population of the CEMAC states is an important issue as they rely mostly on fishing for their livelihood. Most of the population living around the area generally live under difficult social condition due to the factors related to their immediate environment and respective countries.

Also, pirate attacks are not limited to oil transport facilities but extend to fishing boats as well, leading to a hike in sea food prices due to scarcity of fish, an important source of protein to the citizens (Nincic, 2009, p.8). One could wonder whether such attacks improve on the social situation of the very population some of the armed groups are purporting to defend. The least one could say is that these attacks, amongst other things, cause a downward trend on fishing activities and hence negatively impact the livelihoods of local populations.

## 3.3 Conclusion

This chapter demonstrated that maritime violence is stepping up, based on a complex interrelated factors and issues. Apart from the natural geographical features and porosity of the area that gives criminal gangs a natural advantage and an ideal hiding place, the region`s natural resources attract foreign investors presenting additional lucrative targets for maritime crimes.

The situation is further compounded by political grievances and social factors (high unemployment, poverty, uneven distribution of wealth, corruption coupled with bad governance as well as internal and interregional conflicts facing some states of the CEMAC region). The upsurge of maritime violence also has socio-economic impacts on the nations prone to attacks (their citizens as well as vessels of foreign investors). Furthermore, these criminal attacks do impact on the nations of the CEMAC region politically and socio-economically and have the potential of disrupting the political process associated with the peaceful settlement of the many neighboring conflicts affecting the region.

Given the importance of this region in terms of international trade, and the damaging effects of increased maritime violence, it is important for nations to step up their efforts to confront the problem. Logically, therefore, the next chapter is an appraisal of the measures put in place to combat maritime violence as well as the challenges faced in this regard by the governments concerned and the international community.

# CHAPTER 4

# 4.1 APPRAISAL OF MEASURES TO COMBACT MARITIME VIOLENCE IN THE CEMAC ZONE

The CEMAC region, especially its coastal states have realized the ramifications acts of maritime violence could have on their population, as well as upon the relations with other neighboring states and the international community. Accordingly, over the years, measures have been developed to fight the problem at the national level as well as within the context of relations with the neighboring states, including efforts to tackle the problem at the regional and international levels. The succeeding paragraphs will discuss the measures taken to secure the CEMAC maritime zone from increasing maritime violence, as well as the challenges faced.

## 4.1.1 National measures

CEMAC coastal states, like every coastal state around the globe, does have within their borders traditional institutions responsible for fighting piracy and armed robbery against ships, although it may be necessary sometimes to adapt these institutions to cope with the new challenges. Governments of these coastal states have different policies on maritime security threats, since they suffer different impacts at different times. For some, this security threat endangers the national economy; but, for others they consider it a relatively small-scale trans-border crime that does not destabilize the economy (ICG, 2012, p 5). As a result, national measures or incentives could be developed by individual countries or a group of countries in the CEMAC region to address security threats and fight maritime crimes; this requires good governance, transparency, as well as, good quality training of security personnel. Moreover, because security issues transcend national geographical and political boundaries, cooperation between states at the bilateral level is necessary or very imperative.

As a result, Cameroon, Gabon, and Equatorial Guinea, major coastal states in the CEMAC maritime space have made efforts in recent years to recruit personnel, acquire

new equipment and train their navies. These traditional measures in terms of specific institutions include for example Cameroon`s Department of Maritime Affairs and Inland Waterways which is the contracting authority of Cameroon in dealing with the IMO over maritime issues while cooperating with other relevant institutions in the country on maritime crimes. There are also institutions like the Ministry of Defense with its Navy that patrols the coast; and the Gendarmerie also intervenes in reported cases (Ebode, 2010, p.83-86).

To combat the Bakassi Freedom Fighters, Cameroonian authorities have launched the "Operation Galilee" which involved the deployment of a Rapid Intervention Brigade popularly known as (BIR), a unit equipped with speed boats. The government also launched a military surveillance program off the coast using radar and radio equipment (ICG 2012, p 5).

To further strengthen CEMAC maritime space, the Cameroonian Navy recruited about 2,000 men to monitor its coasts and respond to attacks. The Gabon navy which is smaller, acquired four coastal vessels with a range of 800 nautical miles in 2010. Gabon also strengthened its surveillance patrol of villages and fishing communities suspected of sheltering criminals or providing then with information about their coastguards. The country also strengthened its Navy. Meanwhile, Equatorial Guinea bought a warship and an Antonov fighter plane in 2009 to keep watch on its coasts. (ICG 2012, p 5).

Finally, the Cameroonian government has often responded to news about frequent maritime crimes by stepping up efforts to ensure the enforcement of the already existing laws aimed at curbing the problem or enhancing such efforts through the creation of new laws as well as the adoption of measures at the national, regional and international levels. Regional measures have also been reinforced to tackle the specific issue.

## 4.1.2 Regional measures

UNCLOS 82, the most instrumental document in ocean governance points out the need for Sates to cooperate in fighting piracy. Indeed, article 100 of the convention simply states that: "*All states shall cooperate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any state*". Cooperation consists of many actors in the international society, jointly acting or working together for a common purpose. The states of the CEMAC region have traditionally maintained high level summit dialogue to solve problems of insecurity.

As stated by Professor Wambua, "*Regional co-operation is perhaps the only avenue through which African states can achieve order in the governance of their ocean spaces. The challenges of governing ocean spaces can seem daunting if handled unilaterally by individual states. Issues such as maritime insecurity that have visited the waters off the coast of Africa are not issues that can be addressed by a single maritime state acting in its national interest. The trans-boundary nature of the challenges posed by most maritime issues call for an integrated regional co-operation*" (Wambua, 2009, p. 52). The above quotation seems meaningful in the case of the CEMAC states as the states are deeply involved in regional cooperation while remaining committed to international efforts.

The states of the CEMAC region are involved in a complex network of relations aimed, *inter alia,* at fighting maritime insecurity. This cooperation effort takes place within the sub regional level as well as within the wider West and other African sub regions. This sub-regional cooperation in the CEMAC zone could be seen, for example, in the drafting of legislation concerning piracy (the case of the CEMAC Merchant Shipping Code).

Meanwhile, it is interesting to know that, even though the Gulf of Guinea Commission[1] exist, it is ECCAS that fully embraces the fight against insecurity with respect to the GoG maritime space. Indeed, since 2006, there has been increased awareness over the need to take concerted actions with a view to securing the maritime space of the GoG and Central African states within the context of the Central Africa Peace and Security Council (COPAX). In fact, it was in order to support the zonal division of the maritime space that *"the 14th ordinary session of the assembly of heads of states and government of the ECCAS held in Kinshasa on 24th October 2009 saw the implementation of the Central Africa Maritime Security Regional Coordination Centre (CRESMAC)..."* (Ebode, 2010, p.85).

CRESMAC[2] is attached to ECCAS and has the particularity of putting together military and civilian competences. This information is very relevant because all member countries of the CEMAC region participate in CRESMAC which is the structure set up within ECCAS to fight against maritime insecurity. Furthermore, in the course of its 3rd meeting held in Kinshasa, COPAX asked the Defense and Security Commission (CDS) to carry out studies aimed at securing vital interests within the GOG states. This study led to the partition of GoG into 4 zones: A, B, C, and D. Zone D which extends from South Gabon to the maritime border with Nigeria is composed of Cameroon, Gabon, Equatorial Guinea, Sao Tome and Principe and was

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[1] The treaty setting up the GOG commission was signed in Libreville, Gabon on 3rd July 2001. The commission is made up of 8 member states, namely: Angola, Cameroon, Congo, Democratic Republic of Congo, Gabon, Equatorial Guinea, Nigeria, Sao Tome and Principe.

[2] CRESMAC has six strategies which include: community management of information through the implementation of information, research and exchange mechanism between states, community supervision through the implementation of joint operational procedures and inter operable supervision and intervention means, the harmonization of action among states at sea at the legal and institutional level, the institutionalization of community tax based on existing mechanism as well as the acquisition and maintenance of equipment dedicated to the strategy of guaranteeing minimum operational capacity for each state concerned and the institutionalization maritime conferences at the level of CDS in order to maintain the mobilization of all operating in the maritime milieu.

characterized as the most serious of all in terms of acts of violent maritime crimes (Ebode, 2010, p.85).

A technical agreement relating to maritime security within the GoG was signed in May 2009 giving new impetus to the efforts made by countries within zone D towards fighting maritime insecurity, of which Cameroon was given the authority to set up a Multinational Coordination Centre (CMD) based in Douala. Furthermore, the Navies of Cameroon, Gabon and Equatorial Guinea carry out joint patrols and exercises (Lindskov *et al*, 2015, p. 33). In 2012, Zone E[1] was created adjacent to ECCAS zone D and together they constituted a choke point of piracy and other criminal activities along the GOG waters. Countries in the region also coordinated their maritime activities, share information and generally pool resources (Ukeje & Mvomo, 2013, p. 24).

Figure 10: Maritime regional zones in the GOG.
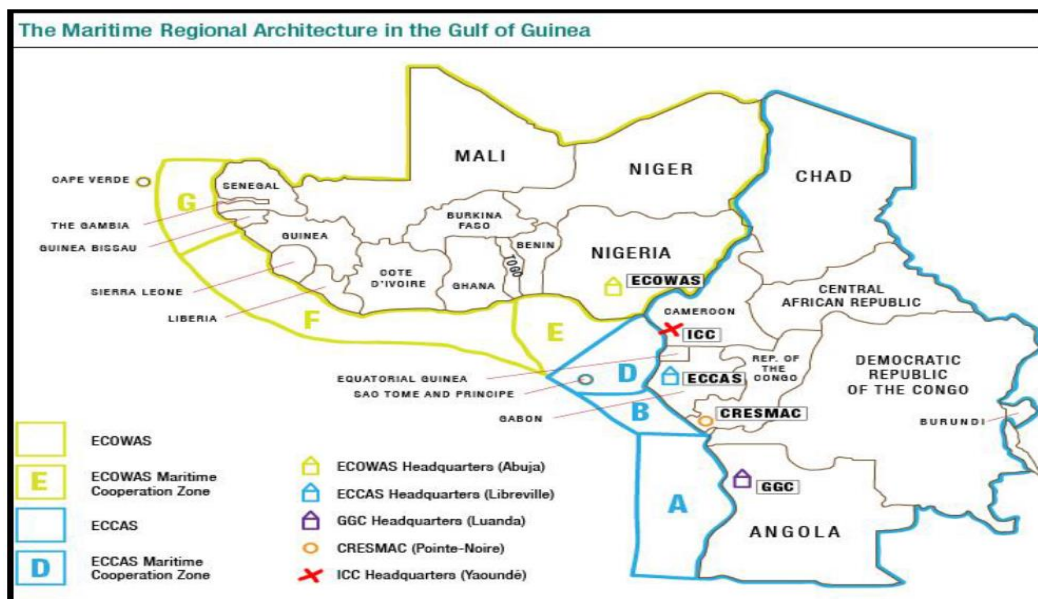


Source, (Mohamed, 2016).

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[1] Zone E is the new operational point made up of Nigeria, Niger, Benin and Togo, adjacent to ECCAS zone D

Meanwhile, in June 2013, Heads of States ECOWAS, ECCAS, as well as the Gulf of Guinea Commission, met in Yaounde, Cameroon, and laid the foundations for a common maritime security strategy to both regions. The summit, largely inspired by the Djibouti Code of Conduct relating to fight against piracy in the Indian Ocean and Gulf of Aden ended with the adoption of a Code of Conduct relating to the prevention and suppression of illegal acts perpetrated in the maritime space of the GoG. This Code of Conduct formed the legal basis for cooperation between the signatory States of both regions and defined the terms of intervention, sharing of responsibilities and practical organization of the fight against illegal maritime activities in western and Central Africa (Michel Luntumbue, GRIP report, 2016).

Furthermore, as members of the Maritime Organization of West and Central African States (MOWCA), the CEMAC states have been active within the organization in addressing maritime security issues that could be helpful in their own maritime space. For example, in 2008, during a MOWCA meeting held in Abidjan, the creation of an integrated sub regional network of West and Central Africa Coast-Guards was envisaged. This would enable member states reinforce cooperation among national coast guards and efficiently fight security problems (MWOCA 7th session, 2011, p.3).

Meanwhile, as states of the CEMAC region are important African Union (AU) members, they make their voices heard within the AU in terms of addressing issues that have to do with maritime security. It is important to remember that, at the 15th ordinary session of the assembly of the Conference of Maritime Transport Ministers of the AU that held in Kampala, Uganda, 28th July 2010, member states agreed to promote bilateral and multilateral cooperation as well as develop and promote mutual assistance and cooperation between state parties in areas of maritime security and safety (African Union, 2010).

### 4.1.3 International Cooperation

Sovereign states should consider international cooperation in every domain as a center piece of their foreign policy; threats and vulnerabilities may be mitigated through

partnership and cooperative endeavors. Therefore, cooperation of CEMAC states with major countries around the world such as China, EU, France and US are relevant with respect to stemming maritime violence within the CEMAC maritime space.

The growing role of France and USA for example, to assist and contribute to safety, order and security in the CEMAC maritime space is becoming more and more visible, as these countries have established permanent naval presence for training and operational purposes that constitute vibrant maritime partnership in the CEMAC region and GoG in particular (Vrey, 2009, p. 26). Since 1990, France has directed assistance on maritime security through the Corymbs mission, and also strengthened the French navy military operation with CEMAC member countries. It has done so under the African Peace Keeping Capacity Building Program(RECAMP), the Maritime Security Support Program (ASECMAR) as well as through military advisers, patrols etc. (Ukeje & Mvomo, 2013, p. 29).

Meanwhile, in an effort to ensure good ocean governance and create a stable maritime environment, the US has set up the African Partnership Station (APS) in 2006 with the main objective to enhance maritime safety and security and improve African naval capabilities, military professionalism, technical infrastructure and operational response in the military domain. (Nicoll, 2008, p. 2). In 2007, APS deployed its first mission of one hundred persons specialized in various aspects of ocean governance. The US also makes its security presence felt through Africa Contingency Operation Training and Assistance (ACOTA), Africa Center for Strategic Studies (CESA) and US-Africa Command (AFRICOM) amongst others (Ukeje & Mvomo, 2013, p. 31). The aim of AFRICOM is to cover and integrate the entire African continent under American military surveillance while including the GoG in the US global security strategy.

Also noteworthy is the growing interest in Africa of China, as well as various other nations which cannot be ignored. The CEMAC region for example has seen the participation of Belgian Naval Warship "Godetia" in multinational operations and "Obangama" that was concluded in February 2013 in Cameroon. Emerging powers

interest is growing along with their demand for more and more energy supplies; their increase in investment will lead to greater desire for bilateral and multilateral initiatives that promote stability in the region (Ukeje & Mvomo, 2013, p. 31).

## 4.1.4 Cooperation within the context of UN and IMO

One way by which the states of the CEMAC region fight maritime violence is within the context of international organizations like UN and IMO. The fact that CEMAC country members are members of the UN *ipso facto* implies that the countries participate in efforts made by UN to address issues concerning piracy and armed robbery against ships whenever they may occur within the region. The peculiar case of Somalia illustrates how this may occur.

The persistent acts of piracy off the coast of Somalia prompted no less than four meetings of the UN Security Council in the second half of 2008. Resolution 1816 and 1838 of the UN Security Council sought to address the piracy problem by calling on states to take active part in fighting piracy by deploying naval vessels and aircrafts to the Horn of Africa and cooperate with the transitional federal government of Somalia towards this end, while within a space of four months between 2011 and 2012, as well, the UNSC resolution 2018 (October 2011) and 2039 (February 2012) called for greater regional action in response to the growing menace of piracy (Ukeje & Mvomo, 2013, p. 30) after ECOWAS, ECCAS and the GoG commission expressed concern about the threat piracy and armed robbery against ships poses to international navigation, security and the economic development of the regions (Steven Jones, 2013, p. 82).

The Somali case is suggestive of what would happen if UN action were to be prompted with respect to the problem of piracy and armed robbery within the CEMAC maritime space. The UN is a forum available to nations in case of need. In this regard, it is important for states of the CEMAC region to become party to some of the UN security related conventions they have not yet acceded to, such as the International Convention for the Suppression of Terrorist Acts achieved through the use of explosives (1997) and the International Convention against Hostage taking (1979) amongst others.

Furthermore, CEMAC states are active members of IMO, therefore, they fight maritime crimes through cooperation with IMO which has reaffirmed its desire to assist West and Central African nations to establishing an effective regional mechanism of cooperation to enhance maritime security (Steven Jones, 2013, p. 83). These states are able to benefit from technical assistance provided by the body in the domain of legislation directed towards maritime security, or help towards developing a maritime security strategy.

IMO took a joint initiative with Maritime Organization for West and Central Africa (MOWCA) towards the establishment of a sub-regional coastguard network (Wambua, 2009, p. 55) and with assistance from MOWCA, IMO developed a Memorandum of Understanding (MoU) on the establishment of a Sub-Regional Integrated Coast Guard Network (in West and Central Africa adopted in Senegal, July 2008). To date, the MoU has been signed by the 15 of MOWCA's coastal member States out of the 20 in total. It provides a framework to promote regional maritime cooperation and a stable maritime environment as well as the peace, good order and prosperity of West and Central Africa (International Maritime Organization, 2013, p. 5). Having looked at some of the measures put in place at the national, regional and international levels to combat maritime violence, the analysis will now focus on the associated challenges and solution perspectives.

## 4.2 CHALLENGES

Before proposing some solution perspectives that could be used to counter maritime violence in the CEMAC region, it is important to look at some of the major challenges that have hampered the effective implementation of measures put in place to counter maritime criminality in the region. African nations face a lot of challenges that hinder the effective governance of their oceans of which if urgent actions are not taken, it might undermine political stability and maritime security efforts in the continent.

Recently, the West and Central Africa maritime zone despite its huge potentials was described by the March 2013 issue of the journal "The New Africa" as "The New

Danger zone" in international waters (Ukeje & Mvomo, 2013, p. 11), and remains the most volatile region due to its vulnerable maritime space in terms of security, the porous borders, poor governance, armed conflict, corruption, lack of political will amongst others. All these are making the maritime space a breeding ground and safe haven for criminal activities undermining the peace and security of countries of the region. The succeeding paragraphs will outline some of the challenges faced along with solution perspectives.

## 4.2.1 Geography and vastness of the area

The geographical area coupled with many natural features such as islands, peninsular, mangroves makes the terrain very difficult to police thereby constituting an ideal hiding place for criminal gangs who carry out their criminal activities with ease. Meanwhile, there is no coastal state in the CEMAC maritime space that can boast of a significant navy or coastguard capability that can constitute an effective pre-emptive measure for the growing maritime crime in the maritime area (Ukeje & Mvomo, 2013, p. 10). Most states lack efficient navies, appropriately trained personnel or legal infrastructure to effectively govern their ocean areas. The status of their navies are an obstacle to solve regional maritime governance issues at sea and the high cost of naval equipment worsens the situation (Wambua, 2009, p. 10).

Given the vastness of the zone, with so many states involved, having different political agendas, states tend to concentrate on their land security leaving the maritime area unattended to. As a result, the region faces the problem of very limited surveillance, uncoordinated security patrols, limited intelligence service and community monitoring as well as limited policing of the coastal zone. Also, due to the weak institutional capacities of the CEMAC states, vast areas in the region are characterized by lawlessness thereby leading to illegal armed groups, circulation or arms and light weapons used for rebellious acts and armed robberies peculiar in the Congo, Central Africa Republic making it difficult to determine the groups motives (Ingerstad & Lindell, 2015, p. 3). It is worthy to note that, proliferation and circulation of arms and light weapons are facilitated by their low cost, easy portability, minimum training

requirements to operate the arms especially AK47, as well as their concealability with easy and various methods of hiding the weapons and their components (Dalaklis & Chrysochou, 2012, p. 306).

## 4.2.2 The legal framework

UNCLOS 82, the principal legal document on maritime security clearly defines obligations of states in different maritime zones while delimiting the territorial and high seas. In its article 101, it defines piracy such that it is possible only on high seas whereas criminal actions within territorial seas are classified armed robbery against ships. Thus because of the difference in jurisdiction beyond 12 miles, piracy becomes a universal crime and any state can establish jurisdiction to prosecute, though the coastal states have an obligation to intervene. But within 12 miles limit, it becomes the responsibility of coastal states despite the fact that vast majority of attacks occur within the jurisdiction of coastal states and therefore not considered piracy per se (Chatham House report, 2013, p. 15).

Article 101 is therefore highly restrictive as concepts of state jurisdiction and maritime zones have evolved. According to professor Max Meija, many piracy laws in states are outdated and do not consider contemporary realities such as well-planned transnational crimes undertaken in different jurisdiction where each separate act is in and of itself not necessarily unlawful or illegal (Mejia, 2002, p. 33).

Meanwhile, IMO`s Maritime Safety Committee (MSC) assist member states to develop a Code of Practice to help in investigation of maritime crimes, and the code recommends that states adopt national legislation as well as laws to apprehend and prosecute suspected pirates and armed robbers. Therefore states are urged to implement/integrate provisions of UNCLOS and SUA in their national legislation (Kraska, 2011, p.170).

In the CEMAC region, there is an inadequate legal framework for prosecuting criminals when intercepted, leading to frustration from authorities as a result of lack of effective prosecution for pirates and other criminal gangs. Also, the lack of

mandatory domestic laws to prosecute pirates in many Central African states, weak penalties as well as slow judicial processes are all a call for concern. This is because most states of the CEMAC zone, have insufficient judicial officials while the coastguards, navy and other maritime security agents have no prosecution power and rely on the military and other agencies for prosecution of criminal gangs (Osinowo, 2015, p. 5).

In most countries of the CEMAC region, even when there is need to operate within or create new and stronger legal framework to respond to security threats, ineffective implementation becomes a major challenge as a result of incompetence and high level corruption in government offices. There is also the absence of integrated regional framework to tackle maritime issue (Ukeje & Mvomo, 2013, p. 19).

### 4.2.3 Persistent conflict

Of the six member states of the CEMAC region, the two landlocked states (Central African Republic (CAR) and Chad are the most fragile as they have witnessed several years of persistent and protracted armed conflicts which have contributed to instability in the region with spillover effects to the neighboring states. Cameroon on its part, after resolving the Bakassi conflict within the Cameroon-Nigeria maritime space, is facing serious threats and attacks from the Nigerian armed group Boko Haram coupled with serious attacks of piracy in the region from the Bakassi Freedom Fighters (Ingerstad & Lindell, 2015, p. 3).

As stated by Professor Neethling, insecurity on land potentially extends to the maritime domain, aggressors like the Bakassi Freedom Fighters use a deliberate campaign at sea to influence political decisions on inland matters. Thus rebels extend their political agendas offshore, although their interests are heavily motivated by a combination of greed and grievance (Neethling, 2010, p.102).

Poor demarcation and delimitation of colonial maritime boundaries as well as contested territories and islands have ignited a number of conflicts in the CEMAC region, For example, the maritime dispute over the Bakssi peninsular between

Cameroon and Nigeria, the dispute between Equatorial Guinea and Cameroon over an Island at the mouth of Ntem as well as the dispute between Gabon and Equatorial Guinea over Mbane and Corisco Bay boundary. These disputes have spurred up violent border confrontations between these countries of the CEMAC zone for several years (Ukeje & Mvomo, 2013, p. 20). The challenge here is that, with the discovery of hydrocarbon deposits along the disputed coastlines, the potential for more maritime disputes lingers on which might trigger new conflicts and distort the little peace effort that had been made to ensure effective regional response to maritime security in the areas. (Ukeje & Mvomo, 2013, p. 20).

### 4.2.4 Governance deficits

Sound democratic institutions are relevant tools for states to be able to tackle societal challenges. The issue of poor governance, unemployment, uneven distribution of wealth, weak security, high crime waves are all sources of societal unrest and instability and major social challenges prevalent in most states of the CEMAC region (Ingerstad & Lindell, 2015, p. 2). These challenges are mostly land based but frequently manifested at sea as "pirates are not born at sea but on land". This is because bad governance leads to insecurity and insecurity on land easily outspreads towards maritime areas.

Depriving individuals and communities of their basic livelihoods leaves them vulnerable with limited option other than engage in illegal activities as it puts them under pressure to find other means of survival thereby engaging in activities that undermine the security of the region (Ukeje & Mvomo, 2013, p. 18). As a result of poor governance of the maritime economic activity in the Gulf of Guinea there has been, rise in illicit practices, such as cash based black market of oil both onshore and off shore which increased the incentives and opportunities for piracy and armed robbery and such practices have extended from states like Nigeria to other coastal states of the gulf. (ICG 2012, p 12).

## 4.3 Conclusion

This chapter examined measures put in place to combat maritime violence from a national, regional and international perspective (including cooperation within the context of the UN and IMO). It appeared that in recent years, measures have been stepped up through regional and international cooperation to address maritime security threats that endanger the states of CEMAC region. However, despite these efforts, the violence still continues because some of these measures are not fully effective and rather insufficient.

As a result, to ensure effective and efficient implementation of mechanisms put in place to alleviate the situation, states have to strengthen and intensify their regional efforts for, as Professor Wambua puts it, *"regional cooperation is the most effective avenue through which states can achieve order in the governance of their maritime space"*.

Meanwhile, a number of challenges were identified as major setbacks to efforts to combat maritime violence in the CEMAC region. Indicative examples include the vastness of the land, uncoordinated security measures as well as poor governance of political and socio-economic realities on land which have a direct impact at sea as most violence committed at sea is related to poor management of landward matters. It is therefore important to propose solutions that could help mitigate challenges that hinder efficient and effective implementation of measures put in place.

# CHAPTER FIVE

# GENERAL CONCLUSION AND RECOMMENDATIONS

## 5.1 General Conclusion

Maritime violence within the CEMAC maritime space has been a problem since the early 90s and became prominent with the major outbreak of the Bakassi conflict between Cameroon and Nigeria that spilled over to the neighboring states. Although there were pre-existing factors conducive to the emergence of the phenomenon, such as the geographical configuration of the area, the political complexity of Bakassi as well as other socio-economic factors, it was the upsurge of persistent and protracted conflicts/rebellions in some states of the CEMAC region as well as the ICJ ruling of 10th October 2002 in favor of Cameroon, along with the green tree agreement that followed in 2002 that further fueled the armed groups and other criminal gangs operating within the CEMAC maritime space. Such groups used these developments as a pretext to set up their violent attacks, kidnappings and hostage taking with negative spillover effects to other neighboring states.

There is no doubt that most of the acts of violence recorded within the CEMAC maritime space could be classified as piracy and armed robbery against ships (including instances of petty theft, of course). However, many of the acts of maritime violence perpetrated in this region tend to be very peculiar, in the sense that they sometimes involve extreme violence and ruthlessness and are partly carried out on land. Some of them are even perceived to be politically motivated, which means the specter of terrorism may not be too far-fetched. What this means is that the socio-economic and political ramifications of these activities could be far-reaching indeed. The states of the CEMAC region ought to be cognizant of this fact and particularly within the context of the delicate political atmosphere that reigns between some of the states of the sub-region. The states of the region must therefore be more serious, in terms of enhancing current efforts and adopting more concrete, pervading and effective measures to stem the problem. If the situation is not controlled, the threats may grow

to undermine political stability and economic development of the region and further undermine the African maritime reputation.

International cooperation efforts may be good, regional efforts better, but what may be best in this context seems to be situated at the level of national efforts as well as meaningful cooperation between the states of the CEMAC region. One may want to imagine, for example, what would be the situation where Cameroon, with cooperation from Nigeria, succeeded in effectively occupying Bakassi and settling the different populations around the area, while Nigeria on its part, successfully addressed the complexities with the Niger Delta and the other states of the CEMAC region face with persistent conflict strengthen their efforts to address the issues. It is safe to say that this would go a long way towards curbing piracy and armed robbery against ships within the CEMAC maritime space.

Cooperation between the CEMAC states could be further diversified. For example, rather than focus on those measures that the states have adopted so far, efforts could be directed towards helping ship-owners and crew themselves. After all, does the most effective way of solving the problem not consist in preventing pirates and armed robbers boarding the ship in the first place? In this regard, reference could be made to IMO Maritime Safety Committee Circulars 622(Rev.1) and 623 (Rev, 3) for guidelines as the governments try to see how they can help in this domain.

Meanwhile, CEMAC nations must constantly remind themselves of the importance of each and every legal instrument dealing with maritime security - e.g. relevant provisions of UNCLOS82, SOLAS and the ISPS Code, SUA 88, etc. – hence the need for these nations not only to become party to such instruments but to effectively implement them at the national level and through cooperation with other countries.

Effective bilateral cooperation requires that decision makers in the states concerned come together to chart modalities for achieving this objective. Constant evaluation is also a key imperative, since the maritime sector is dynamic and constantly presents new challenges. Bilateral cooperation is a process that requires a great deal of goodwill

on the part of the states concerned as the challenges facing the states of the CEMAC region are numerous and complex reason why the nations must indulge in genuine cooperation with each other and avoid making politically motivated decisions that address internal short-term and immediate priorities as opposed to long term sub-regional goals.

Finally, given the gravity of the problem, it is hoped that recommendations and proposals made in this dissertation, though not perfect solutions could serve as some positive contribution to adequately address the issue of maritime violence and build efficient state action at sea.

## 5.2 **Recommendations**

As stated by the famous author and clergyman Alphonso R. Bernard, *if you don't have a vision for the future, then your future is threatened to be a repeat of the past*. It is therefore important to come up with some solution perspective that can be adopted to improve maritime security in the CEMAC maritime space as lasting solutions can only be found by understanding, avoiding and improving on mistakes of the past.

To effectively combat maritime violence in the CEMAC region, a number of measures have to be improved, strengthened and reinforced. These include *inter alia* measures in the legal domain, political, socio-economic as well as regional cooperation as criminal acts of maritime violence transcends boundaries.

- Regional cooperation plays an important role in solving the problem of piracy and armed robbery against ships. This has been successful in the straits of Malacca and Singapore where the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against ships in Asia (ReCAAP) has been an effective example that IMO recommends other states especially in the GOG to emulate(Maximo Q. Meija, 2012, p.37).More cooperation is also needed through international partners.
- The states of the CEMAC region in collaboration with ECCAS, ECOWAS and the GOG Commission need to strengthen coordination of legal efforts as stated

in the Memorandum of Understanding between member countries of West and Central African states by ensuring a comprehensive review of the legal framework of each member country as this will enable states to be able to effectively apprehend, prosecute and trial of maritime criminals.

- The states should also work towards the establishment of courts specifically to deal with piracy and armed robbery cases (Mohamed, 2015, p.8) as well as zonal coordination mechanisms for a common understanding and prosecution of cross border and territorial crimes.

- As a preemptive solution, states of the sub-region should think of possessing fixed and rotatory maritime patrol aircraft, shipborne patrols, ground and satellite based surveillance asserts for constant observation, monitoring and surveillance to secure the maritime space. Also Coastal states of the CEMAC region need to define a clearer transit corridor and anchorage sites for protection of vessels in the territorial seas and EEZ and have to carry out routine patrols to ensure the waters are clear of illegal activities.

- Maritime violence originates from land as a result of socio- political lapses in most African states such as poor governance, youth unemployment, unequal distribution of wealth, accumulated grievances of the local population as a result of neglect, poor coastal and environmental protection. It is therefore important for states of the CEMAC region to ensure good governance and fight these social ills for one of the most effective ways of solving problems is to tackle the root cause of the problem.

- Another pertinent point could be the need of greater awareness and sensitization of the population on maritime issues. This can be done through popularization of research findings on maritime violence by governments via sponsorship of radio and television programs, seminars, workshop as well as seek ways and means of sorting out the practical difficulties that go with using military means to curb maritime violence (Ndze, 2015, p. 69)

- The states of the CEMAC region should ensure optimal implementation of international and regional instruments such as the GoG Code of Conduct as

well as prepare themselves now and in the future to be able to adequately address issues of maritime violence through relevant information sharing and reporting, joint patrol, amongst others.

- Meanwhile, there should be correlation between land based national security issues and maritime security issues as they should not be fragmented or treated in isolation for crimes committed at sea are done by pirates born on land reason for a clear linkage as perpetrators need to be prosecuted on land.

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