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**LAW AND POLICY IN COMBATTING
PIRACY BY MARITIME ENFORCEMENT
AGENCIES: A NIGERIAN PERSPECTIVE**

SADIQ ABUBAKAR

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

2023

Declaration

I certify that all the material in this dissertation that is not my 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): **25th September, 2023.**

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Law and Policy.

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Abstract

Title of Dissertation: **Law and Policy in Combatting Piracy by Maritime Enforcement Agencies: A Nigerian Perspective**

Degree: **Master of Science**

The dissertation examines the roles and strategies employed by Nigerian maritime enforcement agencies in combating piracy and other maritime-related crimes. As the number of maritime vessels increased and the potential for global trade expanded, piracy has become a significant threat to maritime security in Nigeria with severe economic, social, humanitarian, and environmental consequences. Despite the efforts of maritime enforcement agencies to combat piracy, the problem persists, and the existing legal and policy frameworks seem inadequate. A closer examination of the topic through the prism of the Nigerian policy framework reveals that Nigeria has enacted the Suppression of Piracy and Other Maritime Offences (SPOMO) Act, initiated the Deep Blue Project, prosecuted, and secured the convictions of pirates, and acquired surveillance apparatus for its maritime enforcement agencies to contain the crime of piracy within its maritime domain.

Furthermore, the study tries to investigate the causes and impacts of piracy, identify the different categories of piracy in the Nigerian context, and examine the efforts undertaken by Nigerian maritime law enforcement agencies in addressing its menace within the Nigerian coastal waters and beyond. Moreover, analyses the legal framework that the Nigerian maritime enforcement agencies use to enforce the laws at various levels, including domestic, regional, and international conventions. The legal frameworks analysed include the SPOMO Acts, the United Nations Convention on Law of the Sea (UNCLOS), the Convention for Suppression of Unlawful Acts Against Maritime Navigation (SUA), and the Yaoundé Code of Conduct.

This study found that the factors responsible for the crime of piracy to thrive in the Nigerian maritime domain include unemployment, poverty, underdevelopment, and environmental degradation due to oil exploration, particularly in the Niger Delta region, which is considered the epicentre of piracy in Nigeria. In order to bolster the efficacy

of piracy countermeasures, it is imperative for the Nigerian government to allocate adequate funds, offer comprehensive training programs, and equip maritime enforcement agencies with state-of-the-art surveillance technologies to deepen its fight against piracy in the Nigerian Maritime Domain.

KEYWORDS: Piracy, Maritime, Enforcement agencies, Maritime Crimes, Armed Robbery at Sea.

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List of Abbreviations

C4i Intelligence Centre	Command, Control, Communication, Computer, and Intelligence Centre
CRESMAC	Regional Maritime Security Centre for Central Africa
CRESMAO	Regional Maritime Security Centre for West Africa
ECCAS	Economic Central of Central Africa State
ECOWAS	Economic of West African African State
EEZ	Exclusive Economic Zone
GGC	Gulf of Guinea Commission
GGC	Gulf of Guinea Commission
GoG	Gulf of Guinea
ICC	Interregional Coordination Centre
IOCs	International Oil Companies
JTF	Joint Task Force
MDA	Maritime Domain Awareness
MMCC	Multinational Maritime Coordination Centres
MOC	Maritime Operations Centre
MSA	Merchant Shipping Act
NDDC	Niger Delta Development Commission
NIMASA	Nigerian Maritime Administration and Safety Agency
NN	Nigerian Navy
NNS	Nigerian Navy Ship
NPF	Nigerian Police Force
PLF	Palestine Liberation Front
PPA	Piracy Prone Area
RMAC	Remote Monitoring and Control Systems RMAC
SPOMO	Suppression of Piracy and Other Maritimes Crimes
SUA	Suppression of Unlawful Act
TSMS	Total Spectrum Maritime Strategy TSMS
UNCLOS	United Nations Convention on Law of the Sea
YCC	Yaoundé Code of Conduct

CHAPTER ONE: INTRODUCTION

1.1 Background of the Study

Nigeria is endowed with an abundance of natural resources. For instance, crude oil is the backbone of the economy and is exported, then the money made from this exportation helps the nation's economy to grow. More significantly, Nigeria is a riparian nation, which implies that shipping is critical to its economic development. Being a country that exports and imports finished goods, the security of the maritime space and activities is key to the country. However, piracy off the country's coast hinders the unfettered movement of goods and services, raising insurance and shipping costs while endangering the safety and security of seafarers and other maritime stakeholders, deterring investment of marine industry. Given the importance of the oil and gas business, blue economy, coastal and marine tourism, cabotage regime, international trade, and fishing industry in promoting the country's economic advancement. (Anele, 2022a; Adongoi et al, 2019).

The offshore petroleum and natural gas industry's growth, including platforms, drilling vessels, storage facilities, pipelines, and support vessels, has attracted numerous security risks from pirates to attacks in Nigerian waters. Consequently, incidents of piracy off the Nigerian coast encompass many illicit activities such as armed robbery, hostage-taking, kidnapping for ransom, boarding offshore oil platforms, hijacking tankers, and diversion of crude from tankers. (The SPOMO Act, 2019, SS 3 and 4; Anele, 2021).

Several variables have aided in the facilitation of piracy and other maritime crimes in Nigeria, as exemplified by the corruption of politicians, government officials, officials of regulatory agencies, and the shipping industry (Nwalozie, 2020). Some of these factors are the underlying root causes of the crime. Using corruption as a case study, the nation's political structure and its underdeveloped state, especially when viewed in the context of the enormous rents received from oil, are at the centre of Nigeria's piracy. State failure or weakness has contributed to poor economic growth due to poor investment of the proceeds from selling crude oil and the lopsided distribution of oil

income. This has culminated in a vicious cycle where politicians and the elites depend on the oil business, furthering a culture of patronage, corruption and patrimonialism. Given the absence of the rule of law or effective law enforcement. By the relevant enforcement agencies, in addition to a violent culture and cooperation with extensive criminal networks, impunity is common. This has been exacerbated by pollution and non-compliance with environmental norms, making the inhabitants even disadvantaged due to restrictions on their access to traditional ways of livelihood (Anele, 2022b; Balogun, 2021; Otto, 2014).

The significance of a safe coastline for riparian states cannot be overstated because it is crucial for promoting international trade and shipping. Furthermore, in order to efficiently use their offshore natural resources, including activities like supply vessels, countries with abundant natural resources need a secure coastal line. Hence, shipping is crucial to the efficacy and effectiveness of global commerce, which necessitates a safe sea lane for ships transporting cargo to transit from one nation to the other; these activities are crucial to the sustainable development of coastal states. However, piracy has an adverse impact on these operations (Anele, 2022a).

The phenomenon of modern-day piracy in Nigeria can be mostly attributable to socioeconomic factors particularly poverty, unemployment, and health problems caused by the oil exploration activities of international oil companies in the Niger Delta (IOCs). Additionally, the response of the Nigerian government to issues like agitation of resource control, revenue derivation formula, clean-up of contaminated areas in the Niger Delta, as well as infrastructure development contributes to the upsurge of piracy in the country (Anele, 2022b). In addition, a lack of institutional support, such as poor surveillance capacities by maritime enforcement authorities, and a lack of political commitment on the part of the government of Nigeria to combat piracy are all factors that contribute to the formation of piratical activities in Nigerian waters. These pirates are typically well-armed and usually violent. They have assaulted and stolen from ships, as well as abducted hostages, along the coast, at anchorages, ports, and in the surrounding waters.

1.2 Problem Statement

Piracy has become a major threat to maritime security in Nigeria, with severe economic, social, humanitarian and environmental consequences. In spite of the efforts of maritime enforcement agencies to combat piracy, the problem persists, and the existing legal and policy frameworks seem inadequate. For example, Nigeria has enacted the SPOMO Act, initiated the Deep Blue Project, prosecuted pirates, and acquired surveillance apparatus for its maritime enforcement agencies. However, piracy has remained a significant national security concern. Nigeria is undoubtedly a wealthy nation due to its economic, agricultural, and population advantages, but illegal activity like piracy has been a huge hindrance. Most piracy activities in Nigeria occur in the Niger Delta region, which is the epicentre of Nigeria's oil and gas development. Some of the region's unemployed youth resort to piracy as a form of resistance to the Federal Government of Nigeria's unfavourable resource control initiative, revenue derivation formula and the clean-up of the polluted communities in the Niger Delta region (Nwalozie, 2020).

According to Anozie et al. (2019), Nigeria is responsible for protecting its internal waters, high seas, and exclusive economic zone (EEZ) from insecurity and pollution. However, the nation lacks comprehensive enforcement of the extant antipiracy legal regime and the necessary logistics to effectually monitor, co-ordinate, and control the activities that occur on its seas. These are some of the issues that must be resolved to prevent piracy and other maritime offences. Therefore, there is a need for a comprehensive study of the existing legal regime, institutional framework, and policy mechanisms for combating piracy by maritime enforcement agencies in Nigeria, with a view to identifying gaps and making recommendations for improvement.

1.3 Objectives of the Study

Given the adverse implications of maritime piracy on the economic development of Nigeria and the country's general security, it becomes imperative to critically analyse the legal regime, institutional framework and policies formulated by the government to counteract maritime piracy and armed robbery at sea in Nigeria. The aim and objectives of this study is to focus on the following:

- Assessing the role of maritime enforcement agencies in the application of the legal and policy framework.
- To identify the challenges maritime enforcement agencies face in combating piracy in Nigeria.
- To review the relevant literature on piracy legal regime, institutional framework and policy direction in Nigeria
- Examining the effectiveness of the current legal, institutional and policy frameworks in curbing piracy in Nigeria
- To make recommendations for improving the legal, institutional and policy frameworks and the effectiveness of maritime enforcement agencies in combating piracy.

1.4 Research Questions

- Does Nigeria have antipiracy laws, institutions and policies?
- Are the Nigerian maritime enforcement agencies competent for the proper implementation of antipiracy laws and policies?
- What are the challenges of the Nigerian maritime enforcement agencies?
- Can political will to curb piracy by the government of Nigeria be key in the proper implementation of measures to curb piracy by maritime enforcement agencies?

1.5 The Study's Scope and Limitations

The scope of the project is to examine the effectiveness of legal, institutional and policy frameworks in place to combat piracy in Nigeria's maritime domain, identify the challenges faced by enforcement agencies in implementing them, and explore potential solutions to enhance the effectiveness of existing measures. However, there are some limitations to the research. Firstly, the study focuses solely on the Nigerian perspective and may not provide a comprehensive picture of the global piracy problem. Secondly, the study relies on primary sources limited to legal instruments and case laws and secondary sources such as reports and academic publications, which may not provide a complete and up-to-date understanding of the situation on the ground. Furthermore, the research may face challenges in accessing accurate and reliable data on piracy incidents, as some incidents may go unreported or underreported.

1.6 Methodology

The methodology adopted in the research will be the analysis of legal instruments and a review of existing literature, and it will involve the collection and examination of data to answer the research questions. The primary sources are legal instruments and case laws. The secondary sources include scholarly publications, peer-reviewed journals, and reports, among others. Content analysis would be used to analyse and interpret the information collected from primary and secondary sources.

1.7 Definition of Key Terms

The key terms of this dissertation are defined in this section, the terms are as follows:

1.7.1 Piracy

Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS) defines piracy as follows:

“(a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or

a private aircraft, and directed: (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State; (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft; (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b)" (UN, 1982).

It should be noted that the SPOMO Act in section 3, adopted the UNCLOS definition of piracy. In section 4, the Act also defined maritime offences as contained in the SUA Convention, article 3. It could be contended that the SPOMO Act is comprehensive and covers the field in relation to contemporary piracy in Nigeria.

1.7.2 Strategies

These are the means by which an objective is pursued, such as the introduction or adoption of procedures and techniques. A strategy, as defined by the 2018 edition of Encyclopaedia Britannica, as " a meticulous plan or method for reaching a specific goal over a long period of time." By an individual, organization or country.

1.7.3 Maritime enforcement agencies:

These are agencies that are responsible for the protection of the Nigerian coastal area against any maritime crimes and making sure the country's waterways are safe for sailing and shipping activities. The Nigerian Navy (NN), the Nigerian Maritime Administration, and Safety Agency (NIMASA) and the Nigerian Ports Authority (NPA) are among these organizations (Anele, 2020).

1.8 Organisation of Chapters

The project is divided into five chapters. Chapter one is the background of the study, which consists of the general introduction, statement of the problem, research questions, aim and objectives of the study, scope and limitations of the research, methodology, definition of key terms and concepts and organization of chapters. Chapter two covers the literature review and discusses the following topics: an overview of piracy, the Nigerian maritime enforcement agencies, and the strategies

employed by the maritime enforcement agencies in combating piracy, and an analysis of the causes of piracy in Nigeria. Chapter three is an analysis of the available legal framework employed by the Nigerian maritime enforcement agencies in enforcing the laws at various levels consisting of domestic, regional and international conventions, which include the SPOMO Act 2019, Yaoundé Code of Conduct 2013, LOSC 1982 and SUA Convention 1988. Chapter four discusses and examines the policies and other initiatives and programmes adopted by the Nigerian government in an effort to tackle the threat of piracy and other maritime crimes within its coastline and beyond. Chapter five is the summary of findings, policy recommendations for combating piracy in Nigeria, and conclusion.

CHAPTER TWO: LITERATURE REVIEW

The review of the literature will be conducted in this phase under a few sub-headings that are most pertinent to the topic of the study. These sub-headings will be critically scrutinized to identify research gaps and contribute to filling those gaps. Specifically, the following themes will be examined: the overview of piracy, relevant Nigerian maritime enforcement agencies, strategies employed by the maritime enforcement agencies in combating piracy, and analysis of the causes of piracy in Nigeria.

2.1 Overview of Piracy

It is well-known that piracy has been a persistent issue throughout history, although the focus here will be on modern piracy, particularly in the 21st century. Piracy has been a momentous problem in recent years, especially along Nigeria's coastline, which is regarded as the hub of piracy in the West African region.

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) Article 101 defines piracy as;

“any illegal acts of violence of detention, or any act of depredation, committed for private ends by the crew or passengers of a private ship or private aircraft and directed on: i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any state” (UN, 1982).

Denton & Harris (2019a), defined the term "piracy" as acts of robbery, hijacking, kidnapping crewmembers for ransom, theft of cargo, sabotage and other violence against ships or maritime infrastructure that are committed at sea. This has been a significant issue throughout history, affecting international commerce, maritime security, and seafarer safety. While there is an obligation for states to cooperate in curbing piracy (UNCLOS art. 100), states are not mandated to domesticate UNCLOS. The implication is that maritime enforcement agencies may not have the proper statutory imperative to combat piracy.

Piracy is among the greatest and most challenging threats to maritime security, with a destabilizing impact on freedom of navigation. It primarily involves attacks on commercial vessels, including cargo ships, oil tankers, fishing vessels, cruise ships, yachts and offshore support vessels, affecting maritime and international peace and security worldwide. Pirates frequently target ships in order to hijack them, take valuable cargo, or demand ransom for the crew's release. (Jacobsen, 2020; Hassan & Hasan, 2017).

According to Otto (2014), piracy began in Nigeria as a small-scale and minor crime that occurred ashore, where the crew was robbed of their belongings and equipment aboard ships, and it developed into more organized operations run by gangs that purchased inside information from officials, particularly port authority officials, allowing for organised attacks on specific targets. Small boats with low freeboards and few passengers were the main targets at this point, and stolen goods started to show up on neighbourhood streets and marketplaces. Attacks from larger groups of up to 50 people that would attack as many as twelve vessels at once began to occur gradually. Such attacks had become routine by the early 1980s, but by the 1990s, the emphasis had changed from petty theft and robbery to kidnapping for ransom, as well as occasionally annihilation, and local organizations asserted that the attacks had political motivations (Jacobsen 2020; Otto 2014).

Piracy in Nigerian waterways is linked to oil exploration in Nigeria's southern part of the Niger Delta region. The local communities of the region have long complained of marginalization and denial of the region's abundant mineral resources by the federal government, despite being the primary source of the nation's oil wealth. This has led to a variety of issues, including widespread poverty, unemployment, lack of access to basic services, and environmental degradation due to oil spills and other pollution. As a consequence of marginalization, some communities in the region have turned to piracy as a means of survival and a form of protest against perceived injustice (Nwalozie, 2020; Anele. 2020).

Anele (2020) alluded to the fact that piracy in Nigerian territorial waters can be attributed to the importance of the maritime industry to the country's economy, particularly in the energy industry. Due to the nation's inability to refine crude oil

domestically, the crude is exported for refining overseas, while refined products are imported, resulting in dense tanker traffic in Nigeria's territorial waters. This makes the crude oil tankers the main target of the attacks. Therefore, Nigerian maritime zones have become very attractive to pirates as a result of the heavy tanker traffic in their territorial waters. As a result of this, pirates target these tankers as well as the support vessels that operate in Nigeria's offshore oil fields (Anele 2020). Overall, piracy threatens International shipping and other maritime activities such as global trade, fishing, offshore oil exploration, maritime transportation, maritime security of riparian states, and yachting. Primarily, it entails the theft of cargo including natural resources such as crude oil and the kidnapping of seafarers for ransom (Anele, 2020).

According to Jacobsen (2020), piracy and armed robbery at sea have continued unabated despite numerous efforts to combat them. Kidnapping for ransom has become the principal aim of pirates in recent years in Nigeria, as opposed to pirate groups targeting vessels to steal cargo oil. It further identifies three distinct categories of piracy in the Nigerian context, namely:

- i. **Deep Offshore Pirates:** these pirates can operate within and far from West Africa's coast, and they target international shipping traffic. Their capacity to take more hostages per assault is an example of the deep-sea pirate organisations' growing sophistication. These organisations have broadened their geographical reach towards the Gulf of Guinea, where incidents were formerly confined to the Nigerian coastline. It is estimated that there are between four and six factions of deep-ocean pirates based in various hideouts in the Niger Delta's creeks. The group is responsible for the kidnapping of international seafarers of various nationalities from ships transiting deep in the Gulf of Guinea (Jacobsen 2020).
- ii. **Low Reach and Coastal Pirates:** They may operate up to 40 nautical miles from shore, mostly concentrating on small ships. These gangs frequently operate close to their land-based hideouts or bases, and their operational range is limited. The main targets are coastal fishing boats, as well as oil and gas support. boats, and tankers involved in cabotage activities. They target the local crew rather than foreign seafarers engaging in plundering, racketeering and kidnapping for ransom (Jacobsen 2020).

iii. Riverine Criminals: They are commonly referred to as “Pirates” in the local community, despite the fact that their illegal acts do not fall within the UNCLOS definition of piracy because they operate in the waterways deep within the Niger Delta, where they target local passenger boats as well as engage in other crimes. Some pirates caught by Nigerian security operatives and reported by the media are most likely riverine Criminal and illicit oil bunkers apprehended in the Niger Delta’s creeks. Local residents in the Niger Delta region face greater immediate security danger from those groups than multinational vessels and their crews (Jacobsen 2020).

Given that each type of piracy and maritime crime is distinct in terms of where it happens, what it tries to accomplish, how it attempts to accomplish it, and how it affects international and local maritime industries and local communities, they are all part of a larger web of maritime and riverine insecurity in the Niger Delta region of Nigeria and the Gulf of Guinea.

2.2 Nigerian Maritime Enforcement Agency

According to Anele (2020), the Nigerian Maritime Administration and Safety Agency (NIMASA) is the organization responsible for maritime security and regulation in the country (see also NIMASA Act, sec. 22). Consequently, NIMASA is in charge of enforcing maritime conventions, laws, regulations, guidelines, and powers over maritime activities in Nigeria. Although the Nigerian Navy (NN), Nigerian Marine Police, Nigerian Customs Services, Nigerian Immigration Services, Nigerian Ports Authority, Nigerian Security, and Civil Defence Corps have limited statutory maritime security responsibilities. NIMASA is the only organization authorized to enforce maritime security conventions, laws, regulations, and guidelines (NIMASA Act, sec 22(q)). In light of this, NIMASA is the only organization statutorily charged with combating piracy in Nigeria, in relation to the enforcement of maritime security legal instruments. It is observed that due to the impact of piracy on the socioeconomic, security, and political development of Nigeria, the NN plays a significant role in not only securing the coastal areas of Nigeria but also monitoring Nigerian waters and arresting pirates and transferring them to NIMASA for prosecution.

Denton and Harris (2019b) are of the view that maritime enforcement capacity is essential in monitoring the coastline, preventing piracy, and suppressing piracy acts. However, in most piracy-affected countries, these enforcement agencies are weakened by civilian governments through inadequate funding and a dearth of modern surveillance facilities, training and other incentives, such as providing bonuses to the officials of these agencies (Denton & Harris 2019b). This lack of political will or commitment by the government to adequately support the maritime enforcement agency most times arises as a result of the failed state nature of the country (Ibrahim, 2019). Another reason that undercuts government support for antipiracy initiatives could be due to the expansive nature of the coastal area. For instance, reports show that consequent to the wide nature of the Nigerian coastline, it is very difficult to be monitored effectively by maritime enforcement agencies (Garba 2022).

From the foregoing, it is common knowledge that pirates engage in a comparative analysis of the derivable reward from a successful piratical act to the income generated from work in the legal economy (Daxecker & Prins 2015). Similarly, the risk of capture and incarceration by maritime enforcement agencies also helps determine the expected utility of piracy. Thus, as “gains from piracy increase compared to a daily wage, and the likelihood of arrest decreases as a result of government weakness, the pool of recruits should expand and the number of incidents increases” (Daxecker & Prins 2015). Empirical evidence supports this argument exemplified by piracy in the Gulf of Aden and the Indian Ocean has escalated as ransom demands have increased (Daxecker & Prins 2015). Above all, weak governments are associated with piracy as state apparatuses, like the maritime enforcement agencies, either have too few resources to find and capture pirates or are complicit in the business of piracy (Daxecker & Prins 2015). Thus, most countries with piracy hotspots have ‘insufficient coast guard and/or naval resources to devote to counterpiracy efforts’ (Daxecker & Prins 2015, 701).

Strengthening the naval capacity of the maritime enforcement agency is critical in suppressing piracy. This is important because it ensures effective, efficient, flexible and accountable antipiracy engagements (Gilpin 2016). However, most of the

countries with pirate-infested coasts have weak naval capacity. This is typical in West Africa as most of the countries do not have the capacity to monitor their coastlines. Though Nigeria's naval capacity ranks above the other West African countries, the capacity of its maritime enforcement agency is limited due to limited surveillance facilities, inadequate funding and corruption, among other things.

A review of the role of maritime enforcement agencies in counterpiracy operations will be incomplete in the absence of the contributions of joint naval initiatives. As discussed earlier under this subhead, maritime enforcement agencies in most of the pirate-infested waters do not have the capacity and capability to monitor their coastlines and suppress piracy. This arises due to limited funding, inadequate facilities, lack of training for the officials of the maritime enforcement agencies and corruption. In view of that, the involvement of joint naval operations by the international community contributed immensely to curbing piracy off the coast of Somalia.

2.3 Strategies employed by the maritime enforcement agencies in combating piracy

In order to combat piracy and other maritime insecurity in Nigerian waters and the Gulf of Guinea, the Nigerian government and maritime enforcement agencies have implemented a variety of strategies. Notably, these maritime enforcement agencies include the Nigerian Maritime Administration and Safety Agency (NIMASA), the Nigerian Navy (NN), and the Marine Police Department of the Nigerian Police Force (NPF). Most times, they collaborate on security matters, including piracy. Some of these strategies include the establishment of the Deep Blue Project by NIMASA. As part of its effort to get rid of piracy in its coastal waters down to the Gulf of Guinea, the Nigerian government, through the NIMASA, has established the Integrated National Security and Waterways Protection Infrastructure (Deep Blue Project), which is the first of its kind in West and Central Africa with the aim of tackling the incidences of piracy, sea robbery and other maritime crimes. The project aims to secure Nigerian coastal waters up to the Gulf of Guinea. The Deep Blue Project has three categories of platforms to tackle maritime insecurity on land, sea, and air (Nwalozie 2020).

The land assets include sixteen (16) armoured vehicles for coastal patrol; 600 specially trained troops for interdiction, and the Command, Control, Communication, Computer and Intelligence Centre called C4i. The C4i operational centre is equipped to monitor in real-time and analyse and document vessel movement suspected to be involved in illegal activities within Nigerian waters and beyond, with specific attention to the Piracy Prone Areas (PPA) (Nwalozie 2020).

Moreover, the sea assets include two (2) special mission vessels and seventeen (17) fast interceptor boats. And the air assets comprise two (2) special mission aircraft for surveillance of the country's Exclusive Economic Zone (EEZ); three (3) special mission helicopters for search and rescue operations; and four (4) unmanned aerial vehicles for surveillance (Nwalozie 2020).

To address threats in Nigeria's maritime area, the NN introduced the Total Spectrum Maritime Strategy (TSMS). The NN implemented the (TSMS) to guide its operational actions. This operational concept is based on a proactive, layered response to five conflict spectrums defined by distances to and from the shore (Thisdaylive, 2023). The TSMS was conceptualized to protect the country's naval power over a wide range of threats. Its goals are to deploy an effective, balanced fleet capable of an offensive-defensive posture in order to deliver operations to secure, deter, and strike against internal spoilers, non-state actors, and external aggressors. The plan is also founded on proactive and "layered responses across five spectrums, namely: backwater operations, territorial waters, exclusive economic zones, out-of-area operations, and land operations" (Thisdaylive, 2023).

Furthermore, the NN has increased its presence in piracy-prone areas, conducting regular patrols and deploying naval vessels to deter and respond to piracy incidents swiftly. Also, in collaboration with law enforcement agencies, such as NIMASA, Nigerian Airforce and other regional navies, the NN conduct joint operations aimed at countering piracy. Despite these strategies, piracy has continued unabated off the coast of Nigeria.

2.4 Analysis of the cause of piracy in Nigeria

Nigerian pirates not only operate within the waters of the country but also extend their illegal activities into the Gulf of Guinea. The Niger Delta region of Nigeria is where pirates operate from. This area had witnessed an increase in piracy incidents over time, which include attacks on ships, hijackings, and kidnapping of crew members for ransom. It is believed that the drivers of piracy in the region were related to resource depletion, the influence of militant groups and competition for ransoms which became a lucrative business for the criminal groups (Nwalozie 2020).

According to Anele (2022), the root causes of piracy in Nigeria are attributed to underdevelopment, unemployment, and poverty that permeate the Niger Delta communities where crude oil is exploited in the country. The activities of International Oil Companies (IOCs) in the production and exploration of oil in the Niger Delta region of the southern part of Nigeria, which is a major oil-producing region in the country, have had significant environmental impacts over the years. These include oil spills, gas flaring, deforestation, water and environmental pollution, which affected the livelihoods of local communities, particularly those reliant on fishing and farming. The degradation of the environment and the loss of traditional livelihoods have contributed to social unrest (militant groups) and tensions, thereby creating an environment for piracy and other criminal activities (Anele 2022). Anele (2022), further uses theories to categorise the root causes of piracy in Nigeria groups, namely: economic, political, environmental factors and frustration-aggression theories.

2.4.1 Economic factor

The fundamental economic causes and motivators of piracy can be categorised into the following: the reasonably high likelihood of earning a sizable income; the reasonably cheap cost of an attack coupled with the low likelihood of capture; and the reasonably low opportunity costs and economic hazards (Daxecker & Prins 2015). The availability of ships and assets onboard, the willingness and capacity of ship owners, operators, insurance companies, and family members of the crew to pay the ransom, and the existence of markets for stolen products and cargo can all be used to evaluate the first category. The broad accessibility of affordable weapons, the availability of funding options, and the abundance of knowledgeable pirates are good

indicators of the second type. The third category can be evaluated by looking at the low average salaries, the comparatively high rates of poverty, and the effects of the collapse of the fishing industry (Whitman & Suarez, 2012).

Nwachukwu et al. (2022), argue that piracy is frequently portrayed as a business strategy and seen as a primarily financially driven activity, and even though those who engage in piracy are guaranteed income, it is impossible to draw a clear link between piracy and poverty per se. It has been shown that those who engage in piracy are socially and economically disadvantaged and, as a result of their circumstances, are either excluded from sources of wealth or are at a disadvantage as a result of those developments and processes. The increase in the number of unemployed youths in Nigeria particularly the riverine communities in the Niger Delta region caused essentially by the pollution of the ecosystem, which deprives the Niger Delta communities of their traditional occupations: farming and fishing. Additionally, illegal fishing by foreign trawlers has contributed to the collapse of the fishing industry and led to the loss of livelihood for many fishermen. This economic hardship pushed some individuals to turn to piracy as an alternative means of income (Anele 2022). More importantly, the government of Nigeria has been unable to introduce policies that would galvanise the economy to create jobs and reduce poverty. Rather, policies that aggravate the extant economic hardship are introduced, exemplified by the removal of the so-called oil subsidy (Nnodim 2023).

2.4.2 Political factor

Failed or weak state theory contributes to the emergency of piracy. It presupposes a country that lacks the wherewithal to protect the lives and properties of its citizens, among other things. A failed state implies that the government is unable to maintain the rule of law and punish lawbreakers. Consequently, corruption by government agencies both in the oil industry and the maritime sector buttresses the point. Most of the corrupt government officials and officials of maritime enforcement agencies that aid and abet pirates in Nigeria have not been prosecuted (Jacobsen 2022). Again, the issue of resource control has led to the maiming and killing of the Niger Delta agitators

by the state security agencies, and this has led the youths of the Niger Delta to use violence (piracy) to respond to such aggression by the government (Anele 2022).

Weak governance and lack of political will on the part of the government to prosecute those who have been linked to corrupt practices and corruption within law enforcement agencies, some officials may have been complicit in or turned a blind eye to pirate activities due to bribery (Anele 2022). More so, politicians in the Niger Delta region of Nigeria provide arms and ammunition to the youth in a bid to intimidate their rivals during elections (Jacobsen 2020). After the elections, these weapons were not recovered as the unemployed youths made use of them to attack vessels off the coast of Nigeria. In fact, pirates are known to support certain politicians with a view to getting the support of the politicians when the pirates are arrested for piracy (Jacobsen 2020).

2.4.3 Environmental factor

Environmental degradation and pollution resulting from oil exploration have led to the disruption of the livelihoods of many communities in the Niger Delta region by contaminating water bodies and farmlands, leading to a decline in fish stocks and crop productivity, thereby affecting local communities' ability to sustain themselves. For example, oil spillage and gas flaring are common in the Niger Delta where oil exploration takes place. While the agency in charge of oil pollution in Nigeria, the Nigerian Oil Spill Detection and Response Agency (NOSDRA), has not been effectively enforcing environmental laws in the country, multinational oil companies prefer to pay penalties rather than comply with the provision of the law. In summary,



Figure 1. Abandoned fish landing area after oil spills in the Niger Delta region.

Source: Adapted from (Onyena et al., 2020).

Anele (2022), argues that the environmental degradation in the Niger Delta region has resulted in various socio-economic challenges, such as unemployment, poverty, conflict, and poor health conditions. Consequently, youths in the Niger Delta have resorted to engaging in illegal activities, such as piracy, as a means of survival as well as partaking in the sharing of the country's commonwealth.

CHAPTER THREE

LEGAL FRAMEWORK FOR COMBATTING PIRACY AND ARMED ROBBERY OFF THE NIGERIAN COAST

This chapter examines the national, regional, and international legal frameworks governing maritime security, focusing on Nigeria's efforts to combat piracy, armed robbery at sea, and other maritime crimes. The chapter delves into the complexity of domestic laws, regional initiatives, and international conventions that collectively shape Nigeria's approach to maritime security.

3.1 National Legal Framework

There are various domestic laws in Nigeria that deal with marine security in the country's territorial waters, inland waterways, and overall maritime domain. According to Babatunde & Abdulsalam (2021), there are two categories of maritime domestic laws; the first category includes the 1999 constitution of Nigeria as amended, the Admiralty Jurisdiction Act, and the Admiralty Jurisdiction Procedure Rule of 2011. For example, section 251 (1) of the Federal Republic of Nigeria Constitution grants the Federal High Court exclusive jurisdiction over maritime-related matters. While The second category of laws deals with the immediate application and proactive measures required for better maritime security within Nigerian waters. This includes the Nigerian Maritime Administration and Safety Agency (NIMASA) Act, the Merchant Shipping Act (MSA), the Coastal and Inland Shipping (Cabotage) Act, and the National Inland Waterways Authority Act (NIWA). These institutions, created by various laws, have the authority to enforce maritime laws. As a government agency established by the NIMASA Act of 2007, NIMASA is tasked with enforcing the NIMASA Act, Cabotage Act, Merchant Shipping Act, and international instruments including the International Ship and Port Security (ISPS) Code, International Safety Management (ISM) Code,

and International Convention for the Safety of Life at Sea (SOLAS) (NIMASA Act, s 21 (1)(q); (Babatunde & Abdulsalam, 2021).

These laws provide institutions with the authority to enforce maritime regulations, with NIMASA playing a key role in this regard.

3.1.1 The SPOMO Act 2019

The Suppression of Piracy and Other Maritime Offences Act 2019 (SPOMO Act, 2019) was signed into law by the Nigerian President in 2019 in an effort to combat piracy, armed robbery at sea, and other threats to maritime security (NIMASA, 2019).

According to Ikechukwu et al., (2022), the Act is a tool designed to domesticate the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA), as well as its protocols, and the 1982 United Nations Convention on the Law of the Sea (UNCLOS). Furthermore, the Act's provisions apply to ships, aircraft, and other maritime vessels, as well as fixed and floating platforms; therefore, they apply to everyone aboard any of the aforementioned facilities, whether in Nigerian territorial waters or internal waters, international waters, or the territory of other nations signatories to the applicable international maritime security agreements (Babatunde & Abdulsalam, 2021). Moreover, prior to the passage of the SPOMO Act into law, prosecuting those suspected of maritime piracy in Nigeria was difficult because there was no explicit municipal legislation prohibiting the act, and prosecution of piracy was impossible due to the concept of "no punishment without law" (Ikechukwu et al., 2022).

According to Enebeli & Njoku (2021), the prosecution of individuals alleged of engaging in maritime piracy was difficult in Nigeria prior to the implementation of the legislation, because there was no national law that specifically specified the offence of piracy. According to section 36 (12) of Nigeria's 1999 constitution as amended a person may not be convicted of a crime unless the crime in question is specifically established by the existing law. And despite the fact that the SUA convention of 1988 and its protocol have been in force since the beginning of the Merchant Shipping Act (MSA) 2007 as stated in section 216 (h) of that law; maritime stakeholders were unsure if that was sufficient in meeting the requirements of the constitution to

domesticate the convention. This matter is resolved by the provision of section 3 of the SPOMO Act which defines “Piracy” as any of the following:

- (a) “Illegal act of violence, act of detention or any act of depredation, committed for private ends by crew or any passenger of a private ship or private aircraft and directed
 - (i) in international waters against another ship or aircraft or against a person or property on board the ship or aircraft, or
 - (ii) against a ship, aircraft, person or a property in a place outside the jurisdiction of any state;
- (b) act of voluntary participation in the operation of a ship or an aircraft with knowledge of facts making it a pirate ship or aircraft; and
- (c) act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b) of this section” (SPOMO Act, 2019).

Notably, the aforementioned definition aligns with the concept of universal jurisdiction as outlined in Article 101 of UNCLOS. This provision allows states to lawfully detain and prosecute individuals, ships, or aircraft suspected of engaging in piracy, irrespective of whether the pirate or the targeted vessel is under a foreign flag or crew, in accordance with their domestic laws. The definition also includes violent acts perpetrated in the exclusive economic zone of Nigeria against fixed and floating platforms, aircraft and other property besides ships (Enebeli & Njoku, 2021).

The SPOMO Act 2019, which addresses piracy and related maritime offences, is deemed to be a significant measure in safeguarding the nation's coastal areas and waters. However, it is contended that it fails to adequately address the links between piracy and other crimes, particularly at the transnational level. It also claimed that the Act lacks clear definitions of roles and obligations. For instance, section 17 (3) states that law enforcement and security agencies will be in charge of acquiring intelligence, investigating crimes and patrolling the coastal waters. However, the legislation is not

explicit as to which law enforcement agency is responsible for these duties, a mistake that might exacerbate rivalry among law enforcement agencies (Ogbonnaya, 2020).

3.1.1.1 Analysis of Some Provisions of the SPOMO Act

The enactment of the SPOMO Act in 2019 ushered in the basic legal framework for piracy suppression in Nigeria. Thus, a critical analysis of some of the salient provisions is key in determining the role of maritime enforcement agencies in combating piracy in Nigeria. It will also shed more light on other issues that facilitate the antipiracy actions of maritime enforcement agencies in the country.

3.1.1.1.1 Jurisdiction of Court

The court's jurisdiction to hear piracy cases is critical in combating criminality. As a result, Section 5(2) of the SPOMO Act granted the Federal High Court sole competence to hear cases arising under the Act. The implication is that piracy cases can be heard by the Federal High Court as long as they occur on the high seas or in Nigerian territorial waters. It is important to note that this provision is consistent with the Federal High Court's jurisdiction as stated in section 251(l)(g) of the 1999 Constitution of the Federal Republic of Nigeria (the 1999 Constitution of Nigeria): under this section, the Federal High Court has exclusive jurisdiction over admiralty cases. Furthermore, with the AGF's approval, pirates are prosecuted by the Attorney-General of the Federation (AGF), any law officer designated by the AGF's office, or the Agency. (Section 5(1) of the SPOMO Act; (Anele 2023).

3.1.1.1.2 The Relevant Authority

The monitoring, prevention, arrest and prosecution of pirates are undertaken by a designated maritime enforcement agency. Section 17 (3) and (5) (a–d) of the SPOMO Act mandates the relevant authority with investigating, executing search warrants, arresting, and providing evidence to prosecute pirates in Nigeria. This section enhances the investigation of piracy, the collection of evidence, and the prosecution of pirates. However, Anele (2023) argues that “one of the limitations of the SPOMO Act is the absence of or the inability to identify the ‘relevant authority’ entrusted with the responsibility of enforcing the provision of the Act”. This arises because of the provisions of the Armed Forces Act of 1993, which in section 1(4)(iv), gives the

Nigerian Navy (NN) the responsibility to safeguard and secure the country's maritime zones. On the other hand, NIMASA is also saddled with similar responsibilities regarding maritime operations, especially in implementing maritime legal instruments (NIMASA Act, 22(1)(q); Anele 2023). It has been submitted that the 'provisions of these laws lead to the duplication of responsibilities or may culminate in inter-agency tussles, given the existence of NIMASA, the Nigerian Navy and the Nigerian Police, and the absence of clarity regarding the designated authority aggravates the situation' (Anele 2023). Though the absence of the meaning of the 'relevant authority' is one of the pitfalls of the SPOMO Act, the provision of section 22(1)(q) of the NIMASA Act makes NIMASA the "relevant authority".

3.1.1.1.3 Piracy and Maritime Offences Fund (PMOF)

One of the important provisions of the SPOMO Act is the establishment of the Piracy and Maritime Offences Fund (PMOF). In section 19 (1), the SPOMO Act created the PMOF to facilitate the implementation of the Act. Given the importance of funds in the suppression of piracy, this provision is commendable. The existence of the PMOF is significant because the fund will be used to purchase forensic, communication and surveillance equipment for NIMASA. In terms of enhancing the competence of the maritime enforcement agency officials, the fund could be utilised to provide special training for NIMASA officials in the prevention, arrest, investigation and prosecution of pirates (Anele 2023). According to the SPOMO Act, section 19(4), the fund is to be created and maintained by NIMASA under the supervision of the Auditor-General of the Federation. Given the fact that misappropriation of funds is common among agencies in Nigeria, including NIMASA, proper utilisation of the fund would be an issue.

3.1.1.1.4 Punishment

One of the measures to reduce crime is the provision of punishment for those found guilty of the commission of a crime. In consideration of the aforementioned, it is worth noting that section 12 (1) of the SPOMO Act stipulates the penalty of life imprisonment and a fine not exceeding ₦50,000,000 (Fifty million naira), in addition to restitution to the owner or forfeiture to the Federal Government of Nigeria, for the offence of piracy,

armed robbery at sea, or any other criminal activity as defined by the Act. It is undeniable that the punishment stipulated by the Act is capable of deterring pirates from engaging in piracy if properly enforced. However, the interpretation of this provision goes a long way to determine the effectiveness of the antipiracy policies and programmes of Nigeria.

From the foregoing, the interpretation of the SPOMO Act is key in suppressing piracy by the maritime enforcement agency. Where the court prescribes lenient punishments, it may not lead to deterrence. For example, “In the case of the Federal Republic of Nigeria v Binaebi Johnson & Co (2020), which involved a piracy attack against the vessel MV Elobey VI, the Federal High Court in Port Harcourt imposed a very lenient punishment of a 20 million fine on each of the three pirates instead of the life imprisonment and a fine of not more than 50 million stipulated by law” (FRN, 2020). This decision may embolden other pirates to engage in piracy in Nigeria. Contrast the above decision with the decision of the Federal High Court Lagos in the case of the *Federal Republic of Nigeria v Frank Insort Abaka & 9 others* (2020), in which Hon. Justice Ayokunle Faji sentenced the pirates to 12 years imprisonment each and a cumulative fine of ₦1million each. The observation is that it is proper and more effective for the courts to prescribe at least the minimum punishment contained in the law.

3.2 Regional Framework

In response to piracy off the coast of the Gulf of Guinea, the United Nations Security Council passed Resolutions 2018 (in 2011) and 2039 (in 2012) respectively, expressing serious concern over the region's escalating insecurity and its impact on regional and global security. Consequently, a UN team was dispatched to the region to assess the situation; following that, the assessment report called on regional states and institutions, as well as the international community, to respond, and the Gulf of Guinea (GoG) states adopted a code of conduct for piracy repression in June 2013 in Yaoundé, Cameroon, with widespread international support (Ali, 2015a).

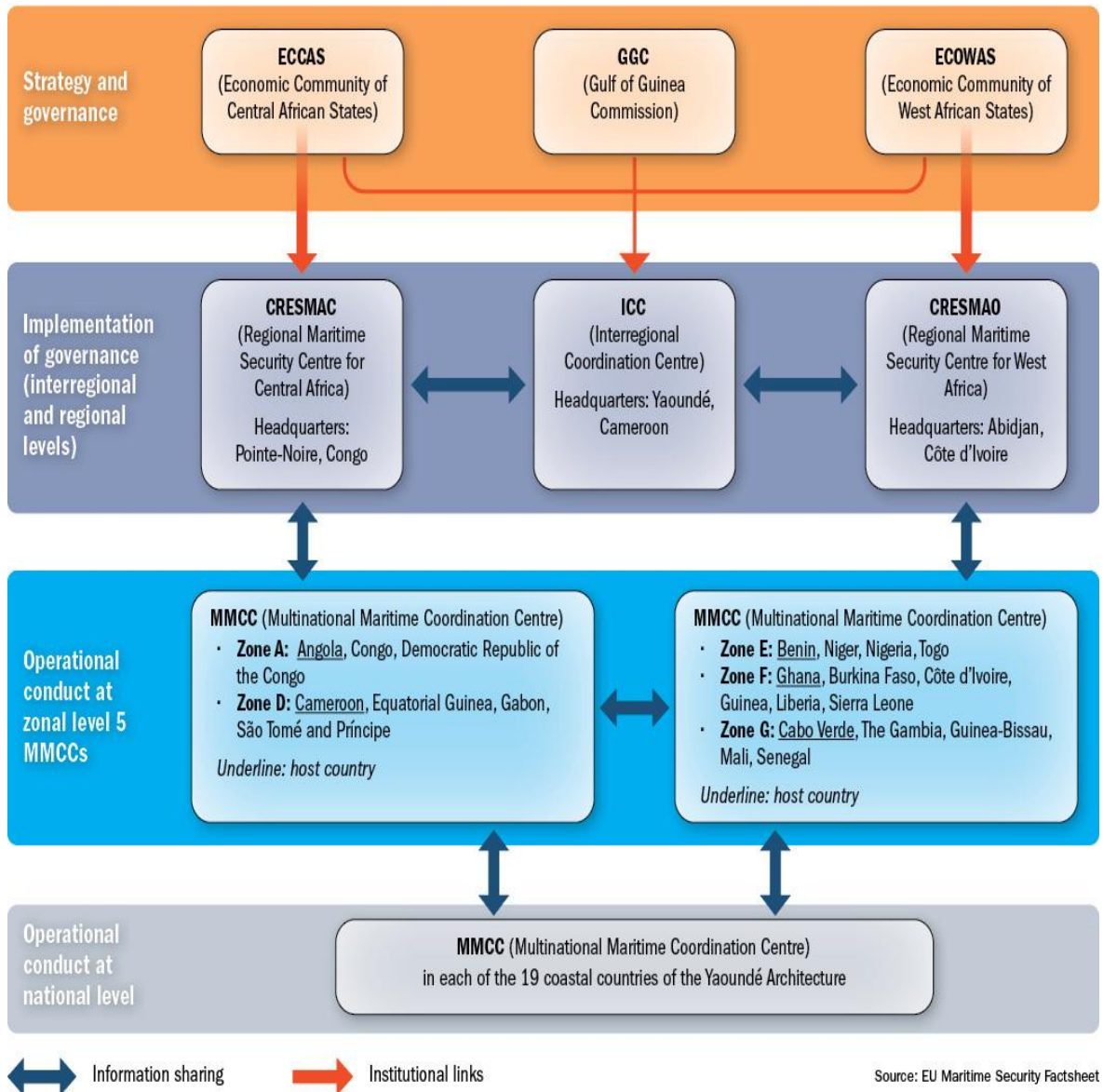
A number of regional initiatives were launched to address maritime insecurity on the Gulf of Guinea coast, including the Gulf of Guinea Commission (GGC), and Maritime Organization for West and Central Africa (MOWCA). As piracy in East and West African waterways became more prominent, the Economic Commission of West

African States (ECOWAS) and the Economic Commission of Central African States (ECCAS) became more interested in transnational maritime cooperation. “In 2009, the ECCAS members agreed on a maritime security protocol that established a three-tier zone concept for multinational cooperation in the sphere of maritime security. This marked the first tangible outcome of regional cooperation to enhance maritime security” (Okafor-Yarwood et al., 2020). The structure consists of a single regional coordination centre and a network of national Maritime Operations Centres (MOCs) coordinated by zone-level Multinational Maritime Coordination centres (MMCCs) (Okafor-Yarwood et al., 2020).

Okafor-Yarwood et al., (2020), further alluded to the fact that ECOWAS has adopted the ECCAS zone idea for West Africa as part of its maritime strategy, which has led to the establishment of the Yaoundé Architecture, which spans from Senegal to Angola and encompasses the Gulf of Guinea region. The architecture includes numerous mechanisms to enforce the Yaoundé Code’s requirements, including joint patrols, collaboration in detecting maritime crimes, enhanced maritime training, and the sharing of maritime crime-related information. It also consists of numerous elements, including the Interregional Coordination Centre (ICC), Regional Centres for Maritime Security in each economic community (CRESMAC and CRESMAO), MMCCs for each of the five zones, and national MOCs.

Figure 2. Yaoundé Architecture for maritime security

The Yaoundé Architecture for Maritime Security



Source: EU Maritime Security Factsheet and adapted from (Ngada, 2023).

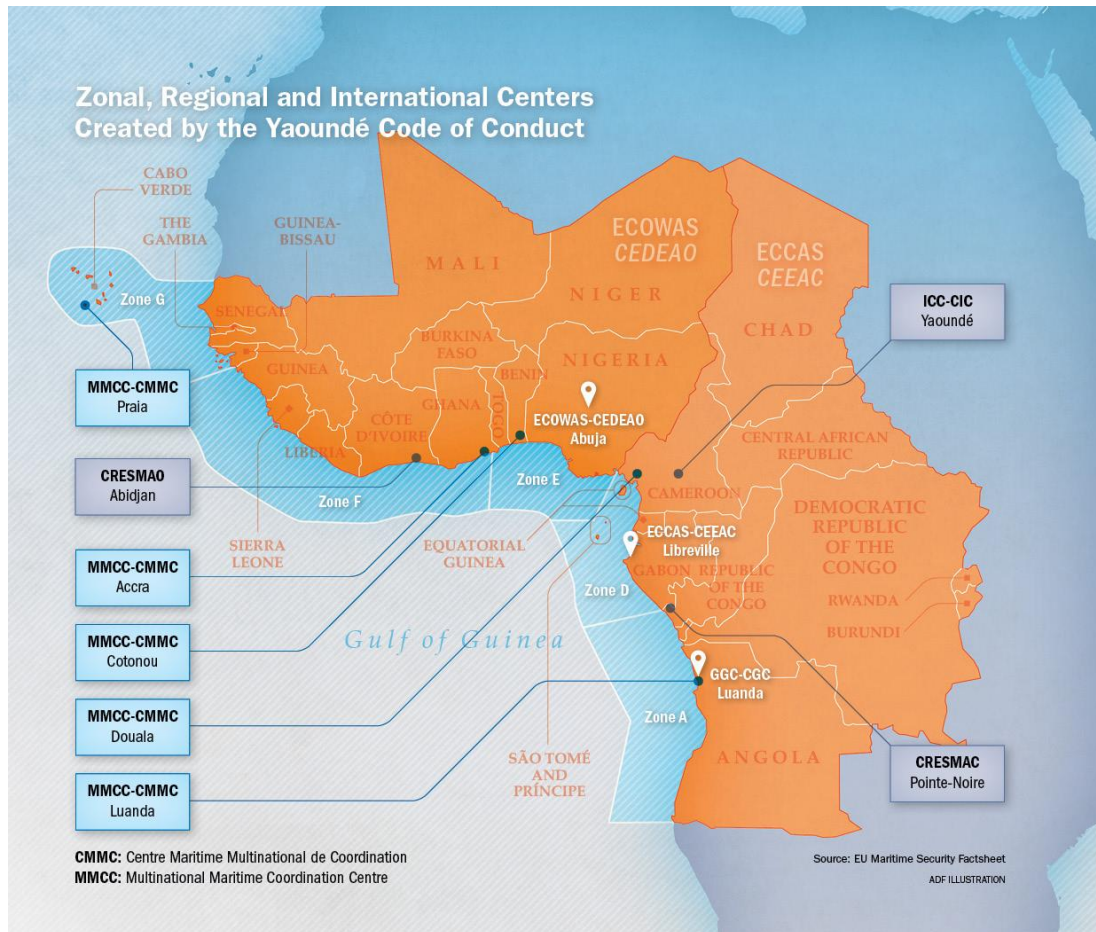
3.2.1 Yaoundé Code of Conduct 2013

In response to the rise of piracy and armed robbery at sea off the coast of the Gulf of Guinea, the United Nations Security Council passed Resolutions 2018 and 2039 in October 2011 and February 2012, respectively. These resolutions urged the states of

the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS), and the Gulf of Guinea Commission (GGC) to come up with a comprehensive plan by criminalising piracy and armed robbery at sea and to develop a regional framework to counter the acts of piracy and other maritime crimes in the region. Following the adoption of these resolutions, ECOWAS, ECCAS, and GGC member states convened the Cotonou Joint Ministerial Conference on Maritime Security in the GoG to create a regional strategy that paved the way for the Yaoundé summit in Cameroon, which brought together 25 Gulf of Guinea states to endorse the draft documents created during the Cotonou conference. These documents, now recognized as the Yaoundé Code of Conduct 2013, were ratified during the summit (Ifesinachi & Nwangwu; Ngada 2023).

The code of conduct establishes an Intra-regional Coordination Centre (ICC) in Cameroon as part of its implementation strategy, which commenced operations in 2017 and is based in Yaoundé. The ICC assumes the roles of facilitating the coordination and promoting information sharing amongst the states of the Gulf of Guinea, as well as creating the link between the Regional Maritime Security Centre for Central Africa (CRESMAC) and the Regional Maritime Security Centre for West Africa (CRESMAC) and dividing the coasts of the whole GoG, spanning from Senegal to Angola, into five operational maritime zones for facilitating the coordination of various activities by Multinational Maritime Coordinating Centres (MMCs). The MMCs are tasked with coordinating joint Patrols, training drills, hot pursuit operations and information sharing (Côte-Real, 2022)

Figure 3. Zonal, Regional and International Centres of Yaoundé code of Conduct.



Source: EU Maritime Security Factsheet and adapted from (Ngada, 2023).

In compliance with Article 4 of the Yaoundé Code of Conduct, in April 2016, Nigeria initiated the Nigerian Navy's anti-piracy operation codenamed "Operation Tsare Teku". The operation was initiated to contain the menaces of piracy, armed robbery at sea, and pipeline vandalism (Obi & Oriola, 2018; Arifin & Juned, 2023). Nigeria, in adherence to the Yaoundé Code of Conduct, actively developed and implemented a national maritime security strategy to protect its coastal waters from all forms of maritime crimes, and it enacted anti-piracy legislation called the Suppression of Piracy and Other Maritime Offences (SPOMO) Act 2019 in compliance with the Yaoundé Code, making it the first nation to have an anti-piracy law in the West and Central Africa region (Arifin & Juned, 2023).

The coordinated regional responses implemented by the Nigerian government have facilitated joint patrols and information sharing in the fight against piracy in Nigerian coastal waters and beyond

3.3 International Legal Framework

The international legal framework, with a particular emphasis on the United Nations Convention on the Law of the Sea (UNCLOS 1982) and the 1988 Convention for the Suppression of Unlawful Acts (SUA), is the cornerstone of international law regulating ocean use and the suppression of piracy. The principles of customary international law are notably articulated in Articles 100–107 of the UNCLOS (Ali, 2015a).

3.3.1 UNLCOS 1982

The United Nations Convention on the Law of the Sea (UNCLOS), which was adopted in 1982 and entered into force in 1994, is the major international legal treaty governing ocean use and governance. In accordance with Article 100 of the UNCLOS, states are obliged to suppress piracy at the national level and to collaborate with other states to combat piracy at the regional and international levels. To be in conformity with the provisions of this article, Gulf of Guinea states are required to enact and enforce laws that address all facets of the crime of piracy and establish a cooperative structure that can at least facilitate information sharing and joint patrols in the region (Ali, 2015b).

According to Moneka (2016), the United Nations Convention on Law of the Sea (UNCLOS) 1982, is an all-encompassing treaty that regulates all aspects of the world's oceans, including the rights and responsibilities of states regarding their use and conservation. The convention codifies the customary international law relating to piracy in Articles 100–107. These articles regulate the provisions regarding the definition of piracy, the universal jurisdiction of states to combat and prosecute piracy, and the responsibilities of party states regarding the apprehension and prosecution of pirates. Furthermore, Article 100 of the convention requires all states to collaborate to the greatest extent feasible in the suppression of piracy on the high seas or in any other area beyond the territorial jurisdiction of any state

3.3.2 SUA Convention 1988

The SUA convention was established in reaction to the 1985 hijacking of the Italian-flagged cruise liner "Achille Lauros" by four Palestinian men working on behalf of the Palestine Liberation Front (PLF), which held hostage passengers and crew from various countries. The group demanded that Israel free 50 Palestinian detainees, and when Israel refused, the hijackers killed a United States (US) citizen in retaliation, which the US said was an act of piracy; however, Israel considered it an act of terror. The two countries clashed over who should hear the case, and the rivalry eventually led to the formation of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA) (Sarah, 2021).

The SUA convention establishes the legal framework for actions to be taken against individuals who engage in unlawful acts against ships, this includes the forceful seizure of ships, acts of violence against passengers, and boarding of ships with the intention of causing destruction or damage. The convention is extended to cover unlawful acts against the safety of fixed platforms located on the continental shelf by a protocol known as the 1988 fixed platforms protocol. The protocol may only be ratified by states that are parties to the 1988 SUA convention. The convention was also enacted for the purpose of international collaboration between states in formulating and adopting effective and practical measures for the prevention of unlawful acts against the safety of maritime navigation and the prosecution of the perpetrators as outlined in the convention preamble (Enebeli & Njoku, 2021).

CHAPTER FOUR

4.1 POLICY ACTIONS IN COMBATING MARITIME PIRACY IN NIGERIA

In addition to the legal frameworks examined in the previous chapter, this chapter discusses the Nigerian government's policy measures and other initiatives to combat piracy and other maritime crimes in its maritime domain. It also looks at the Amnesty program that the government launched in 2009 as well as the establishment of the Niger Delta Development Commission (NDDC) in 2000 to address socioeconomic issues. The chapter further delves into the Deep Blue Project and the Falcon Eye system and then presents data on piracy and armed robbery attacks on the Nigerian coastline from 2019 through the second quarter of 2023.

4.1 Policy actions in combating piracy

According to Okoronko et al., (2014), in order to combat piracy in Nigeria's coastal waterways, the government has implemented the following policies and initiatives:

- The establishment of a presidential implementation committee in 2004, to ensure Nigerian ports' compliance with the International Ship and Port Facility Security (ISPS) code, with a particular emphasis on enhancing maritime security and safety measures. The introduction of the ISPS is to stem the tide of maritime criminalities, especially within the ports and the ship. Thus, the introduction of the ship security assessment, the ship security plan, the ship security officer, the port facility assessment, the port facility security plan, the port facility security officer, and the company security officer is targeted towards reducing the vulnerability of vessels to maritime criminalities, like piracy (Kabir 2022).
- The formation of a military joint task force (JTF) to combat militancy in the Niger Delta region which was the major source of maritime insecurity has yielded positive results in reducing militancy-related crimes and piracy (Oluyemi, 2020). It is arguable whether the militancy in the Niger Delta, which

began as a response to perceived injustice, marginalization, resource control agitations, and environmental pollution caused by oil exploration, resulted in heightened insecurity in the region and gave rise to piracy and armed robbery at sea.

(Oluyemi 2020; Anele 2022).

- The establishment of the Niger Delta Development Commission (NDDC) in 2000 by President Olusegun Obasanjo, whose goal was to improve the living condition of the people and facilitate the socio-economic development of the region. The NDDC was created to develop policies and guidelines for the development of the Niger Delta region, to conceptualize, plan, and carry out projects and programs for the region's sustainable development, to deal with ecological and environmental problems caused by oil exploration in the region, and to provide advice to the federal government and the states in the region on the prevention and control of oil spills, gas flares, and environmental pollution, amongst others (Okon 2009).
- The launch the Amnesty program by President Umaru Musa Yar'adua in 2009 in an effort to persuade the militants of the Niger Delta to lay down their arms and embrace peace. Given the volatile nature of the Niger Delta as a result of environmental pollution, infrastructure deficits, unemployment, and poverty, the amnesty regime was implemented to compensate for crimes such as piracy committed by Niger Delta youths. The program transformed certain militants and facilitated their subsequent training and education (Ajibola 2015).

4.2 Maritime domain awareness

Maritime domain awareness refers to the comprehensive understanding of all elements pertaining to the maritime domain that possess the potential to influence aspects such as security, safety, the economy, or the marine environment (IMO, 2018).

According to Osei-Tutu (2016), a maritime domain of a country or region can be described as encompassing all territories and entities situated within, below, or above a sea, ocean, or any other navigable waterways; this includes all activities, infrastructure, people, goods and vessels associated with maritime affairs, as well as any adjacent or bordering areas. In pursuit of enhancing maritime domain awareness, the Nigerian Navy acquired a total of eight new vessels in 2015. Notably, one of these vessels, the NNS Okpabana, has been designated a frigate and possesses the necessary capabilities for conducting extensive patrols of the exclusive economic zone (EEZ). On the other hand, the NNS Centenary has been assigned a multifaceted mission encompassing maritime surveillance, EEZ patrol and response, as well as safeguarding offshore resources and infrastructure. Furthermore, the NNS Centenary is also poised to provide assistance to civil authorities in times of civil unrest and natural disasters, among other potential scenarios (OSEI-TUTU, 2016).

Sharda (2022), believes that the primary aim of maritime domain awareness encompasses the comprehensive gathering of substantial information and intelligence related to vessels by using various methods of technology gadgets such as automatic identification systems (AIS), long-range radars and unmanned aerial vehicles (UAV). Based on the data obtained it is possible to draw a comprehensive inference regarding marine areas that have the potential to inflict harm on the safety of navigation and ecosystems. This is referred to as "actionable intelligence" and by utilizing the actionable intelligence, the appropriate relevant government agencies such as the navies and coastguard are able to effectively enforce maritime law. Moreover, the MDA is heavily involved in anti-piracy measures, drug trafficking via maritime routes and many illicit activities facilitated by marine transportation.

According to Nte et al., (2022), the establishment of Maritime Domain Awareness (MDA) holds significant importance within the nation's security strategy, necessitating a paradigm shift in the understanding of the responsibilities of both national and international maritime security forces. Nigeria is considered a maritime nation within the context of a global maritime environment, and the attainment of maritime domain awareness is regarded as a crucial strategic objective in the twenty-first century. Furthermore, the attainment of maritime domain awareness bears significant importance within the contemporary geographical context, as it serves not only to

safeguard against maritime crimes such as piracy but also to facilitate commercial activities.

The implementation of these measures has been crucial to effectively tackling maritime insecurity in the country.

4.3 Deep Blue Project

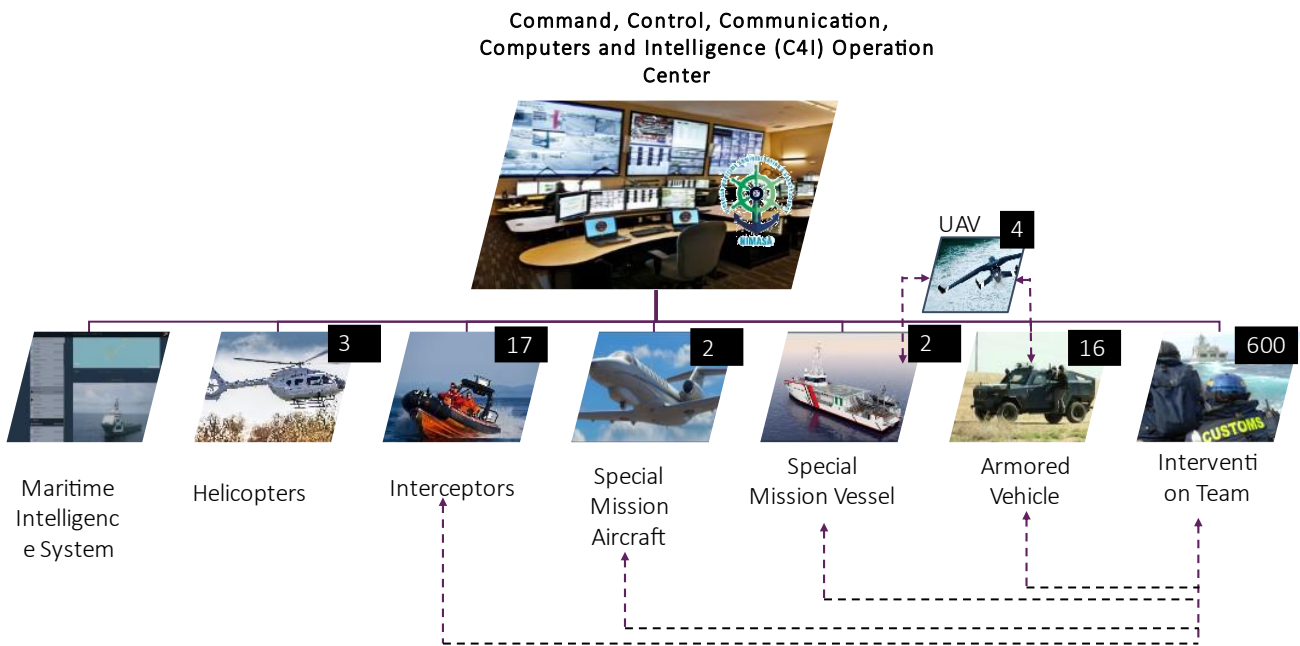
The problem of insecurity within the Nigerian Maritime domain and the imperative to promote the country's economic growth has prompted a collaboration between the Federal Ministries of Transportation and Defence. This collaboration, supervised by the Office of the National Security Adviser to the President, aims to establish a comprehensive Maritime Security architecture. This architecture involves the participation of all Military and Security Services, with the goal of ensuring a sustainable and favourable Maritime environment. This collaboration led to the creation of the Federal Government's Integrated National Security and Waterways Protection Infrastructure, also known as the Deep Blue Project (Ogadi, 2021).

Nigeria, being a nation situated in the Gulf of Guinea region with different maritime security challenges and a signatory of the Yaoundé Code of Conduct on the prevention and suppression of Piracy, Armed Robbery against ships, and illegal Maritime Activities in the West and Central African Region, has implemented numerous initiatives in the realm of maritime security. One of these initiatives is the launch of the Deep Blue Project, otherwise known as the Integrated Maritime Security Strategy, in 2021 with the aim of tackling the incidences of piracy, sea robbery, and other maritime crimes (Côte-Real, 2022).

The Deep Blue Project encompasses three distinct platforms namely, Land, Sea, and Air, which are specifically designed to address the problem of marine insecurity. The land assets include sixteen (16) armoured vehicles designated for coastal patrol, a contingent of 600 personnel who have received specialized training in interdiction operations, and the Command, Control, Communication, Computer, and Intelligence Centre, commonly referred to as C4i. The C4i operating centre possesses the necessary capabilities to actively observe, evaluate, and record the movements of vessels that are suspected of engaging in illicit activities within Nigerian waters and

beyond, particularly in areas that are susceptible to piracy incidents. Furthermore, the sea assets include two specialized mission vessels and seventeen high-speed interceptor vessels. The air assets include two special mission aircraft for surveillance of the country's Exclusive Economic Zone (EEZ), three special mission helicopters for search and rescue, and four unmanned aerial vehicles for surveillance purposes (Nwalozie 2020).

Figure 4. Command, Control, Communication, Computers and intelligence (C4i) operational Centre.



Source: Adapted from Nimasa C4i Centre, 2021.

The implementation of the Deep Blue Project, aimed at enhancing maritime security and addressing piracy and armed robbery in the Nigerian EEZ and the wider Gulf of Guinea region, has yielded positive outcomes. According to the International Maritime Bureau's trend analysis for 2021, there has been a notable decline in piracy and armed robbery occurrences in Nigerian waterways. This suggests a potential shift following the initiation of the Deep Blue Project (Ejezi & Okeke, 2023).

4.4 Falcon Eye System

The Falcon Eye System, which is controlled and managed by the Nigerian Navy, serves as a surveillance system that enhances the capabilities of Remote Monitoring and Control systems (RMAC). These pertain to areas within territorial waters that are not accessible to the RMAC, thereby creating areas of limited visibility. The implementation of these surveillance systems allows the Nigerian Navy to effectively observe and oversee activities taking place within the maritime domain (Eruaga & Mejia, 2020).

The enactment of antipiracy laws known as SPOMO Acts and the subsequent conviction of some pirates by the Federal High Court in Lagos and Port Harcourt in Rivers State, respectively as discussed in the previous chapter, and other policy actions and programs initiated by the Nigerian government through the maritime enforcement agencies have yielded positive results in suppressing piracy and other maritime crimes around the country's coastal waterways. This was affirmed by the International Maritime Bureau (IMB) report of July 2023. The actual and attempted incidences of piracy and armed robbery at sea from 2019 to the second quarter of 2023 indicate that there has been a notable decline in the frequency of attacks along the Nigerian coastline. Below is a table indicating the numbers of actual and attempted incidents within the Nigerian coastal waterways from 2019 to the second quarter of 2023, as published by the ICC International Maritime Bureau (IMB) in July 2023 (ICC-IMB., 2023).

ICC-IMB Piracy and Armed Robbery Against Ships January- June 2023.

Years	2019	2020	2021	2022	2023
No. of incidents	21	14	4	0	1

Source: ICC-IMB Piracy and Armed Robbery Against Ships Report, July 2023.

The Nigerian government's commitment to combating piracy and promoting maritime security through different policy measures and initiatives demonstrates its willingness to safeguard its maritime interests, foster economic growth, and contribute to regional

stability. These initiatives highlight the significance of adopting a comprehensive strategy to combat marine security threats in the modern world.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATION

This chapter highlights the essential components of the study by highlighting the summary of findings, recommendations, and research conclusion.

5.1 Summary of Findings

The research has identified key factors that contribute to and aggravate piracy and other maritime criminality in and around Nigeria's coastal waterways. These factors include unemployment, poverty, underdevelopment, and environmental degradation due to oil exploration particularly in the Niger Delta region, which is considered the epicentre of piracy in Nigeria. Moreover, it recognizes the efforts and commitment of the Nigerian government through the maritime enforcement agencies for the formulation of policies, legal frameworks, and other initiatives aimed at addressing the issue of piracy and armed robbery at sea. Notable initiatives encompass the implementation of the SPOMO Act, the initiation of the Deep Blue Project, and the amnesty program for Niger Delta militants. However, the fundamental factors contributing to piracy, such as unemployment, poverty, and environmental degradation, have not been effectively tackled.

5.2 Policy recommendations for combating piracy and armed robbery at sea in Nigeria.

Based on the study's findings, the following recommendations become relevant for directing any policy initiative targeted at reducing the prevalence of piracy and armed robbery at sea on the Nigerian coastline.

1. In order to bolster the efficacy of piracy countermeasures, it is imperative for the Nigerian government to allocate adequate funds, offer comprehensive training programs, and equip maritime enforcement agencies with state-of-the-art surveillance technologies.
2. It is recommended that the Nigerian government enact policies aimed at addressing the prevailing economic issues, fostering job creation, and alleviating poverty, particularly in the Niger Delta region. Such measures

would serve to diminish the allure of piracy as a viable source of income for the unemployed youth population.

3. Encourage collaboration and information sharing between the various maritime enforcement agencies in Nigeria, particularly the Nigerian Navy, NIMASA, and other relevant law enforcement agencies. In addition, it is essential to foster cooperation and collaboration between regional and international naval forces in order to facilitate joint patrols and the sharing of intelligence.
4. Special courts should be formed for the trial of the act of piracy and other maritime-related crimes, and the judges should be trained in this area for the requisite expertise.

5.3 Conclusions

The criminal enterprise of piracy is a significant concern despite the Nigerian government's extensive effort to address the menace of piracy using a combination of formal and informal strategies, legal frameworks, and other initiatives aimed at curbing piracy and other maritime-related crimes within the Nigerian EEZ and the Gulf of Guinea. Notably, adopting the Deep Blue Project, enacting the SPOMO Act 2019, and establishing other regional and international collaborative efforts have effectively pursued the intended objective of addressing piracy in Nigerian waters.

These efforts will be of little value if they cannot be effectively translated into operational and tactical actions. However, in recent years there has been a significant achievement in suppressing the acts of piracy and other maritime crimes. Nevertheless, the issues of piracy and armed robbery at sea remain persistent threats that require continuous operational sustenance by maritime enforcement agencies/government. In addition, the implementation of effective monitoring and evaluation mechanisms is imperative to guarantee the optimal outcomes of these efforts; this approach is essential to enhancing maritime security and fostering the socio-economic advancement of the Nigerian nation.

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