Piracy and armed robbery off the coast of Africa

EU and global impact

IN-DEPTH ANALYSIS

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African maritime security is affected by a wide range of illegal activities. This paper focuses on maritime piracy and armed robbery at sea. It examines the legal aspects and societal implications of these forms of violence. Maritime piracy and armed robbery off the African coast are also a threat for the European Union's security and economy. Since 2008, the European Union has been implementing a maritime security strategy (MSS) via distinct regional strategies in the Gulf of Aden and the Gulf of Guinea.

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Executive summary

Broadly defined, maritime security concerns the protection of states' land and maritime territories, and is affected by a broad range of illegal activities, including arms, drugs and human trafficking, illegal, unreported and unregulated (IUU) fishing, and pollution at sea. However, it only tends to hit the news when pirate attacks are involved.

African maritime security is particularly severely affected by maritime piracy and armed robbery at sea. Two maritime regions are chiefly troubled by piracy: the Gulf of Aden to the east of Africa and the Gulf of Guinea to the west. The return of modern day maritime piracy in Africa and armed robbery at sea had its genesis on land. Economic hardship, bad governance and domestic conflicts are definite drivers of piracy. Studies show that piracy tends to be conducted or supported by marginalised communities. Unemployment and poverty, compounded by weak law enforcement and corruption are critical factors that allow maritime piracy to prosper. In both Gulfs, the most common form of modern maritime piracy and armed robbery at sea is the hijacking of ships, with a focus on kidnapping and ransom payments. In addition, in the Gulf of Guinea, the oil boom has triggered attacks to steal crude oil from tankers and pipelines in order to feed illegal refineries, thus adversely affecting the local economy as well as the environment.

Aside from the national and regional effects, maritime security in Africa is having a global impact as well. Maritime piracy and armed robbery at sea are considered a threat to the global economy. Therefore, national states, regional actors, and the international community are dedicated to fighting maritime piracy in Africa in a broad set of contexts. Various regional cooperation structures, such as the Djibouti Code of Conduct (DCoC) or the African Union's Lomé Charter, are functioning as the basic structure for anti-piracy efforts on the continent. The international community condemns piracy at sea, notably through the United Nations Convention on the Law of the Sea (UNCLOS). In 2008, the United Nations (UN) Security Council set a historic precedent by extending UN actions against threats to peace (Chapter VII of the UN Charter) to combating piracy at sea.

The European Union has shown, since as early as 2008, that it is devoted to maritime security in Africa. Since then it has been implementing a maritime security strategy (MSS) by means of distinct regional strategies in the Gulf of Aden and Gulf of Guinea; these entail military and civilian operations as well as capacity-building projects. In this context, the European Parliament is committed to helping to increase maritime security in Africa and to fighting maritime piracy, by urging various actors to improve their response instruments and to address the phenomenon's root causes.

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1.1. Maritime security: a broader concept

Maritime security is discussed in a broad variety of contexts. Traditionally, in national defence policy, the concept addresses the safeguarding of national territory from attacks from the sea. From an environmental perspective, it may address issues of the illegal dumping of toxic waste in territorial waters. On humanitarian grounds, it may address issues of human trafficking and from an economic point of view the issue of illegal fishing. However, there is no international consensus over the definition of maritime security. To address this broad scope of security concerns, maritime security could be understood as the 'protection of a state's land and maritime territory, infrastructure, economy, environment and society from certain harmful acts occurring at sea'.[1]

Illegal, unreported and unregulated (IUU) fishing is a core issue in maritime security and has macro- and micro economic effects. African states lose billions in state revenue each year, and the livelihoods of artisanal fishing communities are jeopardised, particularly in Western Africa.

Arms, drugs and human trafficking by sea is posing a growing on-shore security threat for nations, as sea routes are considerably harder to police against human rights violations and arms or substance proliferation.

Maritime pollution through inadvertent, reckless, or deliberate action is a growing security threat for coastal states. It effects not only the environment but also shipping and coastal developments, with socio-economic knock-on effects.

Maritime piracy is an act of violence perpetrated against a ship outside of any state's jurisdiction (over 12 nautical miles off the coast). Acts of violence against ships *within a state's territorial waters* are called **armed robbery at sea** (see details below).

However, for centuries maritime security has been most visually associated with the free-flow of goods at sea and the secure travel of crews and passengers. **Maritime piracy** and armed robbery at sea has been a persistent problem for state actors and traders over the centuries.[2] From a European perspective, piracy is an age-old security threat that already affected European trade routes in the Mediterranean in ancient history.[3] From early on, this led to the need for cooperation between entities in Europe: examples include the formation of the Hanseatic League between the most powerful German city states as early as the 12th century. In modern times, maritime piracy has become a global security issue with international attention from the early 2000s on.[4] A sharp rise of pirate attacks in African waters from 2008 led the international community as well as the European Union to react with a series of multi-level and multi-dimensional responses.

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[1]   N. Klein, 'Maritime Security' in D. Rothwell, A. Oude Elferink, K. Scott and T. Stephens (eds), *The Oxford Handbook of the Law of the Sea*, Oxford, University Press, 2015.

[2]   J.L. Anderson, 'Piracy and world history: an economic perspective on maritime predation', *Journal of World History*, Vol. 6 (2), University of Hawai'i Press, 1995.

[3]   P.C. de Souza, Piracy in the Ancient World: from Minos to Mohammed, thesis, London University College, 1992.

[4]   T. Treves, 'Piracy, Law of the Sea, and Use of Force: Developments off the Coast of Somalia', *The European Journal of International Law*, Vol. 20(2), Oxford University Press, 2009.

1.2. Maritime piracy and armed robbery at sea

Maritime piracy. Legally, according to Article 101 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS),[5] *maritime piracy* is defined as any of the following acts:

> *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).*

According to international law, therefore, piracy at sea is an act of violence or detention perpetrated on the high seas against a ship **outside of state's jurisdiction of 12 nautical miles off its coast**.

Armed robbery at sea. Conversely, acts of violence against ships **within territorial waters**, are defined as *armed robbery at sea*. According to Resolution A.1025(26) (Annex, paragraph 2.2)[6] of the 'Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery Against Ships' of the International Maritime Organization (IMO), armed robbery against ships covers any of the following acts:

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

This differentiation is particularly relevant for the applicability of national or international law as well as for consideration of counter measures stemming from this. It is therefore of primary importance for settling jurisdictional issues when a suspect is arrested, prosecuted and convicted.

However, because of their significance for global maritime security, **both** acts of violence – piracy and armed robbery – will be treated on equal grounds for the purposes of this analysis. In 2018, 201 incidents were reported globally.[7] Though already high, a report by Oceans Beyond Piracy (OBP) states that the number of pirate attacks is actually much higher, as many go unreported.[8] One reason for under-reporting is the potential damage to private companies' reputations as the attack exposes flaws in their security systems.

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[5]   United Nations Convention on the Law of the Sea.

[6]   Code of practice for the investigation of crimes of piracy and armed robbery against ships, International Maritime Organization.

[7]   According to the International Chamber of Commerce International Maritime Bureau's 2018 piracy report, 16 January 2019. The figures used elsewhere in this analysis are issued by the International Chamber of Commerce (ICC) International Maritime Bureau (IMB) and do not include small scale attacks on fishing vessels or ferries.

[8]   Underreporting Of Crimes At Sea: Reasons, Consequences, And Potential Solutions, Oceans Beyond piracy, 2014.

2. Maritime piracy in Africa

Modern day maritime piracy affects three regions of the world in particular: Africa, south-east Asia and Latin America. Whereas attacks on vessels were relatively uncommon in Latin America and the Caribbean just a decade ago, south-east Asia had already seen a decade of violent attacks in the 1990s. Although, piracy and armed robbery at sea peaked at 147 cases in 2015, the numbers are falling steadily in south-east Asia. This is likely to be linked to a growing level of regional cooperation.

In stark contrast, maritime piracy in Africa is on the rise again. Having peaked at 293 attacks in 2011 before falling to just 35 in 2015, the numbers more than doubled in 2018. In East Africa, international counterpiracy efforts and regional cooperation structures have led to a decline in piracy since 2010. In West Africa, however, political and economic instability is increasingly encouraging criminal groups to conduct violent attacks at sea. Two maritime regions are most affected: the Gulf of Aden in East Africa and the Gulf of Guinea in West Africa.

South-east Asia has been critically affected by maritime piracy and armed robbery at sea for the past two decades. This is particularly true of the Mallaca Straits and the South China Sea, one of the most important passageways for seaborne trade. That translates into significant numbers of passing vessels, making pirate attacks a lucrative prospect for some individuals. Although pirate attacks are steadily declining (from 141 in 2014 to 60 in 2018), piracy is still a threat to the secure passage of ships through the region. Meanwhile, a vast expanse of coastlines, many archipelagos, territorial disputes between states, political instability, and limited maritime law enforcement complicate the fight against piracy.

Pirate attacks in **Latin America and the Caribbean** occur most frequently in territorial waters, affecting anchored yachts as primary targets. Regional hotspots are Venezuela, Saint Vincent and the Grenadines, Colombia and Saint Lucia. The main drivers are political and economic instability. This link has been quite evident in recent attacks during the ongoing political and economic crises in Venezuela, Nicaragua and Haiti.

2.1. The Gulf of Aden

The Gulf of Aden region on the east coast of the African continent spans from the Suez Canal in the north to Socotra in the south and to wider Indian Ocean in the east. As a major choke point for international trade, it is a critical maritime route, through which approximately 20 000 to 30 000 vessels navigate each year.[9] From an African perspective, geo-strategically, the Gulf's focal point lies at the Horn of Africa, which is characterised by violent conflict, forced displacement and economic hardship.[10]

Within these geopolitical circumstances, the root of piracy in this region lies in the failure of the state of Somalia in 1991.[11] Since rebels deposed dictator Mohamed Siad Barre, the country has been locked in a civil war between several entities. For two decades, the state lacked a central government, and it is still without critical infrastructure and any social security. From about 2005 on, a combination of battle-honed armed militias and economic deprivation created an environment that lowered the threshold for some to turn to maritime crime. Somalia's long coastlines bordering one of the world's busiest shipping lanes proved to be an excellent starting point for piracy

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[9] In addition, small-scale fisheries, which, despite their low yields, are crucial for the livelihoods of whole communities, are coming under increased pressure from foreign fisheries.

[10] The Horn of Africa hosts the largest number of internally displaced persons and refugees in Africa.

[11] F. Robleh Hamza and J.-P. Priotti, Maritime trade and piracy in the Gulf of Aden and the Indian Ocean (1994–2017), *Journal of Transportation Security*, Vol. 4, Springer, 2018.

operations. In fact, all sides in the domestic conflict seek to cooperate with pirate gangs. The strategy of pirates attacking off the coast of Somalia is to hijack vessels for ransom. Ships are seized hundreds of miles off the coast – in international waters – and forced back into Somali waters. Then, ship owners are forced to pay ransom for the return of the ship and crew. When piracy off the coast of Somalia was at its peak in 2011, 736 seafarers were being held hostage in 32 ships.[12] The situation was only stabilised by a concentrated international military intervention in Somalian territorial waters. Accordingly, from 2012 on the numbers of pirate attacks within the region fell rapidly to a decade low in 2015 and 2016.[13] Yet, Somali piracy never really disappeared. In 2017, in one month alone five piracy incidents were reported in the Gulf of Aden.[14] This is in part due to gross negligence and the lower security standards of smaller vessels. Cost-cutting in security infrastructure and more dangerous navigating routes are among the most pressing matters. Psychologically, a perceived higher level of security due to sinking numbers of incidents might play a role in this. However, just as during the first peak in piracy attacks in the late 2000s, conditions on shore matter far more. Somalia remains a conflict ridden state, with Puntland and Galmudug, the two federal states closest to the ongoing hijackings, being particularly under-governed. Galmudug is in a constant conflict with a local Islamist militia. Puntland, meanwhile, has trouble paying its security forces. Additionally, drought is affecting both provinces and the international community is still largely turning a blind eye to IUU in the region. Under these conditions young Somali men are still easily recruited by organised gangs that may conduct maritime crimes of some sort off the coast of Somalia.

2.2. The Gulf of Guinea

The Gulf of Guinea (GoG) stretches from Senegal to Angola, covering over 6 000 km of coast line. It comprises 20 coastal states, islands and landlocked states and forms two regions: West Africa and Central Africa. The sea basin is of geo-political and geo-economic importance for the transport of goods to and from central and southern Africa. Additionally, it is a choke point for the African energy trade, with intensive oil extraction in Nigeria's Niger Delta.

Maritime piracy is not a new phenomenon in this region. Yet pirate attacks have been rising constantly over the last ten years (see Figure 1). The original epicentre of the region's maritime crime lies in the Niger Delta.[15] Quite paradoxically, the discovery of large amounts of (offshore) hydrocarbon has generated poverty rather than wealth.[16] Social tensions and environmental pollution have increased and only the central government, local elites, and oil companies have actually profited from oil production. Some of those excluded from welfare have turned to maritime crime in the form of **'petro-piracy'**. This form of piracy is aimed at stealing crude-oil from tankers and pipelines so as to process the gains in illegally set up refineries. Not only does this hurt oil producers it also harms the local economy and, most notably, the local environment, as many of amateur refineries do not have any waste management systems for leftover side-products or oil spills.[17] Many reports indicate that this form of piracy is actually happening because the states involved are turning a blind eye. In Nigeria in particular, petro-corruption facilitates petro-piracy. Weak law enforcement, corruptible officials and a largely unregulated oil market make it easy for

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[12] Revised EU Maritime Security Strategy Action Plan, Factsheet: Horn of Africa-Red Sea, European Commission, no date.

[13] Piracy and armed robbery against ships: report for the period of 1 January - 30 June 2018, International Maritime Bureau of the International Chamber of commerce, July 2018.

[14] 'Why Somali piracy is staging a comeback', The Economist, 18 April 2017. https://www.economist.com/the-economist-explains/2017/04/18/why-somali-piracy-is-staging-a-comeback

[15] The Gulf of Guinea: The New Danger Zone, Africa Report 195, International Crisis Group, 12 December2012.

[16] 'Oil-rich Nigeria outstrips India as country with most people in poverty', The Guardian, 16 July 2018.

[17] M.N. Murphy, Petro-Piracy: Oil and troubled waters, Foreign Policy Research Institute, 3 July 2013.

criminal organisations to move stolen (and then refined) products back onto legitimate markets. Originating from this specific form of piracy, and facilitated by a lack of regional cooperation and local law enforcement, criminal networks quickly expanded to the high seas and neighbouring countries. Additionally, in these new locations they started to diversify the scope of their criminal activity and targets. Today, just as in the Gulf of Aden, the most common form of maritime piracy and armed robbery in the Gulf of Guinea is the hijacking of ships with a focus on kidnapping and ransom payments.[18] This is reflected in the fact that in 2017 about 35 % of all ships transiting the Gulf of Guinea Listed Area carried kidnapping and ransom insurance as additional protection, whereas of the ships operating in the western Indian Ocean region only about 12 % carried such protection. However, after neglecting their maritime zones for a long time, GoG states are becoming increasingly aware of maritime security. At the same time, Western states are showing renewed interest in the region – maritime crime in the Gulf of Guinea has increased global concern. Although piracy and armed robbery at sea in the Gulf of Guinea has not yet reached the levels it did off the coast of Somalia in the early 2010s, in 2017 alone there were 81 attacks on ships.[19] This means that in 2018 the Gulf of Guinea, and Nigeria in particular, remained the global epicentre for piracy.

2.3. Regional cooperation

Regional cooperation is a central mechanism when it comes to fighting maritime crime in general and piracy and armed robbery at sea in particular. Africa's Regional Economic Communities are growing in their understanding of the importance of protecting maritime territories for their people. Closely linked with this perception is the concept of a 'blue economy' and understanding the economic opportunities that come with a secure maritime area.[20][21] To make the most of these opportunities, African states understand that they have to cooperate to safeguard their 18 950 miles of coastline.

Djibouti Code of Conduct (DCoC).[22] In 2009, 20 coastal states of East and Southern Africa, as well as the Arabian Peninsula, adopted the Djibouti Code of Conduct. It is designed to build counter piracy capacity in the western Indian Ocean by delivering information sharing and regional and national training, enhancing national legislation, and building maritime awareness. Although many of the signatory states have only limited maritime security capacity, the code is providing a basis for enhanced regional cooperation. It is very much a global effort as it is facilitated by the International Maritime Organization (IMO), by the UN Office on Drugs and Crime (UNODC), the African Union (AU) and the European Union. In 2017, the Jeddah Amendment (DCoC+) to the DCoC broadened the scope of the code by adding IUU fishing, maritime trafficking and the illegal dumping of toxic waste to the scope of the agreement. This widening of the scope, reflects a growing awareness of the existence of other major maritime security threats in the region, as well as the benefits for Africa of opening its seas for trade, against the background of the fall in piracy incidents since 2012.

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[18] The state of maritime piracy 2017 and Piracy and armed robbery against ships in West Africa 2017, Oceans Beyond Piracy, 2018.

[19] EU Maritime Security Factsheet: The Gulf of Guinea, European External Action service, 29 October 2018.

[20] The Regional Economic Communities (RECs) of the African Union, Office of the Special Adviser on Africa.

[21] E. Pichon, The African Union's blue strategy, EPRS, European Parliament, March 2019.

[22] Code of conduct concerning the repression of piracy, armed robbery against ships, and illicit maritime activity in the western Indian Ocean and the Gulf of Aden, revised by the Jeddah amendment of the DCoC, 2017.

Yaoundé Code of Conduct.[23] In 2013, the 25 states of the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), and the Gulf of Guinea Commission (GGC) signed the Yaoundé Code of Conduct. With this code of conduct, the states involved agreed to cooperate on the repression of transnational organised maritime crime, including maritime piracy, maritime terrorism and IUU fishing. Prior to this, as early as 2009, ECCAS developed a maritime security strategy and established the Central Africa Regional Maritime Security Centre (CRESMAC), subdivided into maritime zones with specific maritime cooperation centres (CMCs). Consequently, following the signature of the Yaoundé Code of Conduct, in 2014, ECOWAS established a similar structure, the West Africa Regional Maritime Security Centre (CRESMAO). To foster cooperation between the two maritime security centres and oversee the implementation of the code of conduct in the Gulf of Guinea, the Yaoundé Code of Conduct established an Interregional Coordination Centre (ICC).[24] With this structure, the maritime security architecture of the Gulf of Guinea has three different levels (Interregional, regional, and zonal) on which basis intelligence and analysis is gathered and pooled to help fight maritime crime in the shared maritime sphere.

The Lomé Charter.[25] In 2016 the African Union (AU) adopted the African Charter on Maritime Security and Safety and Development in Africa (Lomé Charter) at an African Union Extraordinary Summit. The main goal of the charter is to protect the African maritime space from criminal activity and advance economic exploration that is beneficial to the continent, while at the same time ensuring the sustainability of the oceans and waterways. Each state party has therefore committed to take measures to improve the security of its maritime domain. The African states should achieve this by promoting coordination, providing enhanced training and capacity building, harmonising national legislation and creating national maritime coordination agencies. As a binding treaty, the charter is moving maritime security in Africa from mainly soft law to hard law in many respects.[26]

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[23] Code of conduct concerning the repression of piracy, armed robbery against ships, and illicit maritime activity in West and Central Africa, 2013.

[24] CRESMAC website; CRESMAO website; ICC website.

[25] African Charter on Maritime Security and Safety and Development in Africa, 2016.

[26] O. Oladipo, Cooperation as a Tool for Enhancing State Capacity to Fulfil Obligations of the Lomé Charter, Conflict Trends, Vol. 3, ACCORD, 12 October, 2017.

Figure 1 – Actual and attempted attacks

Graphs – Trends 2008-2018; Map – Total January 2014-December 2018, by geographical location
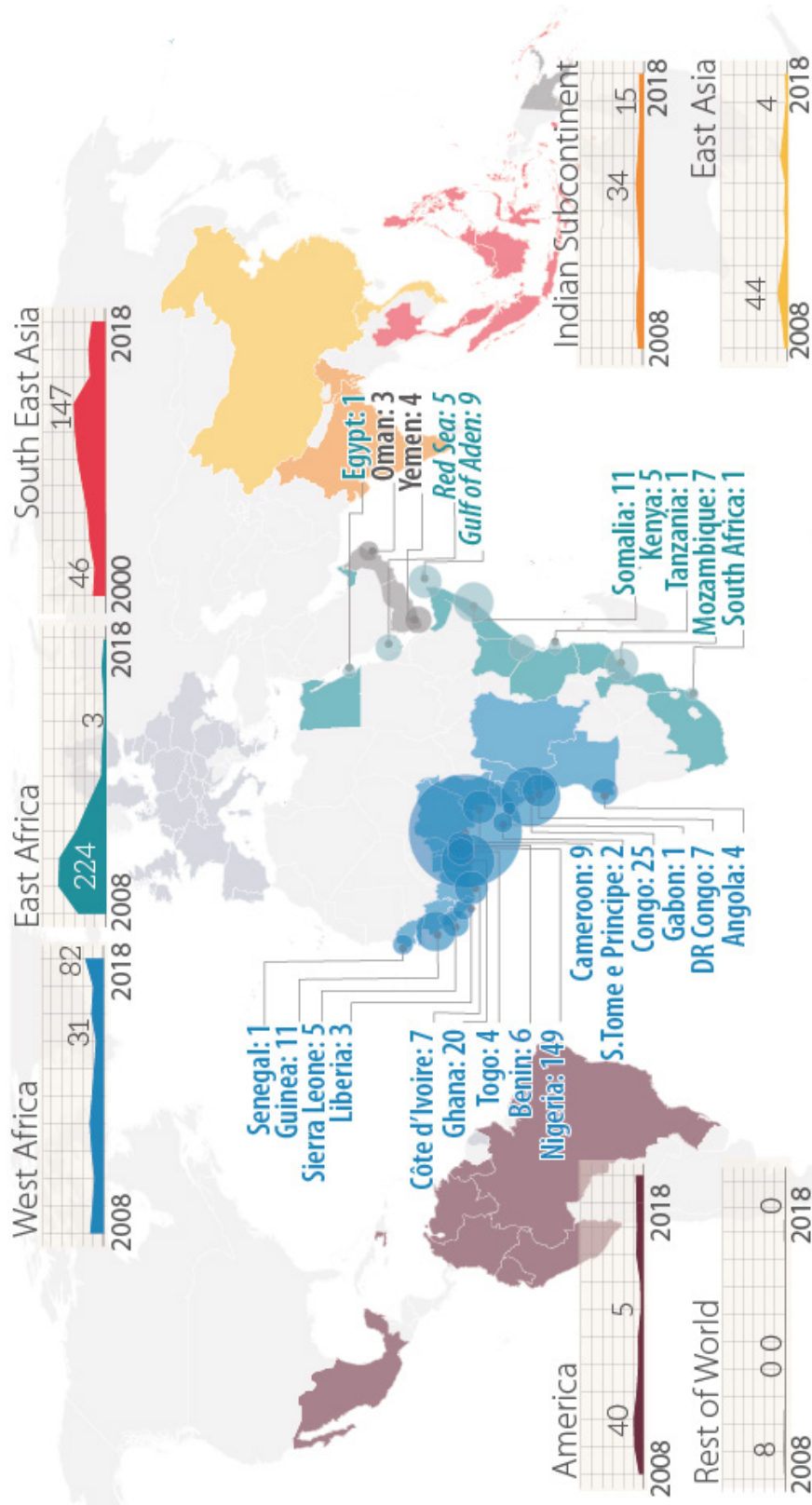
Data source: ICC International Maritime Bureau, 2010-2018.

3. The geo- and socio-economics of African piracy

3.1. Global impact

Aside from national and regional effects, maritime security in Africa is having a global impact as well. From an economic point of view in particular, maritime piracy and armed robbery at sea is a threat for the global as well as the regional economy, as Africa's key maritime routes (sea lines of communication, SLOCs) are affected to a worrying degree.[27] Over 80 % of world trade is conducted by maritime transport and over 90 % of African imports and exports are moved by sea. However, the total global economic cost of piracy is hard to assess. Some sources[28] estimate that maritime piracy is costing the global economy around US$24.5 billion a year. These evaluations include a broad variety of first order costs, such as ransom payments, insurance costs and military operations, as well as second order costs, such as the effects on fisheries, food security and tourism. In recent decades, shipping companies have started to circumnavigate piracy hot spots, making shipping routes longer and significantly increasing transport costs. A study from 2014[29] came to the conclusion that Somali piracy in particular had increased shipping costs by 8 to 12%, simply by forcing shipping companies to take longer routes that do not expose them to pirate attack. The actual welfare loss is US$630 million, considerably greater than the US$120 million transfer sums that are being paid to Somali pirates. Maritime piracy impacts both directly and indirectly African development. The security threat is leading to an increase in insurance premiums for shipping companies, which are therefore less likely to use dangerous routes. The costs of imports and exports are driven up, meaning that local consumers have to pay higher prices and governments lose out on revenue at the ports. Nigeria, for example, is losing about US$6 billion a year on freight costs on account of piracy in its waters.

The Gulf of Guinea, meanwhile, is an important hub in global and regional energy trade. From a European perspective, considering Europe's dependence on Russian hydrocarbons, the Gulf of Guinea is an alternative supplier of energy resources.[30] The EU imports 10 % of its oil and 4 % of its natural gas from the Gulf of Guinea. Yet its proximity and its large untapped sources offers the EU the potential to increase its imports. Maritime crime within the region can have a serious impact on the global energy supply and prevent local governments from generating revenues from their natural resources.

3.1. Causes of piracy and armed robbery at sea

The root causes of the (re-)occurrence of African maritime piracy and armed robbery at sea can be found on dry land rather than at sea. For centuries, maritime piracy has been intertwined within

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[27] L.P. Farrell Jr., Piracy: A Threat to Maritime Security and the Global Economy, National Defense, 12 January 2012, and N. Khalid, 'Sea lines under strain', *The IUP Journal of International Relations*, Vol. VI(2), April 2012.

[28] See for example:
I. Martínez-Zarzoso and S. Bensassi, 'The Price of Modern Maritime Piracy', *Defence and Peace Economics*, Vol. 24 (5), Taylor & Francis Online, 2013;
Maritime Piracy – Part I, An overview of trends, costs and trade-related implications, UNCTAD, 2014;
A. Knorr, 'Economic Factors for Piracy: The Effect of Commodity Price Shocks', *Studies in Conflict and Terrorism*, Vol. 38(8), Taylor & Francis Online, 2015;
B.S. Sergi and G. Morabito, 'The Pirates' Curse: Economic Impacts of the Maritime Piracy', *Studies in Conflict and Terrorism*, Vol. 39(10), Taylor & Francis Online, 2016.

[29] T. Besley, T. Fetzer and H. Mueller, 'The Welfare Cost of Lawlessness: Evidence From Somali Piracy', *Journal of the European Economic Association*, Vol. 13(2), Oxford University Press, 2015.

[30] Stopping West African piracy is vital for Europe's energy security, The Conversation, 27 March 2014.

local communities on shore.[31] Pirates need safe havens to provide them with supplies and, more crucially, a market on which to sell stolen goods. However, the modern reality is that state action on the ground in the countries affected is subject to tight political limits. First of all, since the Iraq War, Western states have seemed generally quite hesitant to authorise military intervention. Secondly, owing to complex ownership structures, shipping vessels and crews are no longer strictly associated with a specific state. Therefore, to combat local support structures it is necessary to understand the motivations for piracy within the socio economic environment in which it occurs.[32] Piracy becomes an attractive business when a number of on-shore conditions combine and criminal activities are incentivised. Accordingly, studies show that piracy tends to be conducted or supported by marginalised communities that have not been participating in economic development.

This issue was addressed by a UN Security Council meeting regarding the Gulf of Guinea in 2012: 'any comprehensive anti-piracy strategy might also need to take into account root causes, including high levels of youth unemployment'.[33] By way of example, the Nigerian Rivers State in the Niger Delta, with a population of roughly 5 million, has an unemployment rate of about 40 %, with 56 % of households in the lowest income bracket and a misery index of about 80 %.[34] Under these circumstances the likelihood that unemployed people are tempted to engage in illegal activities such as piracy or their support mechanisms (such as illegal refineries) increase.[35] Regarding the Gulf of Aden region, Somalia in particular is affected by economic dislocation.[36] When UN intervention ended, the international community largely turned its attention away from the country. Somalia did not benefit from large scale international development support and was left out from generating economic wealth in a globalised economy. Ironically, it is to a large extent only the issue of maritime piracy that has turned international attention back to Somalia.

Whereas unemployment and poverty appear to be a key driver, it is important to point out that other poverty-stricken regions do not necessarily tend to host maritime piracy as much as the GOA and GOG do. One factor that clearly facilitates criminal activity on the seas, are the political structures shaping the environment. Weak law enforcement and corruption are critical factors that allow maritime piracy to prosper. This affects both the maritime and the on-shore capabilities of law enforcement – from coast guards to the judicial sector. Corruption and complicity fuels this, as pirate activities often happen in collaboration with law enforcement agencies. Particular forms of petro-corruption in Nigeria account for a massive hike in maritime piracy and armed robbery over the last decade. Domestic conflicts, as well as border disputes between countries, also feed pirate activity.[37] In the Gulf of Guinea, for example, politically motivated piracy is connected with the separatist Movement for the Emancipation of the Niger Delta (MEND); and a border dispute over the Bakassi Peninsula between Cameroon and Nigeria led to large parts of their maritime border being under-governed, allowing it to become a safe haven for pirate groups.[38] Interestingly, when Somali piracy was at its height, in 2012, a study by Chatham House[39] showed a clear link between piracy and

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[31] Rooting Out Somali Piracy Starts On-Shore, Institute for Security Studies, 9 July 2012.

[32] Z. Tatu, Why be a pirate? Understanding motivations for piracy, Piracy Studies, 27 June 2017.

[33] UN Security Council coverage of 6723rd meeting, SC/10558, 27 February 2012.

[34] Analysis of Development Models in the Niger Delta, Case Study Two: The Rivers Songhai Initiative, Brookings, May 2014.

[35] K. Lindskov Jacobsen and J. Riber Nordby, Maritime Security in the Gulf of Guinea, Royal Danish Defence College, 2015.

[36] C. Bueger, The Decline of Somali Piracy: Towards Long Term Solutions, Piracy Studies, 1 September 2013.

[37] A. Vervaeke, Gulf of Guinea: pirates and other tales, Alert, EU Institute for Security Studies, 29 June 2017.

[38] T. Vircoulon, Pirates of the Guinean, International Crisis Group, 20 December 2012.

[39] A. Shortland, Treasure Mapped: Using Satellite Imagery to Track the Developmental Effects of Somali Piracy, Africa Programme Paper, January 2012.

multiplier effects in the Somali economy. Yet it was urban centres rather than coastal communities that seemed to benefit most from the distribution of ransom payments, clearly raising the prospect that local disappointment among coastal communities could be exploited and that they could be dissuaded from hosting pirate gangs. Nevertheless, as long as piracy is lucrative and an alternative livelihood is not feasible for the individuals involved, maritime piracy will remain hard to fight in Africa.

4. International action

4.1. United Nations convention and Security Council resolutions

Maritime piracy is addressed primarily[40] through the 1982 United Nations Convention on the Law of the Sea (UNCLOS)[41] under international law. The convention was adopted in 1982 by the third United Nations Conference on the Law of the Sea, superseding earlier conventions, which are now regarded as obsolete.[42] However, its definition of piracy is adopted almost verbatim from the provisions of the Geneva Conventions, as at the time of adoption these reflected customary international law. Article 105 provides universal jurisdiction over those who commit acts of piracy according to the definition. This means that the act of piracy is an exception to the principle of exclusive flag-state jurisdiction under UNCLOS. Any state can exercise jurisdiction over suspected offenders, private ships, victims and victim ships. However, as the definition of piracy only affects acts that occur on the high sea or in a place *outside of the jurisdiction of a state*, armed robbery that occurs in territorial waters does not fall under the UNCLOS legal provisions for piracy.

The United Nations Security Council has repeatedly reaffirmed 'that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 ("The Convention"), sets out the legal framework applicable to combating piracy and armed robbery at sea' (S/RES/1897(2009)).[43]

With Resolution 1816 (2008),[44] the United Nations Security Council created a historic precedent by extending Chapter VII activities from 'traditional' armed conflict to combating piracy at sea. The core concern addressed the disruption of the 'prompt, safe and effective delivery of humanitarian aid to Somalia' and 'the safety of commercial maritime routes and to international navigation', thus sanctioning an international operation around the Horn of Africa. This operation is meant to 'act as a common point of contact between and among states, regional and international organizations on all aspects of combating piracy and armed robbery at sea off Somalia's coast'. The resolution's authorisation for international naval forces to fight piracy off the coast of Somalia has been repeatedly renewed over the last decade.[45] With UNSC Resolution 1851 (2008),[46] the Security Council expanded the anti-piracy authorisation to include operations on land. Additionally, it created the Contact Group on Piracy off the Coast of Somalia (CGPCS),[47] with the aim of facilitating 'discussion and coordination of actions among states and organizations to suppress piracy off the coast of Somalia'. Any state or international organisation can become a member of CGPCS and contribute in one of its five working groups. Maritime piracy in the Gulf of Guinea, on the other hand, has been addressed by the United Nations on two separate occasions. UNSC Resolution 2018

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[40] Other relevant international conventions include: the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention), the International Convention against Taking Hostages, and the United Nations Convention against Transnational Organized Crime.

[41] United Nations Convention on the Law of the Sea, 1982.

[42] A few exceptions apply, such as relations with or between states that are not party to UNCLOS.

[43] UN Security Council, coverage of 6226th meeting, SC/9799, 30 November 2009; see also Piracy Under International Law, UN Division for Ocean Affairs and the Law of the Sea.

[44] UN Security Council, coverage of 5902nd meeting, SC/9344, 2/06/2008

[45] See: UN Documents on Piracy: UN Security Council Resolutions.

[46] UN Security Council Resolution 1851 (2008).

[47] Lessons from piracy, Contact Group on Piracy off the Coast of Somalia.

(2011)[48] condemned acts of piracy and armed robbery in the Gulf of Guinea and called on regional actors to take strong action against perpetrators; and UNSC Resolution 2039 (2012)[49] expressed deep concern about the state of maritime security in the region, urging states to convene a summit to develop a common maritime strategy. These resolutions came at a point in time when the Gulf of Guinea surpassed the Gulf of Aden as the global hotspot for maritime piracy.

4.2. International cooperation

Combined Task Force 151.[50] The multinational Combined Task Force 151 (CTF-151) was set up by the United States Navy in 2009 as part of the Combined Maritime Forces (CMF) in response to piracy attacks off the coast of Somalia. Participating countries include the United Kingdom, the United States, Germany, Canada, France, Denmark, the Netherlands, Portugal, New Zealand, the Republic of Korea, Pakistan, Turkey, Thailand, Singapore and Spain. Where NATO and EU operations often resemble a 'Western' approach, CTF-151 could be perceived as a global effort to fight piracy. To achieve this, CTF-151 established an 'international recommended transit corridor' (IRTC),[51] allowing any ship passing along the IRTC to be closely monitored and escorted by naval detachments. Additionally, CTF-151 launched the Shared Awareness and Deconfliction (SHADE) initiative, as an information sharing and efficiency enhancing tool for the various military missions – CTF-151, NATO and the EU – operating in the Gulf of Aden.

Operation Ocean Shield.[52] From 2008 to 2016 NATO contributed to the fight against piracy with its Operation Ocean Shield (OOS). The military alliance provided escorts for ships transiting the Gulf of Aden area in close cooperation with other operations in the region. A permanently staffed NATO shipping centre (NSC) provided an information sharing platform for the military authorities of NATO and shipping companies. All allies contributed to the mission either directly or indirectly. With the consent of the authorities, NATO vessels were able to enter the territorial waters of Somalia. Detained pirates were transferred to the respective national law enforcement agencies.

INTERPOL Maritime Piracy Task Force.[53] With resolutions 1950 (2010), 1976 (2011), 2020 (2011),[54] the United Nations Security Council recognised INTERPOL as a key player in the fight against maritime piracy and tasked it with the creation of a global piracy database. To maximise this role, INTERPOL established a Maritime Piracy Task Force, focusing on collecting evidence, facilitating data exchange, and building capacity at regional level.

ICC International Maritime Bureau.[55] The International Maritime Bureau (IMB), founded in 1981, is a specialised division of the International Chamber of Commerce (ICC), focusing on the fight against all types of maritime crime and malpractice. In 1992 the **IMB Piracy Reporting Centre (PRC)** was set up in response to an alarming rise in global piracy.[56] The PRC's mission includes: issuing daily reports on piracy and armed robbery to ships via a broadcast service; reporting piracy and armed robbery incidents to respective authorities (law enforcement and the IMO); assisting ship-owners

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[48] UN Security Council Resolution 2018 (2011).

[49] UN Security Council Resolution 2039 (2012).

[50] CTF 151: Counter-piracy, Combined Maritime Forces website.

[51] Guidance on Maritime Security Transit Corridor, Combined Maritime Forces website.

[52] Operation Ocean Shield, NATO Allied Maritime Command website.

[53] Maritime Crime, Interpol.

[54] UN Security Council Resolution 1950 (2010), Resolution 1976 (2011), and Resolution 2020 (2011).

[55] International Maritime Bureau, International Chamber of Commerce website.

[56] IMB Piracy Reporting Centre, International Chamber of Commerce website.

and crewmembers whose vessels have been attacked, and providing the public with updates on pirate activity (a live map as well as quarterly and annual reports).[57]

G7++ Friends of the Gulf of Guinea. The G7++ Friends of the Gulf of Guinea (G7++ FOGG) was formed during a G8 summit in 2008 in order to react to threats posed by piracy in the Gulf of Guinea region. The G7 states (after the exclusion of Russia) decided to include additional states and institutions, thus creating the G7++FOGG. It is comprised of the United Kingdom, the United States, Germany, Canada, Italy, Japan, France, Belgium, Brazil (observer), South Korea, Denmark, Spain, Norway, the Netherlands, Portugal, Switzerland, the EU, the UN Office United Nations Office on Drugs and Crime (UNODC) and INTERPOL. It brings together private, public, regional, and international stakeholders to advance maritime security in the region, with a focus on piracy. G7++FOGG sparked cooperation with the oil and shipping industry as well as ECCAS and ECOWAS. Aside from promoting cooperation between international donors and maritime capacity initiatives in the region, the group established the Maritime Trade Information Sharing Centre (MTISC-GoG), which was replaced by the **Maritime Domain Awareness for Trade – Gulf of Guinea (MDAT-GoG)** in 2016. However, regarding the various (land-based) roots of piracy, the G7++FOGG is promoting maritime security in the region within a very narrow scope – focusing mainly on capacity building and coordination support for different initiatives and states. Despite its political capacity, the group does not address the socio economic factors of piracy, which exist and will most likely continue to exist.[58]

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[57] IMB live map.

[58] Lindskov Jacobsen and Riber Nordby (2015), op.cit.

5. EU action

The EU has a strong interest in safeguarding its sea lines of communication and securing safe conduct of global shipping. In 2015, about 48 % of the EU's exports to third countries and around 53 % of its imports from third countries were transported by sea – a trend that has grown steadily grew over the last decades.[59] In total, around 90% of the EU's transport with third countries is transported by sea. EU ship owners represent 30% of global shipping vessels, and handle about 35% of global shipping tonnage (55% of container vessels and 35% of tankers) - therefore representing about 42% of global seaborne trade value.[60] For the EU, a level playing field is a key factor to secure its economic interests. One decisive element to maintaining this level playing field is the openness of sea lanes for international trade. Aside from state actor challenges to this prerogative, non-state actors like African pirate gangs pose a significant source of insecurity for EU trade routes.

5.1. EU Maritime Security Strategy

In June 2014 following a Joint Communication to the European Parliament and the Council by the European Commission and the High Representative of the European Union for Foreign Affairs and Security Policy[61], the Council adopted the EU's first Maritime Security Strategy (EUMSS).[62] The strategy acknowledges the fact, that the EU has a heavy reliance on maritime trade and therefore maritime security has become an increasing priority for the EU's global strategy. It outlines the need to identify and address maritime security issues and setting out strategic interests for the EU with a comprehensive and cross-sectoral approach. The strategy is aiming at closer cooperation within the EU, to increase maritime awareness and ensure high efficiency of maritime operations. To defend its strategic maritime interests, EUMSS is designed to strengthen links between internal and external security and coupling the overall EU Security Strategy with the Integrated Maritime Policy. Based on these objectives, an EU Maritime Security Strategy Action Plan was adopted in December 2014.[63] It identifies 130 actions in five different areas, including coordinated external action, information sharing, capability development, risk management, and maritime security research. Following a joint communication on international ocean governance in 2016[64] and the Council conclusions on global maritime security in 2017[65], the Council adopted a **revised EU maritime security action plan** on 26 June 2018.[66] Most notably, the revised EUMSS adds an extra section (B) as a dedicated regional component, focusing on addressing global maritime security challenges through regional responses in key maritime hotspots. Here, a set of actions is specifically dedicated to the promotion of maritime security in the Gulf of Aden and the Gulf of Guinea. This includes a call on Member States and bodies to continue to support the implementation of its Gulf of Guinea action plan and the promotion of national and regional efforts under the Yaoundé structure and in other frameworks, particularly the G7++ Friends of the Gulf of Guinea Group. Similarly, the EUMSS supports continued

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[59] Half of EU trade in goods is carried by sea, Eurostat, 28 September 2016.

[60] Towards an EU integrated approach to global maritime security, press release, European Commission, 6 March 2014.

[61] Joint communication for an open and secure global maritime domain: elements for a European Union maritime security strategy, JOIN(2014) 9 final, European Commission and High Representative, 2014.

[62] European Union Maritime Security Strategy, Council of the European Union, 2014.

[63] European Union Maritime Security Strategy (EUMSS) – Action Plan, Council of the European Union, 2014.

[64] Joint communication on international ocean governance: an agenda for the future of our oceans, JOIN(2016) 49 final, European Commission and High Representative, 2016.

[65] Council conclusions of 19 June 2017 on Global Maritime Security.

[66] Council conclusions of 26 June 2018 on the revision of the European Union Maritime Security Strategy (EUMSS) Action Plan.

implementation of its Horn of Africa Action Plan and its mandate of the EU naval force operation (EUNAVFOR) Atalanta. It supports as well the implementation of the Djibouti Code of Conduct.

5.1. EU Strategy for the Gulf of Aden

5.1.1. Policy framework

In the eastern African region, EU maritime security mechanisms in the form of anti-piracy military and civilian missions can be dated back to as early as 2008. Following numerous violent attacks on various ships at the Horn of Africa - on one of the world's most important sea lanes connecting Europe to the Middle East and Asia - the EU and its international partners saw the urgent need to counter acts of piracy and armed robbery at sea within the region. The subsequent 2011 **Strategic Framework for the Horn of Africa** guides the regional efforts of the European Union in the Gulf of Aden, with a focus on the promotion of security, prosperity, and accountable governments.[67] To put these goals into action, the Council of the European Union adopted the **Horn of Africa 2015-2020 regional action plan** in 2015.[68] The idea is to adopt a broad geopolitical framework to focus primarily on migratory flows and political radicalisation. This thought was picked up in subsequent Council conclusions on the Horn of Africa and the Red Sea in 2018,[69] highlighting that renewed geopolitical competition has resurfaced on both shores of the Red Sea. The ongoing conflict in Yemen and political instability in Somalia in particular threaten EU interests by affecting freedom of navigation and further destabilising the Horn of Africa. The Council's conclusions specifically underline the importance of the Gulf of Aden region to global trade. EU engagement is supposed to foster regional stability, through a regional dialogue on economic integration and security cooperation, including maritime security. With this holistic approach, by understanding that maritime crime has its roots on shore, the EU contributed significantly to the decline in pirate attacks off the shores of Somalia from 49 actual and attempted attacks in 2012 to only one in 2016.

5.1.2. EU operations

Counter piracy measures on these strategic objectives are put into practice by means of the common security and defence policy framework, through a coherent and integrated package consisting of the EU naval force operation Atalanta and its security centre, the civilian mission EUCAP Somalia and the EU training mission in Somalia (EUTM Somalia). The regional capacity building projects MARSIC, CRIMARIO and CRIMLEA, part of the EU's Critical Maritime Routes programme (CMR), also help to achieve the framework's goals.

EU Naval Force (EUNAVFOR) Atalanta.[70] Operation Atalanta was deployed in 2008, on the basis of United Nations Security Council Resolution 1816 (2008), which mandated military operations in the territorial waters of Somalia. EUNAVFOR Atalanta operates in an area 1.5 times greater than mainland Europe, covering the Southern Red Sea, the Gulf of Aden, significant parts of the Indian Ocean and, most notably, the territorial waters of Somalia. The Council has tasked the operation with two specific objectives:

- on humanitarian grounds, protecting World Food Programme (WFP) vessels delivering food aid to displaced persons in Somalia; and

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[67] Council conclusions of 14 November 2011 on the Horn of Africa.

[68] Council Conclusions of 26 October 2015 on the EU Horn of Africa regional action plan 2015-2020.

[69] Council conclusions of 25 June 2018 on the Horn of Africa/Red Sea.

[70]   EU NAVFOR Somalia website.

- as its main objective, strategically protecting vulnerable vessels off the coast of Somalia by deterring, preventing and repressing acts of piracy and armed robbery.

To achieve these objectives, warships and maritime patrol aircraft (MPRA) survey the high risk area and conduct visual or physical checks of vessels passing through. Here, close cooperation with the UN's World Food Programme and the African Union Mission in Somalia (AMISOM) is designed to ensure that vessels transporting humanitarian aid as well as logistics for African Union missions are protected in Somali territorial waters. The mission's warships also patrol the international recommended transit corridor (IRTC) in the Gulf of Aden and the Indian Ocean (see Chapter 4.2 – International cooperation).

Aside from these specific anti-piracy measures, the mission is dedicated to reaching out to local seafarers so as to improve understanding of maritime practices in the region while promoting best management practices (BMP) to ship masters navigating the area.

In addition, Operation Atalanta is mandated to monitor fishing activity in the area to support the UN Food and Agriculture Organization (FAO). A number of cooperating countries have participated in the EUNAVFOR mission alongside EU Member States: Norway contributed a warship in 2009, Montenegro, Serbia and Ukraine provided state officers to the operation headquarters, and Ukraine and New Zealand contributed a warship and an MPRA in 2014. Interestingly, suspects do not necessarily need to be transferred to regional authorities, but can be prosecuted by EU Member States[71] or non-EU countries with which the EU has agreements. Suspects cannot, however, be transferred to a non-EU country without having a legal basis, with the exception of cases that meet the conditions set by relevant international law. In July 2018, the Council of the European Union extended EUNAVFOR Atlanta's operating mandate until 31 December 2020.[72]

Maritime Security Centre – Horn of Africa (MSC-HOA).[73] Established by EUNAVFOR, and located within its operations headquarters, the Maritime Security Centre - Horn of Africa functions as a registration platform for vessels traveling off the coast of Somalia. The vessel movement registration system enables merchant ships to share their 'vulnerability profile' with naval forces operating in the high risk area. Based on specific information, such as the dimensions of the ship, cargo or crew numbers and nationalities a 'vulnerable risk category' is set for every registering vessel. This information is disseminated daily to task force partners. The data provided is gathered and trends analysed, to further strengthen Operation Atalanta and provide information for other counter piracy missions and industry organisations. Despite the support the centre can provide,[74] not all vessels passing the region choose to register with it.

EUCAP Somalia.[75] EUCAP Somalia was launched by the European Union as EUCAP Nestor in 2012. It is a civilian mission based on military expertise with the aim of supporting regional maritime security capacity-building. On the basis of a 2015 strategic review, the EU decided to focus the mission solely on strengthening the capabilities of the federal government of Somalia as well as the Puntland and Somaliland authorities, through strategic-level advice and training. The mission is

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[71] See for example: 'Somali pirates jailed by Dutch court', *The Guardian*, 17 June 2010.

[72] EU NAVFOR Somalia Operation Atalanta: Council prolongs the Operation and decides on new headquarters and new Operation Commander, press release, Council of the European Union, 30 July 2018.

[73] Safeguarding trade through the Horn of Africa, Maritime Security Centre – Horn of Africa.

[74] 'Why registration with MSCHOA is vital in the war on piracy', *Gard News*, 198, May/July 2018.

[75] EUCAP Somalia website.

helping Somali authorities to build up their maritime policing functions (coast guard) and advising on police-prosecutor cooperation and legislative drafting.

EU Training Mission (EUTM) – Somalia.[76] EUTM Somalia was launched in 2010 as a military training mission. The mission is designed to strengthen the Somali national government (SNG) by offering capacity building to Somali security forces and authorities in form of military advice, training and mentoring. In November 2018 the Council extended the mandate of the mission until 31 December 2020 with a budget of €22.9 million.[77]

5.2. EU strategy for the Gulf of Guinea

In 2014 the European Union adopted an **EU strategy for the Gulf of Guinea**.[78] The strategy is based on the overall goals laid out under the 'Yaoundé Process' to tackle maritime crime in the Gulf of Guinea. It has four strategic objectives: building a common understanding of the scale of the threat (reducing so-called 'sea-blindness'), helping regional governments to put in place robust multi-agency institutions, supporting the development of prosperous economies and strengthening the existing cooperation structures. In addition, the EU is attempting to develop long-term security and stability through the promotion of inclusive growth, generating benefits from wealth and job creation for all people. This makes the strategy for the Gulf of Guinea very much like the strategic framework for the Horn of Africa, one of the few regional strategies to acknowledge the need to counter the root causes of piracy and maritime crime. Subsequently, to put these objectives into action, the Council launched the **EU Gulf of Guinea 2015-2020 action plan**.[79] Central to the plan is the development of regular exchanges with regional organisations, in particular the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS), and the Gulf of Guinea Commission (GGC). In this way, the strategy for the Gulf of Guinea and the Gulf of Guinea action plan together function as a comprehensive approach to maritime cooperation with West and Central African states.

Starting in 2019, the €8.5 million project **Improving Port Security in West and Central Africa** is supporting partner countries in West and Central Africa in their capacity to address vulnerable port security structures. The project focuses on assistance to comply with the International Ship and Port Facility Security (ISPS) standards by improving resilience to armed robbery attacks. The Central Africa **maritime security strategy support programme** (PASSMAR), funded with €10 million from the Regional Indicative Programme for Central Africa, supports the region by reinforcing the institutional, legal and operational framework for cross-border maritime cooperation.[80]

5.3. Critical Maritime Routes programme (CMR)

The **Critical Maritime Routes programme (CMR)** was set up by the European Union in 2009[81] in response to a global worsening of maritime security. The programme seeks to enhance security structures in south-east Asia, the western Indian Ocean and the Gulf of Guinea (see Figure 2). The

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[76] EUTM-Somalia website.

[77] Somalia: EU training mission extended, budget agreed and mandate amended, press release, Council of the European Union, 19 November 2018.

[78] EU Strategy on the Gulf of Guinea, Foreign Affairs Council meeting, Brussels, 17 March 2014.

[79] Council conclusions of 16 March 2015 on the Gulf of Guinea 2015-2020 action plan.

[80] EU Maritime Security Factsheet: The Gulf of Guinea, European External Action Service, 29 October 2018.

[81] Critical Maritime Routes Programme website.

CMR has established six different programmes: MARSIC (2010-2015), CRIMGO (2013-2016), CRIMLEA (2010-2017), CRIMSON (2011-2018), **CRIMARIO** and **GoGIN**.

EU Critical Maritime Routes Indian Ocean (CRIMARIO).[82] Building on its predecessor MARSIC, CRIMARIO is pursuing the objective of assisting the implementation of the Djibouti Code in the westwen Indian Ocean.[83] This should be achieved mainly by enhancing the participating countries' maritime situational awareness (MSA) through the sharing and fusion of data from various sources, with a focus on combating piracy and armed robbery at sea. In practice, CRIMARIO provides 'train the trainers' sessions for administrations and is establishing and implementing a web-based information sharing and incident management platform (IORIS system). Ten coastal states are involved in the project: Yemen, Djibouti, Somalia, Kenya, Tanzania, Comoros, Mozambique, Madagascar, Mauritius and the Seychelles. It is scheduled to conclude by the end of 2019.

Gulf of Guinea Inter-Regional Network (GoGIN).[84] Building on its predecessor CRIMGO, the €9.2 million programme seeks to support the implementation of the Yaoundé Code of Conduct by establishing a regional cooperation network in the Gulf of Guinea. To reach a maximum level of intersectoral dialogue and coordination in the region, the project's main goal revolves around supporting the establishment of an effective and technically efficient regional information sharing network. The project includes 19 coastal states as well as the Gulf of Guinea Commission (GGC), the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS), which together also include six landlocked countries. It is scheduled to conclude by the end of 2020.

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[82] [Critical Maritime Routes Indian Ocean Crimario project](#) website.

[83] [Crimario](#) – CMR Wider Indian Ocean2015/2019.

[84] [The Gulf of Guinea Interregional Network](#) website.

Figure 2 – Critical Maritime Routes programme and EU NAVFOR Somalia operational area
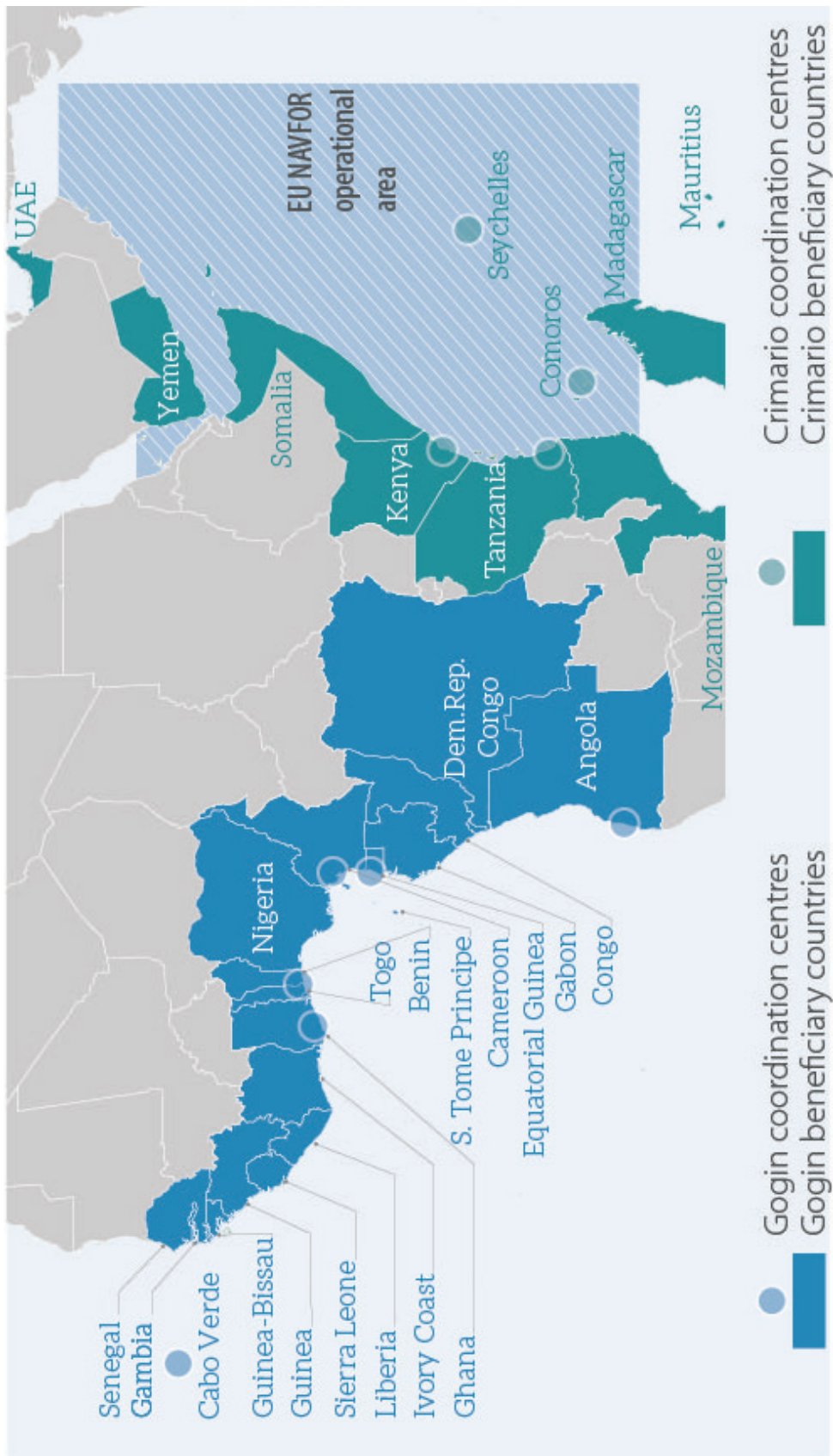
Data source: Critical Maritime Routes and EU NAVFOR Somalia.

6. The European Parliament's position

On 23 October 2008, the European Parliament adopted a resolution on piracy at sea,[85] calling for the EU to respond to piracy activities off the coast of Somalia. Parliament called for **increased coordination between relevant EU agencies** conducting maritime surveillance of international waters and urged Council to do more to **address the problem of piracy as a criminal act under existing international law**.

In a subsequent resolution of 26 November 2009,[86] the European Parliament called for a political solution to the problem of piracy off the Somali coast. Parliament emphasised the point that **piracy on the high seas is gravely undermining the security situation in Somalia** and severely affecting the supply of food aid. It stressed that the only way to fight piracy successfully is by **addressing the root causes** of the problem.

In 2012, the European Parliament adopted another resolution[87] calling for increased effectiveness in fighting maritime piracy. Parliament urged the High Representative to call for **increased coordination and cooperation among all international actors** in Somalia and the wider Horn of Africa. It called for immediate and effective international measures to prosecute and punish those suspected of acts of piracy.

In 2013, the European Parliament adopted a resolution on the maritime dimension of the common security and defence policy,[88] in which it expressed its concerns regarding piracy along the East and West African coastline. Parliament pointed out that piracy is generally a **problem stemming from lack of governance and development** in the coastal states concerned. It warned against the problems posed by piracy for the security of navigation in vital maritime transit choke points and stressed that some of the most important waterways ensuring global energy supplies are geographically located in or accessed via some of the most unstable maritime zones. The European Parliament also called for a **special, comprehensive and holistic approach** to address the causal relationship between piracy and social, political and economic governance.

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[85] Resolution of 23 October 2008 on piracy at sea, European Parliament.

[86] Resolution of 26 November 2009 on a political solution to the problem of piracy off the Somali coast, European Parliament.

[87] Resolution of 10 May 2012 on maritime piracy, European Parliament.

[88] Resolution of 12 September 2013 on the maritime dimension of the common security and defence policy, European Parliament.

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African maritime security is affected by a wide range of illegal activities. This paper focuses on maritime piracy and armed robbery at sea, examining the legal aspects and societal implications of these forms of violence. Maritime piracy and armed robbery off Africa's coasts also pose a threat to the European Union's security and economy. Since 2008, the European Union has been implementing a maritime security strategy by means of separate regional strategies in the Gulf of Aden and in the Gulf of Guinea.

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