CHAPTER 6

A Case Study of Piracy and Armed Robbery in the Gulf of Guinea

6.1 Introduction

As a global response to piracy off the coast of Somalia was taking place, alarm bells were ringing about a similar growing insecurity in the Gulf of Guinea. Today, the Gulf of Guinea stands as the most dangerous maritime area in terms of the success rate of attacks and violence. This has led to UN Security Council Resolutions expressing grave concern about the insecurity in the region and the larger implications for regional and global security. The Resolutions also called for regional and global counter-piracy measures. In June 2013, Gulf of Guinea States adopted a code of conduct for the repression of piracy at Yaoundé, Cameroon, with wide international support.

Nevertheless, piracy in the Gulf of Guinea region remains a serious threat even in the face of regional and global initiatives. In the month following the adoption of the Yaoundé code of the conduct a Maltese-flagged vessel, Cotton, was hijacked off the coast of Gabon, the first attack of its kind in that coast, portending a widening of the piracy threat southward. It is also noteworthy that at the close of 2013 the Gulf of Guinea recorded more incidents of attacks in the high seas than in previous years. This deepening threat
has continued into 2014, as Angola and Ghana registered their first significant hijackings (analyzed below). These developments reinforce the urgency of effective counter-piracy measures.

Realistically, however, the success and efficacy of both regional and global response will depend on a sound knowledge of the operational environment, awareness of the actors, and most crucially, understanding of how the situation has evolved.

This chapter provides a critical analysis of the piracy situation in the Gulf of Guinea. It sets the background with a discussion of the international legal framework on piracy, followed by overview of piracy statistics in the Gulf of Guinea and a categorization of the coast according to the degree of risk of attack. The chapter then examines the paradigm of Gulf of Guinea piracy, analyses the evolution of the piracy from its pre-2005 low levels into a regional and global threat and provides a summary Gulf of Guinea piracy as well as the future projections.

### 6.2 Legal, Conceptual and Institutional Aspects of Piracy and Armed Robbery against Ships

Although piracy and armed robbery against ships have similar security implications, the two activities have different conceptual and jurisdictional ramifications. This section examines the legal, conceptual and institutional bases of piracy and armed robbery at sea. The first two sections will define and clarify the jurisdictional and conceptual foundations of piracy and armed robbery at sea, while the third section will examine institutional approaches to the two crimes.

#### 6.2.1 Nature, Definition and Jurisdiction over Piracy

The concept of piracy has deep historical roots and has evolved over time. Indeed, some ancient kingdoms and their rulers were beneficiaries and perpetrators of piratical activities, with pirates generally being regarded as noble people.\(^5\) However, piracy was subsequently considered a heinous crime and a threat to the good order of the oceans, and was thus outlawed in many

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