



Africa

A CIMSEC Compendium

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CIMSEC

Preface

By Matt Hipple

Director of Online Content

CIMSEC started as the bemused past-time of a few Junior Officers, academics, and maritime security enthusiasts looking for a flexible and responsive forum to discuss the many topics of yesterday, today, and tomorrow. In fact, it largely remains the same (I haven't seen a paycheck yet), except our humble virtual tree-house has grown into a robust real-world community spanning from Jolly Old England to New Caledonia to our continuing online content.

Our Kickstarter campaign was, in part, a drive to put an official stamp on that community and gather resources for some larger projects. From paying for our official incorporation as a 501(c)(3) to our upcoming essay prize - this infusion has put us on the path to new and exciting projects. To celebrate, we have put together this compendium of our most-read articles to date - a reflection, if you will, on the last chapter as we turn to the next.

Thank you to everyone that has supported us - this is not the end. It is not even the beginning of the end. But it is, perhaps, the end of the beginning...

About Us

The Center for International Maritime Security (CIMSEC) is dedicated to bringing together forward-thinkers from a variety of fields to examine capabilities, threats, hotspots, and opportunities for security in the maritime domain. CIMSEC pursues this mission through internet forums, collaborating with similarly motivated organizations, sponsoring and hosting events, developing publications, and connecting individuals.

Since our formation in 2012, our all-volunteer team has fostered a forum geared towards exploring challenging maritime security issues. We have particularly focused on bringing in under-heard perspectives into maritime discourse: those of our international counterparts and younger generations. Our NextWar blog has published over 700 articles on various topics and our Sea Control podcast has broadcast over 50 episodes from the U.S., U.K., and Australia, bringing together distinguished experts debating complex security-related issues.

If you are interested in forwarding the discussion on safe-guarding prosperity on the seas, then you should consider becoming more involved with our organization at <http://www.cimsec.org>.



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East Africa: More Than Just Pirates

By Breuk Bass

The challenges facing East African maritime security are many, and without viable measures taken to combat growing sea-born threats, the region is destined to remain in a state of instability and war. The absence of a formidable naval power in the area has allowed illicit smuggling activity to flourish in the Indian Ocean and the Gulf of Aden, and has also allowed state and non-state actors to manipulate the lawlessness to their own advantage, leading to increased insecurity in the region. Looking past East Africa's most publicized maritime problem, piracy, I would like to discuss two equally threatening, but less well-known issues, currently inhibiting its stability.

Illicit Trafficking

The first major issue that arises due to inadequate regional naval capabilities is the widespread smuggling of illicit arms, drugs and people into, out of and throughout East African countries. The influx of drugs, munitions and other illicit goods, arm and fund terrorist organizations and militias not only on Africa's Eastern coast but in the rest of the continent as well. Somalia's al Shabaab, Kenya's al Shabaab affiliate, al Hijra, and the Congolese rebel group M23, are all examples of groups sustained through illegal maritime smuggling.

Weapons enter the region not just through the vulnerable Gulf of Aden and the Somali coastline, but also through

considerably more stable and peaceful countries like Kenya and Seychelles. Once ashore, illicit materials easily find their way through the hands of corrupt government officials to destabilizing, violent actors. New intelligence estimates point to growing cross continental smuggling networks between groups like al Shabaab and North Africa's Al Qaeda in the Islamic Maghreb, heightening the importance for a secure Eastern shore.

Human trafficking, another dangerous issue, further highlights the permeable nature of the regions' maritime borders. According to the International Organization for Migration, in the first four months of 2012, 43,000 migrants traveled from East Africa, through the Gulf of Aden and the Red Sea, to Yemen. This constant flow of migrants in and out of the region allows for a massive human smuggling market.

In recent news, there have been reports of the success of the NATO fleet in reducing piracy in the Gulf of Aden and the Indian Ocean. But under Operation Ocean Shield, NATO vessels are strictly tasked with counter-piracy measures and are unable to intervene in the practice of illicit trafficking occurring in those same bodies of water. While good work is being done to prevent piratical attacks, illegal smuggling of people, munitions, and other goods remains unchecked.

Kenya's Unilateral Maritime Power and its Consequences

The second problem that surfaces is due to an uneven balance of power. Kenya possesses the overwhelming naval advantage in the region, allowing it hegemonic rule over maritime boundaries. Kenya has 23 ships in its fleet, which were mainly acquired through Western allies such as the United States, France, Spain and Great Britain. Kenya's offensive capabilities are limited and its fleet only has two amphibious assault vessels, which were most recently used to attack the terrorist-held Somali city of Kismayo in September 2012. While the Kenyan fleet is small when compared to international standards, it is far more powerful than any other East African country.

Kenya's Southern neighbor, Tanzania, has a navy that consists of seven attack vessels and twelve patrol vessels obtained from the Chinese between 1969-1971. Tanzania's navy is effectively untested and would likely be unable to engage in any meaningful military action to secure its coastline. To Kenya's north, Somalia has no navy to speak of, and has been reliant on the Kenyan naval power in helping secure key al Shabaab stronghold's along Somalia's Southern coast.

The absence of another equal, or at least, threatening East African power in the Indian Ocean allows Kenya to exert undue control over its maritime neighbors. Kenya and Somalia are in the middle of a maritime border dispute that is currently leaning in favor of Kenya. The Somali government believes the border should be drawn perpendicular to the coastline, whereas the Kenyan government wants the border to be drawn along the line of latitude. Complicating the issue are potential underwater oil reserves and existing oil licenses granted by both countries for exploration in the disputed area. Kenya continues to push for exploration agreements with private companies, despite the inability of the two countries to delineate an agreeable maritime boundary, aggravating an already tense relationship.

Further irritating Kenyan and Somali border relations, are corrupt Kenyan Navy officials who have taken advantage of Somalia's fledgling central government and have begun to encroach on its sovereignty. A UN report released in July 2013, asserted that following al Shabaab's defeat in Kismayo, the Kenyan Navy took over control of the port. It now controls all goods coming into and going out of Kismayo, and corrupt Kenyan officials collect revenues from the port that should instead be managed by the Somali government. Kenyan Navy personnel even flouted the UN ban on charcoal exports from Kismayo, despite protestations from the Somali government and international organizations.

Kenya's unilateral maritime power allows corrupt individuals to adhere to their own rules of engagement and many

times disregard international norms, infringing on neighboring countries' maritime, and land-based sovereignty. This severely threatens stability in the region as this manipulation of power creates tenuous and volatile relationships with other East African nations and the international community.

The First Steps

When thinking of possible solutions to help increase naval power and maritime security in East Africa, it is hard to imagine viable near-term options. Some governments have taken steps to try to address maritime vulnerabilities. Kenya passed a law in 2010 formerly recognizing human trafficking as a crime. Also in 2010, the semi-autonomous Somali state of Puntland established the Puntland Maritime Police Force. It was first created as an anti-piracy body but it has had some success in intercepting arms, drugs and human smugglers. These measures are good first steps, but broader, regionally agreed upon action must be taken.

It is hard, however, for these countries' governments to justify spending money to secure their nations' maritime borders, when there is no certainty of peace on land. But of course, it is necessary to understand that without maritime stability, that peace cannot be assured.

Image from: <http://blog.geogarage.com/2014/01/global-piracy-hits-lowest-level-since.html>

Breuk previously worked at the American Enterprise Institute's Critical Threats Project, and published articles on issues relating to security in the Horn of Africa. She received her B.A. in International and Comparative Politics from Brown University and is currently studying in North Africa.



East Africa: A Historical Lack of Navies

By Mark Hay

Chances are that, for all except the most wonky observers and those stationed at Camp Lemonnier in Djibouti, the issue of African naval affairs only came into popular consciousness alongside media-saturating images of Somali pirates menacing international freighters with rocket-propelled grenade launches from their little fishing dhows. To anyone who's spent time in any Somali regions, there's more than a little irony in this renewed interest, as up until the conception of Somali naval responses and responsibilities to the dangers in their sovereign waters conjured one into existence, the Horn of Africa proper had no navy to speak of.

The lack of naval forces in the Somali regions pre-piracy could easily be explained away by the anarchy into which Somalia descended in the late 1980s. But it's actually more complicated than all that, since even after independence, while Djibouti and Ethiopia-then-Eritrea developed formidable naval forces to police the waters of the Red Sea, despite the size of its population and its massive coastline, post-colonial Somalia at its height boasted a navy of only about 20 ships, almost entirely small Soviet vessels put on patrol duties to police the waters against illegal fishing.

And even in the aftermath of the Civil War of the late '80s and early '90s, despite the development of regional pockets

of stability like Somaliland and Puntland, new navies, even patrols in dinghies, did not develop. That'd be less surprising if securing borders, establishing monopolies of violence, and creating formidable land forces to insulate the regions from the ravages befalling the rest of Somalia hadn't been central to the rhetoric of Somaliland and Puntland for fifteen and ten years (respectively) before the advent of mass piracy.

It'd actually be fair to say (and here's the meat of the irony) that the lack of a navy was directly complicit in the emergence of the piracy that's refocused the world and local de facto governments onto naval affairs as an anti-piracy remedy. The absence of even a tiny naval presence on the Horn removed the last barrier to now-well-documented illegal fishing and waste dumping in coastal waters. In conversations with locals in coastal towns and with some individuals who seem to have credible ties to piracy themselves, it's become clear that one of the major draws into piracy for many is the justification of a national vigilantism, in which despairing fishermen are told that they have the opportunity to harass foreign powers violating their sovereign waters, drive out the individuals who are degrading the viability of the traditional livelihoods, and make a fat stack of cash in the process. Those associated with piracy say that even when this self-justification quickly loses its validity as civilian and merchant ships

are targeted, the economic needs of shattered communities and sense of hopelessness and insecurity along the coast drives people to continue their activities.

It's hard to imagine that the development of Somali navies (the plural will be explained momentarily) will lessen this sense of insecurity, as the timing of their emergence and their provenance can send a conflicting message on the priorities of the state. Although the navy is popular with the clans in power in port cities like Bosaso and Berbera, the fact that maritime troops developed only in response to the demands and through the financial initiative of foreign powers can give off the sense that the navy exists primarily as a service provided for and to limited segments of society, and not necessarily to the bulk of the populations that rely on the sea for a livelihood. Reports that Somali navies encountering illegal fishers from Yemen have released the offenders so as not to damage relations between the two countries are feeding this image of a "national" army more focused on international pressures than on duties to all residents of the Somali state(s).

That holds true throughout "Somalia" despite the fact that multiple navies have developed piecemeal across the various de facto independent entities that make up Somalia on the map. The first force formed in 2009 in Somaliland, based in the port of Berbera and stocked with speed boats and radios by the British. This force consists of 600 men split across 12 bases (usually little more than a tent on the coast near a village) patrolling 530 miles of coastline and operating on (at most) \$200,000 per year. Soon after, the government of Puntland started a partnership with the Saracen International and later received funding from the United Arab Emirates to train a 500-man force patrolling an even greater 1,000 miles of coastline. Mogadishu has made forays into the development of a navy as well, but the status of any such projects is opaque, as Puntland (which considers itself an autonomous federal state of the Somali government based in Baidoa/Mogadishu) is often lumped into considerations of military developments in Somalia as a whole.

While it would be fair to say that there is some difference between the Somaliland and Puntland forces, with Puntland engaging in more raids on what Somalis describe as "pirate bases" and Somaliland leading more constant patrols to deter activities within range of the ports and shipping lanes, it is fair to say that all Somali naval forces derive their deterrent capabilities and effectiveness at capturing pirates on a budget primarily from local intelligence gather. Behind every reported attack on a pirate base or capture of a pirate boat (although it is always highly questionable whether the "pirates" captured were actually just quasi-legal or illegal fishermen) is a tip-off from a local, making use of the exceptional telecoms coverage and penetration and low call rates in Somalia, notifying officials of strange boats plying the town's waters.

More ships, more money, more men is the current cry and hue from officials in Somaliland and Puntland. But the lessons of the Somali navies thus far have been that the effectiveness of Somali naval forces derives not from manpower and equipment (as creating a sufficient naval force to cover Somalia's massive coastline is impractical for the nation at present) but from intelligence gathering and the cascading effects of the economic benefits of re-securing of sovereign waters and subsequent decline in the justifications for and incentives to join in piracy. Thus the future of naval affairs in Somalia practically lies primarily in the development of local outreach along the coast, systematic and reliable reporting mechanisms, the disruption of lines of communication between those who plan and commission pirate strikes and those individuals on the coast who carry them out, and the investment of national resources in redeveloping fisheries and port resources in coastal towns. Perhaps that solution's none to exciting to the officers in the Somali navies or to the wonks watching them, but it's an efficient solution for a region with limited resources and an almost limitless coast—which may explain why it bares such a potential similarity to the barebones but sufficient naval forces and strategy of the post-colonial, pre-collapse Somali navy."

Image from: <http://blog.geogarage.com/2014/01/global-piracy-hits-lowest-level-since.html>

Mark E. Hay is a sometimes-freelance writer, sometimes-blogger, and sometimes-graduate student at the University of Oxford. Academically, he focuses upon the history and theory of Islam in the Indian Ocean world. Outside of the academy, he writes more broadly about anything under the big tent of culture, faith, identity politics, and sexuality—basically anything human beings will fight over.



Al Shabaab is Only the Beginning

By Matt Hipple

On the Run, or Running Somewhere New?

After the massacre at Westgate, many American media outlets acted as if they were only hearing Al-Shabaab's name for the first time. This is only the tip of the US Media's Fifth-Estate-Failure iceberg. While incidents may be reported in part and parcel, the staggering scale of militant Islam goes disturbingly unreported. While many of these movements remain separate to a point, the geographic and communicative proximity provided by globalization serves as a catalyst for a horrifying potential collective even more monstrous than anything we could imagine in Afghanistan.

Globalization of De-development

ADM Stravridis pegged this problem squarely on the head when he brought up convergence, that globalization is merely a tool. What can be used for to organize communities and build stable growing economies can also help coordinate civilization's detractors. To spread our gaze further than the recent events in Libya and Somalia, Boko Haram fights a war against the Nigerian government; this is spreading into Niger, Cameroon, and Chad through a porous border. Its militants have also been found in Mali, where they fought and trained with both Movement for Oneness and Jihad in West Africa (MOJWA) and Al-Qaeda in the Islamic

Maghreb (AQIM) (MOJWA's former parent organization). There, they fight an open war with the government. MOJWA meanwhile is also fighting in Niger. In one case, even more with al Mua'qi'oon Biddam in revenge for an AQIM leader killed by the French and Chadians in Mali. While the forces of globalization may allow nice things like the Star Alliance global airline network, it can also be harnessed to create this jihadist hydra.

With Somalia's conflict spreading beyond its borders in the east and the coalition of chaos in the west, the center is not holding either. The Central Africa Republic sits in the middle, with potential militant Islamic rebels causing mayhem throughout the country after a successful coup... not that their neighbor is doing much better. Oh, did we mention Egypt too? No? Well... I'll stop before I've totally crushed my own spirits. The tendrils of many different militant groups, often associated with, facilitated by, or directly franchised by Al Qaeda grow close together in a vast body of uncontrolled spaces.

Why the Navy?

So, it's African Navies week, and I've yet to get to maritime security. You'd be correct to assume that, as with Somalia,

these problems don't have primarily naval solutions... but effective maritime security will help prevent the growth of the power vacuum and encourage shore-side virtuous cycles.

The critical importance of maritime security is both pushing back the lawlessness and increasing entry costs for illicit actors. Lawlessness builds vacuums of civil order or underground paths for militant Islam to enter either the money or idea markets. Islamic Militancy isn't just sporadic and spontaneous violence; it's also a massive logistics and patronage system that funds militants and creates in-roads into local communities. Where al-Shabaab can utilize the Ivory trade along with the LRA (wouldn't that be a lovely marriage of convenience), who is to say Boko-haram couldn't find in-roads into the multi-billion dollar oil-theft market, cocaine trade, or the full-on theft of motor vessels for movement of arms, persons, or stolen goods, let alone the Nigerian piracy enterprise which now even exceeds that of Somalia. Law enforcement needs a "last line of defense." As stolen ships, goods, and persons leave the shore, the maritime presence is that final check of a state's strength of institutions. This not only sweeps back this vast illegal enterprise, but also makes it harder later to re-enter the market.

That strength has a virtuous effect, since a rising tide lifts all boats. The improvement of civil society is not completed one institution at a time. Professional courts require professional police require professional elected officials, etc... etc... etc... Improvements to navies and coast guards help improve other portions of military and law enforcement infrastructure. Especially as such lucrative opportunities arise as crime's payout and connections increase, closing such temptations through capabilities and professionalism is important.

Bottom Line

Africa is critically important to future global security. Despite its great economic growth, improving institutions, and growing innovation, the forces of terrorism so long reported "on the run" are growing and connecting at an alarming rate, even in places some thought secure. In such a vast countryside with at minimum half-dozen Afghanistan-sized poorly controlled areas, rolling back this development is of deadly importance. Maritime security, while not the primary arena, will help stay the spread of the lawless vacuum in which militancy thrives and help improve surrounding institutions to further minimize that vacuum ashore.

Matt Hipple is a surface warfare officer in the U.S. Navy. The opinions and views expressed in this post are his alone and are presented in his personal capacity. They do not necessarily represent the views of U.S. Department of Defense or the U.S. Navy.

Image from: http://en.wikipedia.org/wiki/Jihadism#mediaviewer/File:Ansar_Dine_Rebels_-_VOA.jpg



Africa: “A Problem as Unique as Each of its Constituent Parts

By Timothy Baker

Regarding Mr. Hipple’s article “African Navies Week: Al Shabaab is Only the Beginning”, he addressed a critical issue which all too often does not receive proper attention. It is a daunting prospect to try and pull in the disparate threats from across the continent formulating a single threat analysis and, while his conclusion is accurate in that he points out the diverse threats facing the continent, from a purely security-focused perspective, it still lacks some necessary clarity. The problem is the moment you start looking at how individual factors within a given country are driving conflict/instability, you quickly lose the scent of how it ties into the transnational threat groups. There is also the problem of how far back you are willing to look, the specter of Colonialism is still present and the post-colonial relationships cannot be entirely discounted.

There are too many fundamentally different factors at play across Africa to compare the potential for total, though not collective chaos that threatens the continent and still have the comparison to Afghanistan be a strong one. While Afghanistan is easily evoked as a common point of reference and there are elements of similarity that narrowly can be compared, each region of the continent has enough of its

own issues to cause the wheels to come off of the Afghan comparison. Additionally, once you make the comparison to Afghanistan it easily leads to a false equivalency.

The threat from Boko Haram (BH) is real and growing yet the Nigerian Government is wholly unprepared to handle it – their heavy-handed tactics have increased distrust in the government and have not deterred or degraded BH. More importantly, the growing alignment between Al Qaeda in the Islamic Maghreb (AQIM) and BH marks a significant development in the connectivity of pan-African terrorism. However, these groups do not monopolize the West African threat. The spread of BH into Cameroon is tied to their evasion the Nigerian military’s offensive operations. What is happening in Niger with regards to BH is mostly proximate. The more apt comparison for the growing instability in Niger is the likeness to Mali where you see disenfranchised Tuaregs of the north returning from service in Libya (Gaddafi’s desert battalions) flush with weapons, training and a desire to have a say in their government. In both Mali and Niger, the Tuaregs have been persecuted and altogether cut out of the political process by the ethnically separate majority in the southern capitals.

Disenchantment with the government in Bamako and simmering ethnic discord set the stage for French operations in January, however, what caught world attention was the marriage of convenience by the MUJWA and elements of AQIM. Given the disassociated natures of the AQ franchise, it can be difficult to make sweeping generalities because the various strains (AQIM, AQEA, AQAP, AQI and AQSL) each have their own local idiosyncrasies, but one thing they do have in common is their ability to first bond with a local cause/faction on ideologically tenuous grounds and then quickly alienate themselves from the population with their unique extremist ideology which is often incompatible with local norms – see AQI and the Sunnis, AQAP and the Tribes of south central Yemen or AQIM and the Tuaregs.

My point is, while virulent strains of AQ exist across the corners of the continent and in their own right pose a threat, they have had difficulty building and maintaining strong and enduring relationships with other local movements. The AQ-BH connection is growing, and AQEA/AS in the past two years “formalized” their relationship, however, when you look at the nature of the threat on the ground in Somalia for example, there is a definite rift.

Continuing in the East, while the threat from AS/AQEA has expanded beyond Somalia, it is worth noting that the focus of their ire has not been indiscriminate but has targeted those countries participating in AMISOM. With regards to CAR, while Seleka partnership with anyone would only further degrade a poor situation, the nature of the Seleka rebels themselves does not lend itself to partnership with any of the aforementioned groups. It is also worth noting that within days of capturing the capital, the rebel groups splintered and immediately fell into the same trap as their government predecessors – an inability to exert influence beyond the capital. What this means in the long term is that the security vacuum is being filled by the rebels with no real solution.

Moving North, there is a fascinating and frightening mélange of issues at play in the Maghreb and the single commonality is that each of the governments in their various degrees of weakness is attempting to quell internal dissent. Libya is the new frontier since the fall of Gaddafi, and the government has no ability to project power, they cannot control the capital let alone anywhere else are forced to in equal measure threaten and placate the militias within Tripoli. However, the ungoverned spaces elsewhere have been, at least temporarily ceded, as the government attempts to consolidate power. Tunisia is still dealing with the fall out of the Arab spring and has been unable to form a coalition government that meets the needs of both Islamic factions and strong secular sentiments/groups.

While the graphic paints a fairly grim picture of the continent, the reality is even grimmer yet as it fails to capture one

of the longest ongoing conflict in the Kivu region of Eastern DRC. Furthermore, with regards to the maritime threat, there are fundamentally different factors at play on the East and West Coast; while piracy is the end result, the elements driving them are quite different. In HOA you have piracy being driven by the fact that Somalia is a failed state and pirates take advantage of their proximity of shipping lanes in the Bab-el-Mandeb. Along the West coast, the piracy issue is being driven by the desire to exploit components associated with the off-shore oil wealth of Nigeria. The biggest problem as it applies to maritime security is that too many governments across Africa still perceive maritime security to be a luxury they cannot afford. It is easy to discuss how it Maritime security has a chance to minimize the flow of extremists and the vast potential to make a positive impact, but like so many things, without sufficient local buy-in, the effort is dead on arrival.

It is difficult to address broad security threats across Africa without becoming hopelessly mired in the details; this is why all too often security threats on the continent are looked at in isolation without broader thought given to overarching threats. This is further complicated by the fact that the commonality of the threats spanning the breadth of the continent, their origins and likely the solutions, exist beyond the security realm. Uneven and underdevelopment, disenfranchised populations, and natural resource exploitation along often colonial lines drive what has to date been considered an acceptable level of instability. The various extremist movements are indicative of systemic and structural failures. Mr. Hipple’s article was a valiant effort at addressing one of these issues, but it is exceptionally difficult to frame the problem appropriately so as to address the relevant factors at appropriate depth while not missing necessary nuance and simultaneously addressing significant transnational factors. Until the broader issues driving current conflict and instability are addressed, we are likely to see more of the same.

Image from: http://commons.wikimedia.org/wiki/File:AMISOM_RHIB.jpg

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Nigeria's Navy: Setting Sail in Stormy Seas

By Matt Hipple

Zephyr

In the din of East African security issues, the navy of Africa's most populous nation has fallen out of the international eye. With continued pressure on diversified procurement, increasing capability, and new international cooperation, Nigeria's Navy is slowly growing to fill a void dominated by piracy, petroleum smuggling, and other criminal elements that is re-engaging international attention in Western Africa. Whereas the state of Somalia has been quite unable to manage its offshore affairs, the Nigerian Navy has plotted a course out to sea under the pall of its severe security challenges. If the challenges of oversight, funding, and collusion don't capsize their efforts, it may become a quite fine sailing.

Globalization of De-development

Since 2009, Nigeria has been pursuing an aggressive new procurement program. During the last Nigerian naval modernization period, the late 1970's and early 1980's, Nigeria purchased a vast number of vessels from Germany (LST's), France (Combattantes), the UK (Thornycraft), Italy (Lerici minesweepers), and others. Unlike the procurement processes familiar in larger navies, such those of NATO, Nigeria ran an "open-source" program, pulling already-proven foreign systems off the foreign shelf. This new buildup is similar, with

some new attempt to build local ship-building capacity.

The three big ticket "ship of the line" purchases are the 2 "Offshore Patrol Vessels" and the NNS Thunder. The NNS Thunder is the old school "off the shelf" style ship purchase, bringing a Hamilton-class High Endurance Cutter, the ex-USCG Chase, into Nigerian service in 2011. The "Offshore Patrol Vessels" were commissioned with China Industry Shipbuilding Corporation and approved for purchase by President Jonathan in April of 2012. The fleet's major combatant until the NNS Thunder was the NNS Aradu, an over 30 year old vessel and Nigeria's only aviation-capable ship. The new contenders will add a total of 5 new 76mm Oto Melara's added to the fleet, a none too shabby improvement of overall firepower for littoral operations. The 45 (NNS Thunder)/20 (OPV's) day endurance will give the Nigerian Navy an impressive new stay-time for continuous at-sea operations. Arguably most important is that all three vessels have maritime aviation capabilities that will greatly expand the reach and ISR component of Nigerian maritime operations. These three ships are right on target to fill critical gaps in Nigeria's capabilities

Nigeria's littoral squadrons are also scheduled for improvement. Nigeria is purchasing several brown-green water patrol

craft to bolster her much-beleaguered inshore security where smuggling of all kinds is rife. Singaporean Manta's and Sea Eagle's, US Defender's, Israeli Shaldag Mk III's, and others will add potent brown and green water assets to Nigeria's toolbox.

However, not all of Nigeria's purchases are imports. This package also begins the cultivation of indigenous ship-building capability. One of the aforementioned OPV's is scheduled for 70% of its construction to occur in Nigeria. To more fanfare, the NNS Andoni was commissioned in 2012. Designed by Nigerian engineers and produced locally with 60% locally sourced parts, it is considered a good step forward for building local expertise and capability in the realm of the shipwrights. More local capacity and expertise will further increase the ease with which ships bought locally, or abroad, can be maintained.

-But Avoid the Bait and Switch!

While flexible, this off-the-shelf model can lead to some bad dealings either by vendors or government buyers. Flexible US defense procurement specialists would love more unilateral authority and oversight compared to their gilded cage of powerpoint nightmares. However, the opposite can lead to incredibly terrible purchasing decisions. While Nigeria's 2 OPV's are running for current a total cost of \$42m, a proposal was made to purchase one 7 year old vessel for \$65m dollars. That vessel had a further \$25m in damage that needed to be repaired. That particular vessel now sails as the KNS Jasiri after a large financing scandal of several years ended. At the time of delivery it appeared completely unarmed as well, though since it has since had weapons installed. If one were to ask why Nigeria would want to buy a single unarmed vessel with no aviation capability for the price of 4 more gunned-up and helo-ready OPV's, the answer is probably not a "clean" one. Oversight is going to continue to be an issue in a country with one of the bottom corruption ratings.

Capability- Shooting more, shooting together :

Ships are all well and good, but what matters is what you do with them and how. Though the scale of offshore criminality is likely in total hovering around 10 billion, and the entire naval budget is roughly a half billion, the Nigerian Navy is moving more aggressively to course-correct their coastal regions. Several instances include a successful gun battle in August, ending the careers of six pirates, further arrests for oil theft in September, and a nice little capture of pirates in August for which photo opportunities were ensured for the press. The Nigerian Navy is further attempting to extend the "immediacy" of their reach by establishing Forward Operating Bases, like the ones at Bayelsa and Delta states. These

and many other instances are the nickles-and-dimes as the Nigerian Navy chips away at the corners of their behemoth security challenge at sea. Every journey begins with a single step, and though the Nigerian Navy has reached a bit of a trot, they have a long way to go.

But even in the Navy, no man is an island. With a limited budget and math-rough half of the budget going to the army, the Nigerian Navy needs support. The civil and military authorities are moving closer to that "joint" model with the Memorandum of Understanding between the Nigerian Air Force (NAF) and the Nigerian Maritime Administration and Safety Agency (NIMASA) on the use of NAF assets in Anti-Piracy operations. With an existing MoU between NIMASA, this creates further points of coordination between civil, naval, and air force assets in a coordinated battle against criminals at sea. It's no J3/J5 shop, but it's a start.

-But Don't Undershoot!

The Nigerian Navy's take from the \$5.947bn defense budget is a cool \$445m. This is a continued increase for both the defense budget overall and the navy budget specifically and is expected to continue increasing. While this is all well and good, the Nigerian Navy faces a criminal enterprise worth billions: Piracy (\$2bn), Oil Theft: (\$8bn), and others. The Nigerian Navy itself has a way to go with shoring up its vast body of small arms, ammunition, and gear. In 2012, a fact-finding mission by members of the Nigerian senate found an appalling state of affairs in regards to equipment shortages, maintenance, and a whole slew of other steady-state problems. Enthusiasm and new ships can only go so far. The Nigerian Navy needs to spend the extra money to shore up their flanks, refurbishing or replacing their vast stock of older ships, weapons, equipment, and ordnance stores (without forgetting training).

Cooperation- Team Player:

Nigeria is no stranger to international cooperation. Many forget that in August 26th, 1996, ECOMOG (under ECOWAS) actually conducted an amphibious assault into Liberia led by Nigerian military units. From peacekeeping in Liberia, to Sierra Leone, to Darfur, to Mali, etc... etc...

Nigeria troops have been a staple of many peacekeeping efforts. Now, their typical face abroad, the boots on the ground, is pulling back to the homeland to fight Boko Haram. However, the navy is still extending its project to integrate into partnership programs through both engagement at home and extending the hand abroad.

Nigeria is an active catalyst of the regional security regime. For one, ECOWAS is a factor at sea as well as land. At an ECOWAS conference ending 9 OCT, the naval chiefs of Nigeria, Niger, Benin, and Togo agreed to a common "modality" for

the combating of terrorism and agreed to set up a “Maritime Multinational Coordination Center” in Benin to coordinate security efforts.

It also doesn't hurt to host the maiden run of a major procurement/policy forum in your continent, namely the “Off-shore Patrol Vessels Conference” for hundreds of African and interested parties. Networking, though an intangible product, is an important way of building institutional strength and connections.

Nigeria also engages with US and NATO training missions, like the most recent Operation African Wind: a training exercise for the Armed Forces of Nigeria and other regional militaries in conjunction with the Netherlands Maritime Forces under the auspices of the United States sponsored African Partnership Station. In Lagos and Calabar, units will learn about sea-borne operations, jungle combat, amphibious raids, etc... over 14 days of training and 4 days of exercises.

Finally, Nigeria's navy has made a very respectable show of striking out by conducting a “world tour” of sorts with the new NNS Thunder. The NNS Thunder made a tour around Africa before crossing the Indian Ocean for an historic visit to Australia this month for International Fleet Week. The Nigerian Navy seems determined not to remain shackled by their previous bad position, and is aggressively pursuing an expanded mission and self-image through more than just procurement. Despite the challenges ahead, they've demonstrated a reach few of their continental compatriots can lay claim to. It may not help against pirates, but it should be a fine addition to esprit de corps.



Nigerian Navy Shaldag mk III

oil theft. While a pay-off policy might be effective in the short term, as it has been in Honduras, the long-term promise is muddled, especially if it turns off the money spigot to those receiving graft. While corruption has improved since the end of the patronage-heavy military state, some see very little hope at all: from the luxurious government salaries to wholesale theft from government coffers. Whatever the case, even local perceptions of transparency are depressingly negative. If internal collusion with the criminal underground cannot be controlled, the Nigerian navy will never find itself with truly enough allies to defeat the foe some of their leaders look to for wallet-padding.

Right Course, Add More Steam:

The Nigerian Navy is making good progress. With new ships, expanded operations, and continued engagement the bow is pointed in the right direction. However, without maintaining the engine room and navigational equipment by battling corruption and putting enough fuel in the diesels by increasing their defense budget, the Nigerian Navy will find itself floundering in the storm.

Cover Image from: http://upload.wikimedia.org/wikipedia/commons/c/c4/RAN-IFR_2013_D3_123.JPG

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-But Also Collusion, Not Always the Right Team...

However, while the navy coordinates with foreign navies, some officials in Nigeria coordinate with the criminal elements. Such “industrial scale” theft of oil in particular would be impossible without the involvement of at least some security officials and politicians. The wide-spread collusion helps stall policies designed to curb the vast hemorrhaging of wealth, since the wealth is hemorrhaging to some with influence on the levers of power. This collusion is further muddled by the revelations about government payments to stop



Troubled Waters? The Use of the Nigerian Navy and Police in Private Maritime Security Roles

By Dirk Steffen

On the Run, or Running Somewhere New?

On the night of 23 October 2013, a group of embarked Nigerian policemen on board the tanker HISTRIA CORAL opened fire on a small boat that was approaching a tanker close by on Lagos roads, believing the vessel was under attack by robbers. The small boat, it turned out, was a launch filled with Nigerian Navy personnel, who were about to inspect the ROSE MARY. The episode ended with a stand-off between the Nigerian Navy and the policemen, who eventually locked themselves into the HISTRIA CORAL's citadel for several days before they were arrested along with the agent who brokered their services.

This vignette is symptomatic for the state of maritime security in Nigerian waters. Fundamentally, the problem is that, while legislation and capability exist, the patchy enforcement of the applicable laws encourages ship operators, agents, mid-ranking military personnel and private security providers to search for “alternatives” which tend to emphasise practicality over legality. In this they are ably assisted by local “facilitators”.

Responsibilities in Nigerian Maritime Security

The division of responsibilities between the Nigerian Navy and the Nigerian Maritime Police (NMP, a branch of the Nigerian Police Force, NPF) is relatively clear: the NMP has jurisdiction “on the Territorial Inland Waters, (measured from the inward limits of the coastal waterways from the fairway buoy), Ports, and Harbours.” It may extend beyond those limits in hot pursuit or when assisting other agencies.

The Nigerian Navy's responsibility extends beyond that to include the Exclusive Economic Zone (EEZ), within the bounds of the United Nations Convention for the Law of the Sea (UNCLOS), which Nigeria has ratified in 1986. The Navy can also act inshore and to landward based on inter-agency agreements, such as when being a part of the Joint Task Force in the Niger Delta.

However, the lead agency for maritime security, as regards the provisions of the ISPS Code, is actually the Nigerian Maritime Safety Agency (NIMASA). Technically charged with providing port security (in collaboration with Nigerian Ports

Authority, NPA) and flag administration, this agency has expanded in recent years to assume a quasi-coast guard role. Some of this is being delivered, controversially, through a private supplier – Global West Vessel Service Ltd, an entity controlled by the former Delta-state militant leader and now billionaire Government Ekpemupolo (Tompolo). NIMASA has also proposed a draft bill on piracy and other unlawful acts at sea in 2012, although that still has to be accepted by Nigeria’s legislators.

Outsourcing Maritime Security or Public Private Partnerships?

NIMASA is not alone though when it comes to contracting private companies in order to render what would appear to be asset protection services, but also for maritime surveillance and law enforcement activities. The Nigerian Navy has a tradition of utilising private suppliers to maintain and manage its vessels such as Intels Logistics, who manage the Bonny River convoy or the likes of Ocean Marine Security (OMS) or Protection Plus, who have been supplying escorts vessel services to the Oil & Gas industry for years. Typically, the procedure involves the private companies supplying vessels to the Navy’s specifications. The vessels receive Nigerian Navy pennant numbers and are manned with Nigerian Navy personnel. This has the benefit of providing an effective asset and management outside the Navy’s largely dysfunctional logistical and administrative infrastructure. At the same time, the Navy gains paid-for operational experience. The operational management, although in the hands of the Navy, also places the onus of maintaining situational awareness and response capability on the private partners. As I have described elsewhere, the Nigerian Navy’s organisation in spite of all efforts continues to fail in its ability to generate and disseminate maritime domain awareness information that would enable it to systematically prevent and respond maritime security incidents.

Arguably, the utilisation of Public Private Partnerships (PPP) is best suited to overcome the Nigerian Navy’s organisational shortcomings in the current situation. Nevertheless, like many such decentralised, commercially-tinged activities involving the Nigerian armed forces it bears the risk for abuse,

mismanagement and corruption. Above all, it means that the Nigerian Navy relinquishes control and this was exactly what got the Navy in trouble in late 2012 when a merchant vessel, which had hired a Nigerian Navy team, ended up in Togo with the Nigerian soldiers still on board, resulting in some uncomfortable questions being asked of the Navy. As it turned out the Navy’s Western Naval Command had not endorsed the practice of allowing private companies to hire Nigerian Navy teams. To reinforce the point, future co-operation with private partners was based on a standard Memorandum of Understanding (MoU), in which the Nigerian Navy specified that it would provide personnel only for suitably equipped patrol boats. The creation of the Secure Anchorage Area (SAA) outside Lagos in April 2013 in collaboration with OMS was a manifestation of this approach and built on the PPP model that had served the Nigerian Navy well elsewhere.



Example of a “permit” issued to a PMSC for embarking Nigerian Maritime Police by the Lagos Police Commissioner (Maritime) without authority of the Lagos state Inspector General of the Police. (Source withheld)

Use and Abuse of the System

At least 42 security companies registered in Nigeria have signed the MoU with the Navy, although only a fraction have provided the patrol boats as stipulated in the document while the majority of companies thought that they were allowed to use embarked Navy teams. When the Navy pulled the rug from underneath what had apparently become a source of considerable income for local agents, fixers, mid-ranking naval officers and budding Private Maritime Security Companies (PMSCs), it left the shipping industry with only one recourse:

to hire Nigerian Police who conveniently offered themselves for this task, although this too was never officially sanctioned by the Inspector General of the Police (IGP) or formalised through anything resembling a MoU. Instead, local police commissioners issued “permits” to agents, PMSCs and ship operators if they wished to embark NMP, ostensibly on behalf of the IGP.

Again, this practice went on for some time for lack of enforcement until the incident involving the HISTRIA CORAL. Under pressure from the political leadership to clean up their act as well as getting a handle on the illegal bunkering and related piracy situation the Navy reacted. This process of reasserting the Navy’s pre-eminence in maritime security (along with NIMASA) was underlined by the politically-induced re-shuffle of the Nigerian armed forces leadership in

February 2014 with a clear presidential mandate to enhance the efficiency of the three services.

On 21 March 2014 the Navy arrested an NMP team aboard the tanker CRETE along with two expat advisors from the security firm Port2Port who had accompanied the ship from Lagos to Warri. Although they were held on the whimsical charge of being engaged in illegal bunkering the incident highlighted the increased awareness of the Navy of the use of rogue NMP teams and the determination to intervene when they had knowledge of the practice. The inability of an embarked NMP team to detect an attack in a timely manner and to prevent casualties on the SP BRUSSELS on 29 April 2014 off the Niger Delta also highlighted the low effectiveness of such “rent-a-cop” teams. However, a large number of shipping agents and PMSCs were now firmly wedded to the concept of using NMP and the chronically underfunded NPF also saw a good opportunity in generating some extra income also for their senior personnel who are held in lower regard (and receive a lower pay) than their Nigerian Navy counterparts.

The Nigerian Navy’s Chief of Naval Staff, Vice-Admiral Jibrin, is responsible for the Navy’s enforcement plan against the use of rogue security force teams aboard merchant ships. (Photo: Alexander Drechsel/Adrian Kriesch)

The Nigerian Navy’s Chief of Naval Staff, Vice-Admiral Jibrin, is responsible for the Navy’s enforcement plan against the use of rogue security force teams aboard merchant ships. (Photo: Alexander Drechsel/Adrian Kriesch)

In early June the Nigerian Navy’s Western Naval Command (as well as the two sister commands Central and East) decided to enforce the ban on the use of NMP inside Nigerian territorial waters as directed earlier by the Chief of Naval Staff. Confusingly, the general assertion of authority by the Navy which includes the EEZ (which is part of the Navy’s jurisdiction) was interpreted to imply that the Navy would also enforce this ban on NMP outside territorial waters, which would be in contravention to UNCLOS, leading organisations like the IMO and BIMCO to question the legality of that measure. So far, the Navy has limited itself to inspecting vessels in territorial waters. On 13 June 2014 the Nigerian Navy interrogated a tanker on Lagos roads who first admitted to having embarked security personnel and later denied it. A closer investigation on the 14th revealed the presence of NMP personnel on board and one expat adviser from the same PMSC as on the CRETE. The NMP team was detained and replaced with a Nigerian Navy team so as not to leave the vessel vulnerable to attack.

It is not without irony that within days of the arrests on Lagos roads agents and certain PMSCs signalled their clients in the shipping industry that they had obtained permission to use Nigerian Navy teams – allegedly signed off by a senior naval officer. It is quite plausible that this officer is not yet aware of the “reversal” of the Navy’s enforcement plan that

has been enacted in his name and will experience the same surprise as the IGP of Lagos state.

Outsourcing Maritime Security or Public Private Partnerships?

The provision of maritime security services in the Gulf of Guinea is handled more closely by the West African states than has been done by those on the east coast. At the same time effective implementation is slow and frustrating for the shipping industry and the international community.

However, sabotaging the process by playing off law enforcement agencies, or their officers, against each other is unlikely to be helpful in a situation where one of the key problems are fragile states and institutions in the first place. While engaging in collusive corruption (i.e. facilitation payments) the shipping industry is technically not in breach of most anti-corruption legislation, however obtaining an unlawful or “improper” performance from a government agency – even through a third party – might well be subject to more recent anti-bribery legislation such as the UK Bribery Act of 2010 which takes the broader OECD approach to corruption. Furthermore such behaviour perpetuates a system whose unpredictability is a major source of complaint when doing business in Nigeria.

The current modus operandi employed in renting Nigerian government security forces “on the sly” often in contravention of existing but unenforced law and condoned by mid-ranking (and some senior) officers may seem like a good idea now, but in this case it betrays ignorance or casual disregard of the power politics in Nigeria. Choosing to bypass or subvert the Nigerian Navy means antagonising a comparatively influential security service (as opposed to the Nigerian Police) in the Nigerian political system, which is something that is likely to create a backlash in the mid-term as the Nigerian Navy’s organisation continues to strengthen and become more robust as it has, if from a very low level, over the past 7 to 8 years.

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Risks in Contracting Government Security Forces in the Gulf of Guinea

By Dirk Steffen

My previous article explored the use of police and naval forces in Nigeria for the provision of private maritime security. The analysis focused on the Nigerian Navy's Western Naval Command's area of responsibility and visiting merchant vessels, rather than the use of security forces on oil & gas prospects inside the Nigerian Exclusive Economic Zone (EEZ).

This article investigates the effectiveness of various private arrangements with Nigerian security as well as some updates on the "usage" and liability implications for shipping companies utilizing such services.

Status of the use of Nigerian Navy and Police for private maritime security roles

There is no single legislation specifically dedicated to regulating maritime security issues in Nigeria. Rather, the issue of maritime security in Nigeria is dealt with in piecemeal fashion in various legislative instruments, as a result of which there seems to be some degree of overlap of functions between the Nigerian Navy and the Nigerian Marine Police (NMP). What we observe at the moment is the evolution of rules

and policies through practice adopted by security agencies within their respective jurisdictions. As I have pointed out in my last article here, there is a discrepancy between the individual arrangements by unauthorised agents and clients and the rules and policies set by the security agencies irrespective of whether those are enforced or not.

Subsequent to my previous article, the Inspector General of the Police (IGP) has reiterated in writing to the Commissioners of Police (Maritime) in the relevant coastal states of Nigeria his policy that his personnel (the NMP) are not to be used outside their jurisdiction. Some agents and security providers have sought to side-step this restriction by alleging they had been granted permission to embark naval personnel. The Nigerian Navy's position remains that any use of Nigerian Navy personnel without a Memorandum of Understanding (MoU) or in contravention to the terms therein is considered "unofficial allocation" and thus unauthorised. No evidence in writing, except the acknowledgement by various naval commands of receipt of enquiries, have been provided to back claims that the Nigerian Navy has reversed its previous stance that it has adopted since 2012.



Left: “Acknowledgement of receipt” provided by a security provider to a client as “evidence” of approval to embark naval personnel. Right: Letter by the Flag Officer Commanding Central Naval Command authorizing the use of Nigerian Police inside their jurisdiction on contractors’ security vessels.

Embarked Security Teams vs Patrol Boats

Perhaps the largest mitigating factor for PMSCs’ prospects is the whether governments will themselves tackle the underlying issues, including economic development, instability, and corruption, and/or their outgrowths that PMSCs attempt to address, such as piracy and maritime crime. This factor consists of and can be measured by both the desire and ability of governments to take on these challenges.

As discussed in part one, levels of piracy and armed robbery (PAR) and kidnapping and ransom (K&R) against ships have been two of the main determinants of the market for PMSCs in the region and the frequency, severity, and locations of these attacks have varied over the recent decades. This dynamic owes in part to several measures undertaken by regional governments beyond those development efforts aimed at removing the economic basis for crimes. What follows is not intended as an exhaustive catalogue, but an attempt to highlight some of the most illustrative examples.

Embarked Security Teams

The record of embarked security forces on client vessels is in the Gulf of Guinea is mixed. Contrary to the Indian Ocean experience, vessel carrying embarked armed teams off Nigeria have been boarded and seized by attackers or crewmembers kidnapped, although this was most frequently the case in the context of the Niger Delta insurgency between 2006 and 2009 that targeted floating offshore installations, such as the FSO OLOIBIRI, the FPSO MYTRAS or the BERGE OKOLOBA TORU. However, the conditions and modus operandi that embarked teams continue to face in and off the Niger Delta remain similar and many target vessels today are in fact tankers that are stationary, drifting or engaged in ship-to-ship transfers and therefore tactically not more challenging to the attackers (who are for the most part ex-militants). If anything, the small product tankers are easier to board than the high-freeboard Floating Production Storage & Offloading units targeted by the militants during the insurgency.

The vulnerability of embarked security teams is even more pronounced for security vessels, especially those of an impro-

vised nature with no mounted weapons, which are a requirement for those vessels approved by the Nigerian Navy under the current MoU. In the discussion on pirate violence in Nigeria it is often forgotten that almost half of the casualties to date in pirate incidents have been government security forces – usually embarked on vessels of oil & gas contractors. This has prompted the Nigerian inter-agency Joint Task Force in the Niger Delta to declare a ban on using such embarked teams from 19 November 2013 onwards in favour of river gun boats. Companies continue to ignore this at their own risk, as a recent example of an attack on a contractor vessel on the Sambreiro River on 17 June 2014 shows: one soldier and two crewmembers were injured before the attackers managed to snatch an employee of an oil company from the boat.

The embarked security forces' shortfalls range from inability to detect and engage at night (when the bulk of attacks take place off Nigeria), inability to manoeuvre, and lack of co-ordination to poor weapons discipline. Poor motivation of the embarked soldiers and police officers in the face of aggressive and well-equipped attackers complement the picture. This pattern has not fundamentally changed since 2006/7.

Case Study 1: SP BRUSSELS

The fatality of one crewmember on board the PYXIS DELTA roads during a shoot-out between her embarked security detachment and attackers on Lagos roads the night of 4 February 2013 was brushed off as a tragic accident. The attack on the Marshall Island-flagged product tanker SP BRUSSELS off the Niger Delta on 29 April 2014, however, highlighted the risks associated with embarking armed teams in the Gulf of Guinea, especially off Nigeria. These risks are commonly misunderstood by people who believe that armed teams have the same effect in the region as they have in the Indian Ocean. This is not the case.

The SP BRUSSELS's chief engineer paid for this misunderstanding with his life; the 3rd officer narrowly escaped when the ship's bridge suddenly turned into a shooting gallery. While, arguably, the guards prevented the ship from being hijacked, they did so at a price. Given that none of the 38 successful tanker hijackings since the VALLE DI CORDOBA incident in December 2010 in the Gulf of Guinea had resulted in a fatality, this was an avoidable result.

From the confused crew accounts of the attack on the SP BRUSSELS and the Nigerian Navy's investigation several things become clear:

The vessel was transiting in international waters with two embarked Nigerian policemen (NMP) as security guards. At the time of the attack (ca. 2015 hrs) by a single speedboat and a total of 8 attackers, the ship was idling at 6 kts ap-

proximately 35 nm from the Bayelsa coast, SW of Forcados (Delta State), a notoriously dangerous area off the Niger Delta at the time.

- Of the 2-man team, one was on watch, smoking at the time of the attack in the starboard bridge wing (the attack unfolded on the port side, leading to the death of the chief engineer)
- There was no general alert and the second guard had to be roused by a crewmember. By the time he arrived on deck it appeared some attackers had already boarded.
- The guard team appears to have made their stand on the bridge, possibly killing two pirates in the process while the ship's crew hid in the citadel (with the exception of the injured 3rd officer and the dead chief engineer).
- The actual course of events until the next morning remains controversial, with the Nigerian Navy alleging that their intervention by NNS BENIN and NNS IKOT-ABASI had resulted in the defeat of the pirates and the subsequent arrest of the 6 surviving attackers.
- The chief engineer's exact circumstances of death are uncertain as is the injury of the 3rd officer, as he fled the bridge.

The ship was eventually taken into custody by the Nigerian Navy on Lagos roads the following morning and detained for several weeks as a part of the investigation, which also extended to the question whether or not the ship had been permitted to carry NMP personnel outside their jurisdiction.

Case Study 2: SEA STERLING

The Nigerian-flagged product tanker SEA STERLING was attacked on 26 August 2014 west of the Pennington Loading Terminal, 45 nm SSE of the position in which the SP BRUSSELS had been attacked in an area, which to date in 2014 had experienced no less than 3 kidnappings, a hijacking and at least 7 attacks against product tankers – the majority in



Damage to the bridge of SP BRUSSELS from the firefight on the bridge. (Source: withheld)

January-March 2014.

The SEA STERLING carried a team of three Nigerian Navy ratings, procured through a PMSC that had recently set up business in Nigeria and held the same MoU with the Navy like all 42 security companies, which, as mentioned above, only permits the use of navy personnel on “suitable” and “approved” vessels, i.e. patrol boats which are entered into the Nigerian Navy’s list of warships.

Like other episodes, which have aroused the suspicion of Nigerian authorities, the contrasting versions of the incident do not quite add up. The ship allegedly spotted a bunker barge trailing her at 1810 hrs and then claimed to have been pursued until 2100 hrs at which point a speedboat was lowered and approached the tanker. The distress signal was sent at this point, although the ship’s AIS had been switched off at 1812 hrs, indicating a speed of 6.2 knots at the time and a destination port of Lomé, rather than Onne, which was claimed to be the vessel’s destination. There ensued an on-and-off engagement in which the attackers subjected the ship to suppression fire – allegedly with two belt-fed weapons – and at least two individuals boarded the tanker.

A privately contracted patrol vessel (name withheld) from an adjacent oil field responded to the distress call and arrived on the scene at 2345 hrs, firing several warning shots which prompted the boarders to disembark, return to the bunker barge and flee the scene of the crime. The ship was inspected by the naval craft, but lacking further authority could not prevent from SEA STERLING departing from the area in the early hours of 28 August with her AIS still switched off.

Patrol boats: Opportunities and Limitations

In a report of Gulf of Guinea tanker hijackings Risk intelligence identified at least 11 cases between December 2010 and August 2013 which involved a local or international naval response with warships, either as part of a patrol scheme or in response to an ongoing attack. This figure does not include incidents where local navies were called and did not respond or react. In six of the seven “prevention cases” the naval forces were successful in disrupting the attack; in one case two Beninese naval vessels were too late to intervene in order to prevent a hijacking. This was in part owed to the ship under attack – the RBD ANEMA E CORE (hijacked on 24 July 2011 off Cotonou) – waiting too long before sending out a distress call.

Once pirates have boarded a ship, the scope for any intervention is much reduced, as the “response cases” show. The unsuccessful sortie of the Togolese Navy in response to the attack on the ENERGY CENTURION on 28 August 2012 off Lomé stands out as an example of local navies’ inability to

ensure security of the patrolled zones and to respond effectively at the same time. This argument has been made before, but since that very early stage of the (then very vaguely defined) Togolese secure anchorage, this type of failure has not been repeated.

The inability of local naval forces to provide a timely and effective response is a key argument for those promoting embarked security forces, even though dedicated escort is available both in the Secure Anchorage Area and the Bonny River Convoy. Neither of those two secured operations has so far experienced a successful pirate attack. Patrol boats can also be hired directly, but the cost is a multiple of the embarked team, which serves as a commercial deterrent and is more likely to be the key argument in favour of the embarked security forces.

On balance, however, experience of the past 2-3 years has shown that attackers usually desist or abandon their endeavours in the presence of patrol boats – be they actual navy vessels or privately contracted look-alikes. The drastic, most likely punitive, killings of 13 of the 16 pirates who boarded the Nigerian-owned tanker NORTE (with a cargo owned by the Nigerian National Petroleum Company) on 17 August 2013 is thought to have had an impact on the mindset and modus operandi of would-be tanker hijackers in terms of that it will become more likely that attackers will resort to using human shields while retreating to the safety of the creeks in the Niger Delta. Equally, restraint by the navies (as was the case in the hijacking of the ADOUR on 13 June 2013, although this was an intervention after the deed, not one that resulted from a failed protection mission) can ensure safety of the hostages in case of a successful boarding by pirates.

Liability

In terms of liability and externalisation of risk, the patrol boats have some advantages over the embarked navy teams. Since even the contracted patrol boats are under navy operational command, law suits for loss of life of navy personnel or damage to navy property will be unlikely, especially inside territorial waters. Conversely, a major European charterer is currently being sued by the Nigerian government over the death of a policeman who was killed while being part of an embarked team.

The possibility of the patrol boat directing its fire against the client vessel (for example to prevent a boarding) is a real risk and probably the gravest. So far, this has not occurred in the Gulf of Guinea. On the other hand, several casualties have occurred as a result of embarked security teams being involved in the defence of merchant vessels. While, it is unclear who actually shot the 3rd officer on the SP BRUSSEL’s bridge, the use of Nigerian Police Force personnel outside their jurisdiction and outside territorial waters had wider-ranging impli-

cations for the vessel's insurance and potentially also opens up the way for a lawsuit by the deceased chief engineer's relatives against the shipping company.

Many of these liability issues are at the moment only being superficially considered by shipowners and operators especially when arrangements for the provision of embarked security forces are made or implemented in breach of existing legislation or other "policies" promulgated by the security agencies – also referred to as "unofficial allocations" in Nigerian Navy parlance. In this regard, it must be noted that every marine insurance policy has an implied warranty that the voyage is lawful. Thus, having embarked armed guards (or a patrol boat escort as well for that matter) without an express provision in the insurance policy to cover such operations, and that such operations conform to applicable law, may render a lawful voyage potentially unlawful, which in turn may invalidate the policy and discharge the insurer(s) from the liability.

As far as claims by the Nigerian government are concerned, the Nigerian Navy and Police Force may be confronted with a situation in which they will not be indemnified for suffering losses for providing a service inside territorial waters which they would be obliged to render anyway (maritime security) even without pay. However, it is evident that the Nigerian government intends to pursue shipowners or charterers for compensation regardless.

Assessing the Outlook

In spite of both local and foreign (even if incorporated in Nigeria) security providers' attempts to exploit the legal loopholes and lack of inter-agency co-ordination and enforcement of security agencies' policies, the use of embarked Nigerian security forces in Nigerian waters or offshore Nigeria remains fraught with risks which appear to outweigh the benefits. The use of such teams is frequently an excuse for neglecting other security measures and, understandably, a product of cost and expedience.

The Nigerian Navy remains committed to promoting its own vision of providing localised security through (often privately operated) patrol boats and secured areas and will continue to apply political leverage to that effect, therefore creating a tangible risk for all "unofficial allocations" of government security personnel. As evidenced by the IGP's directive and the Flag Officer Commanding Central Naval Command's written approval for the use of NMP inside their jurisdiction on contractors' security vessels, the Nigerian Police Force's policy is not as divergent from the Navy's as it is frequently portrayed.

Photo: Letter by the Flag Officer Commanding Central Naval

Command authorizing the use of Nigerian Police inside their jurisdiction on contractors' security vessels.

Photo: Letter by the Flag Officer Commanding Central Naval Command authorizing the use of Nigerian Police inside their jurisdiction on contractors' security vessels.

The current lawsuit over the death of a Nigerian policeman also illustrates that the "official" Nigerian policy takes a dim view of what little regulation exists being undermined by foreign shipping companies and charterers through the use of what are effectively rogue security teams. Whether or not the security agencies' policies are driven by particular (pecuniary) interests rather than by an overarching security strategy is immaterial with regards to the risks that parties run when ignoring these "official" policies, which are de facto enforced, in favour of "unofficial arrangements".

Finally, it is becoming increasingly evident that embarked teams – whether contracted directly or through foreign PM-SCs – do not provide the level of risk reduction as advertised (or experienced in the Indian Ocean) because they often attract violence by a particular type of Niger Delta-based attackers in a way that embarked security does not in other places of the world.

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Disturbing the Pond: A Missing Tanker in the Gulf of Guinea

By James Bridger

A Greek-owned oil tanker that lost contact with its owner after the evening of June 4 is still missing and presumed hijacked in the pirate-prone Gulf of Guinea. The MT Fair Artemis was last reported operating some 40 nautical miles SSE off Accra, Ghana and is laden with a cargo of gasoil. The International Maritime Bureau (IMB) is treating the vessel's disappearance as a possible hijacking, while local naval forces have mobilized in a search.

A senior port official in Tema, Ghana claims that the vessel's master sent a distress call on June 6, saying that the ship had been hijacked and was being looted as it was forced to sail east through the waters of neighboring Togo. Naval forces from Ghana, Togo, and Nigeria have all engaged in a search for the Fair Artemis, with Ghanaian military officials noting, "We are looking within the whole sub-region."

The Fair Artemis's cargo and sudden disappearance fit the profile of the well-organized tanker hijackings that have plagued the Gulf of Guinea in recent years. If the vessel is under pirate control, its attackers have likely disabled the ship's communication equipment and painted over its identifying markers. The pirates' objective would be to sail the Fair Ar-

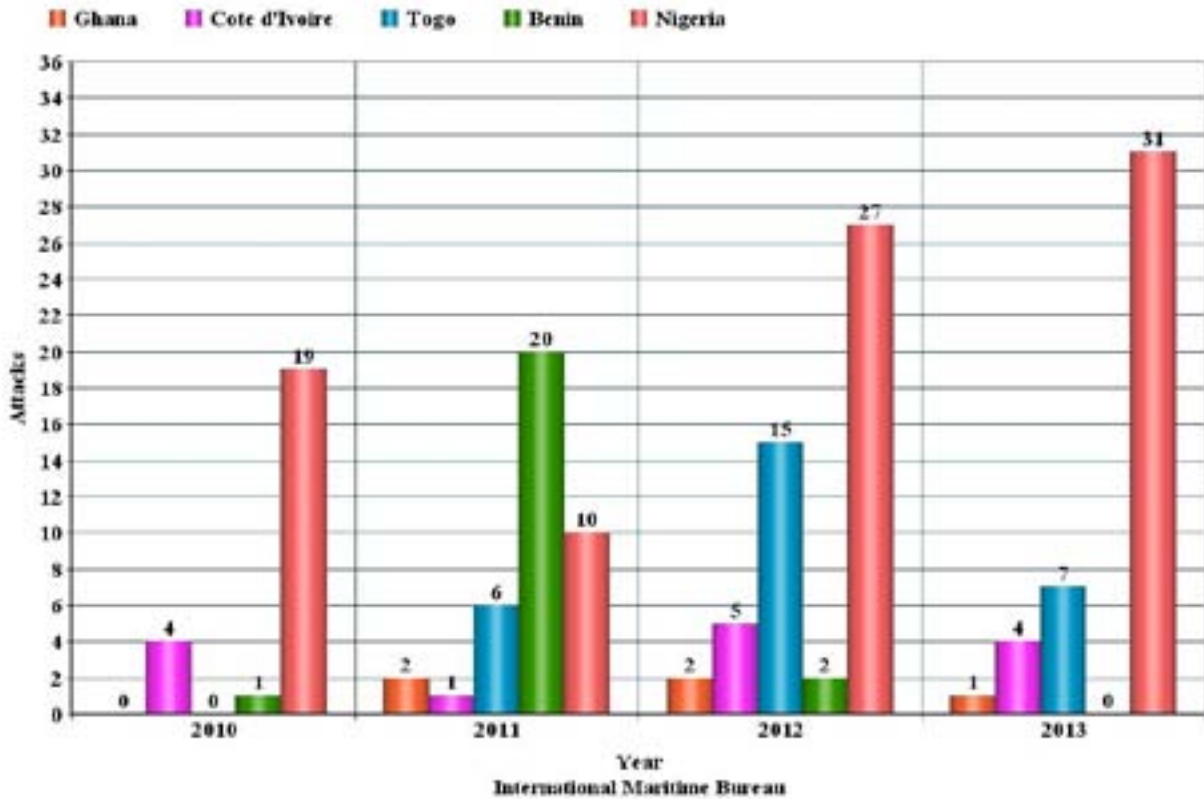
temisto a safe location, most commonly off the western coast of Nigeria, and transfer the vessel's valuable cargo to secondary vessels for onward sale on the regional black market.

Disturbing the Pond

A tanker hijacking off Ghana would be particularly notable because the country's waters have been a relative sea of calm compared with those of its neighbors. The anchorages of Lagos, Nigeria, Cotonou, Benin, Lome, Togo, and Abidjan, Cote d'Ivoire have all witnessed multiple tanker hijackings since 2010, while Ghana has seen only a handful of minor robberies at sea. Striking off Accra thus conforms to the pattern of the hijack gangs who have sought to shift their attacks to anchorages where they are not expected and where defenses are lowered. Previous outlier hijackings have occurred as far west as Abidjan, Cote d'Ivoire and as southward as Luanda, Angola.

The specter of Nigeria-based piracy expanding to its waters has weighed heavily on Ghanaian officials as the country continues to develop its offshore oil production capabilities. Accra has acquired new patrol boats and surveillance

Pirate Attacks: 2010-2013



aircraft in recent years and is in the process of launching a naval special forces unit. Ghana has also sought to improve its maritime situational awareness by implementing a Vessel Traffic Management and Information System to remotely monitor vessels and coordinate efforts among government and commercial stakeholders. A pirate hijacking off a Ghanaian port will damage the country's reputation for maritime security and "reflect on the attitudes of the international shipping community towards our port," notes Paul Asare Ansah, head of public relations at the Ghana Ports and Harbors Authority.

A Tough Neighborhood

Despite the progress the country has made towards securing its maritime domain, Ghana remains beholden to a neighborhood characterized by "sea blindness and mutual distrust." Pirates, for example, have hijacked several tankers along the maritime border of Ghana and Togo and then fled across the sovereign boundary to avoid hot pursuit from national naval forces. The Fair Artemis' prolonged disappearance and likely multi-national hijack route mirrors the January 2014 case of the MT Kerala, which pirates hijacked off the coast of Luanda, Angola and then sailed some 1,200 miles north to sell its stolen cargo in Nigerian waters.

Over 60 percent of pirate attacks go officially unreported in the Gulf of Guinea, as vessel masters weigh the costs of de-

lays and inspections against the unlikely chance of a regional naval response.

The Maritime Trade Information & Security Centre (MTISC) in Accra was established with international support in 2013 as a means to improve regional information sharing and response coordination. However, interagency information sharing and exchange of maritime domain awareness information was reportedly lacking during a recent international naval capacity building exercise, Operation Obangame Express.

Regional maritime security cooperation is incrementally improving, and tanker hijackings have in fact declined from a 2011 high. The presumed pirating of the Fair Artemis, however, demonstrates that the hijack gangs remain regionally active and will continue to stalk assumedly safe anchorages.

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Balanced Public/Private Effort for West African Maritime Security

By Emil Maine and Charlotte Florance

Disturbing the Pond

Over the past decade piracy off the coast of Somalia dominated the focus of international maritime security efforts. Recently, however, the frequency of pirate attacks in the region has dropped off—reaching their lowest point since 2006 according to the International Maritime Bureau (IMB)'s global piracy report. Although attacks continue, no large commercial vessel has been seized in the region since 2012. Meanwhile piracy in the Gulf of Guinea is surging, threatening a vital shipping lifeline for a dozen countries and targeting vessels that carry nearly 30% of all U.S. oil imports. Given the Gulf of Guinea's strategic value, it is little surprise that concerns over the region's growing insecurity has quickly overshadowed international interest in piracy elsewhere.

International anxieties over piracy stem from: (1) national security implications, (2) structural threat to international trade, and (3) threat to local and regional stability.

Apples and Oranges

Despite parallels to Somali piracy, attacks in the Gulf of

Guinea take place within a different operational and political context. Piracy counter-measures are not one-size fits all. Understanding these differences is critical when exploring policy prescriptions.

Pirate attacks originating off Somalia tend to be strategic, and involve seizing ships in passage and holding their crews for high ransom. In contrast, West Africans pirates primarily focus on stealing cargo and siphoning oil. This behavioral divergence allows West African pirates to operate in the littoral, making them less vulnerable to the navy-heavy strategy credited with stemming the tide of piracy in Somalia.

Pirates in West Africa are able to take advantage of a well-established illicit political economy. They enjoy access to pre-existing international criminal networks and close ties to the shipping industries. These benefits, accompanied by lax maritime security in the area, create an ideal environment for piracy.

Many studies note four broad factors led to piracy reductions in Somalia, and recommend the same approach in West Africa. According to a July 2013 Chatham House report, the

factors are:

1. The presence of international naval patrols in the Gulf of Aden and the Indian Ocean, with the remit to disrupt and deter pirate activity.
2. The implementation of best management practices (BMP) by the majority of commercial ship-owners with vessels passing through the high-risk area of the Indian Ocean.
3. The presence of private armed security personnel aboard commercial ships.
4. Regional capacity-building, particularly international support for improvements to the legal systems and prison capacities in east and southern Africa's littoral states, allowing for increased prosecution and imprisonment of convicted pirates.

After all, these measures led to extraordinary reductions in attempted or actual hijackings in the Horn of Africa. However, distinct differences in West African political, legal, and criminal structure present new challenges that will require an adaptive approach to implementation.

Apples and Oranges

In Somalia, piracy sprung from anarchy; in West Africa, it resulted from intentional efforts to expand criminal operations. Consequently, attacks are better coordinated, executed with precision, and oftentimes impossible to trace. West Africa contains several sophisticated criminal organizations with deep international ties. These networks provide pirates access to extensive intelligence—including ship schedules, cargo, and crew capability—and allows for the storage and black-market sales of pirated goods. Additionally, due to drug sales and trafficking, criminal networks wield financial leverage with local governments and militaries—undermining the rule of law. For example, earlier this year the Royal United Services Institute (RUSI) reported that:

“In early April, Rear-Admiral Jose Americo Bubo Na Tchuto, a former Chief of the Guinea-Bissau navy was caught in a Drug Enforcement Agency (DEA) sting on board a yacht in international waters in the Atlantic. According to prosecutors, he planned to bring 3.5 tonnes of Colombian cocaine to the African country inside a shipment of military uniforms and then smuggle weapons, including surface-to-air missiles, back to Colombia's FARC rebels.”

Rear-Admiral Tchuto was not the only example of criminal ties to West African governments. The RUSI report also notes trafficking-related charges brought against a Malian police commissioner, the former caretaker-president of Guinea Bissau, and other high-level officials.

There are certainly benefits to maritime security efforts,

including the presence of private armed security personnel aboard ship, increased international naval patrols, and the implementation of BMP. These efforts are likely to reduce hijackings and attacks, and should be employed. However, in the long term effectively safeguarding maritime traffic requires a balanced public/private effort with the use of force limited to protecting commerce and maintaining freedom of the seas. Also required is an effective strategy to resolve West Africa's troubles and establish and bolster the rule of law.

Image from: http://upload.wikimedia.org/wikipedia/commons/8/81/Defense.gov_News_Photo_110413-N-H1707-170_-_U.S._Navy_sailors_conduct_visit_board_search_and_seizure_training_with_Nigerian_special_operations_sailors_at_the_Joint_Maritime_Special.jpg

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