

CURBING MARITIME PIRACY IN AFRICA: AN AFROECOSOLIDARITY APPROACH

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Abstract

The continent of Africa is plagued by a lot of problems such as maritime piracy, terrorism, political violence and assassinations, urban crimes, human trafficking, and so forth. Despite various social efforts and policies, these problems are on the rise. This paper propounds that maritime piracy in Africa can be curbed through the praxis of Afroecosolidarity ethics. This ethics requires communal solidarity, standing with other fellow human beings and the earth in attending to their plights. Afroecosolidarity recognizes the sufferings, pains, and plights of fellow human beings and also of non-human beings on the planet and offers active compassion in ameliorating their hardships. The paper uses hermeneutic and analytic methods to examine the concepts, and issues involved. Maritime piracy has caused a lot of problems in Africa and needs to be eradicated. The paper finds that maritime piracy is real and present in the African continent. The paper concludes that a dynamic practice of the ethos of Afroecosolidarity will help to curb the problem of maritime piracy.

Keywords: Maritime, piracy, Africa, ecology, ecosolidarity, solidarity, and Afroecosolidarity.

Introduction

The continent of Africa is plagued by myriads of socioeconomic and political problems. These problems include terrorism, political violence, corruption, inept leadership, ethnicism, human trafficking, religious fundamentalism and extremism, environmental degradation, maritime piracy, and so forth. The concern of this paper is maritime piracy. This problem is often not given much attention in the media but it is a serious problem that should be mainstreamed and brought to the limelight. It is important to highlight this

problem and propose solutions to it for it has socioeconomic and political implications for the countries in the continent affected by it. Neethling rightly argues that maritime piracy is a serious strategic and politico-economic issue on which much of the issue of maritime trade and globalization realities interface (89). A great deal of the world's trade and commerce in goods and services are done through the seas and oceans. Maritime piracy does impede the safety of human lives and safety in ships, international trade, and even environmental security. These in turn affect negatively the local economy. Take for instance the stealing of petroleum products in the Gulf of Guinea. This affects the availability of petroleum products in Nigeria. Human lives are equally lost at sea and this affects the families that those lives come from. From the statistics given below, it is clear that maritime piracy has not abated and it continues to constitute a problem for the affected African nations. Despite this, you hardly hear of it in the news.

Maritime piracy must be given so much attention. In pursuing the objective of this paper, the following outline is adopted. After this introduction, there is a conceptual clarification or analysis of terms. This is followed by an examination of the situation of maritime piracy in the continent. In examining the situation some of the causes, consequences, and cures for maritime piracy will be discussed. As part of the cure, the paper is proposing an Afroecosolidarity value ethics. This ethics is not seen as a total panacea to the problem, but it can help. When an examination of Afroecosolidarity and how it can be used to combat maritime piracy has been done, this work will be brought to a conclusion. It is crucial to remark that though the paper is concerned with curbing maritime piracy in Africa, it is the West coast and East coast of Africa that are mainly the issue. These are the two main regions where maritime piracy takes place.

Conceptual Analyses

Some of the key concepts that pervade this paper are curbing, maritime piracy, and Afroecosolidarity. The Lexico defines the word, "curb" as keeping in check or control (1). Curbing refers to the act or activities aimed at mitigating and putting an end to something. To curb is to stop. To curb is to put it under control. In this paper curbing maritime piracy refers to the actions and activities put into place to end and stop maritime piracy. Maritime piracy is a negative phenomenon and not good for society and should be stopped and controlled. Maritime has to do with water, sea, and ocean.

What then is maritime piracy? Though the term piracy can refer to copyright infringements of literary, artistic, and intellectual properties the concern here is with maritime piracy. Defining maritime piracy like other terms is problematic. The United

Nations in her 1982 United Nations *Convention on the Law of the Sea* (UNCLOS) Article 101, defines maritime piracy as follows:

(a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed: (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;(b) any act of voluntary participation in the operation of a ship or 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) (57).

This definition of the United Nations is restrictive as acts of violence committed against crew persons and those boarding ships for private gain at seaports, and territorial waters of states are excluded. Kasali writes that piracy is a violent act carried out often by non-governmental parties on high seas against ships, sailors, and other persons on board (27). Kasali notes that it is a form of violent robberies like those carried out by Somalian criminals or pirates. The BBC Reality Check Team states that: “A strict definition of maritime piracy only includes attacks on shipping on the high seas - that is, more than 12 nautical miles off the coastline and not under the jurisdiction of any state. Inside a country's territorial waters and within port facilities, these attacks are defined as armed robberies at sea” (4). A broader definition of maritime piracy is given by the International Chamber of Commerce when the organization states that piracy is “an act of boarding or attempting to board any ship with the intent to commit theft or any other crime and with the attempt to or capability to use force in furtherance of that act” (4) In discussing maritime piracy, it should be realized that it should not be separated from the issue of maritime security, seaport security or even maritime terrorism.

Afroecosolidarity is the theoretical paradigm proposed here to curb maritime piracy. The term, “Afroecosolidarity” is made up of three terms-Afro, eco, and solidarity. Afro refers to Africa. The term Africa can be used to describe continental Africa and the realities and phenomena of African ancestry or descent. Eco refers to ecology, which is the interrelatedness and relationships among things that exist. The British Ecological Society defines ecology as: “Ecology is the study of interactions among living things and their environment. It provides a new understanding of these vital systems as they are now, and how they may change in the future” (1). The essay, *What is Ecology?* argues that: “All organisms, no matter their size, their species, or where they live, need to interact with other organisms in their 'neighborhood' and with their environment to survive. Ecology is the scientific study of the interactions between organisms and their environment. The term

comes from the Greek 'study of house', or the study of the place we live in" (3). Solidarity is a term that speaks of unity, togetherness, union, standing in communion, mutual support, and friendship. To be in solidarity with another person is to stand with and in support of that person. Labour unions often speak solidarity among their members as they struggle for their rights. Explaining human solidarity, Ikeke in *The Concept Of Afroecosolidarity And Its Implications For The African Environment* avers that: "Human solidarity with one another extends to solidarity with other creatures"(328). Afroecosolidarity is an affirmation of the African value of communalism and togetherness in standing as a being with others and acting for the wellbeing and welfare of those other lives whether they be human lives or non-human lives. Naming it African does not mean it is only found in Africa but it is a core African value.

The Situation of Maritime Piracy in Africa

Maritime piracy is real in some locations on the African coastline. Recent piracy has been reported in the Gulf of Eden, and the Gulf of Guinea of West Africa. Though there has been some success in combating piracy in these areas, the threat is still real and there. There is still occasional sporadic attack against ships. Statista indicates that in 2020 alone in West Africa, there were 46 piracy incidents in international waters, 11 in territorial waters, and 33 in the port area; in East Africa, there were 4 in port areas; and in the Indian Ocean, 2 in international waters, 1 in territorial waters and 9 in port areas (1). Whether in port areas or international waters, the reality is that some of these pirates operate from the high seas or international waters to attack ports and territorial waters. The International Chambers of Commerce (ICC) records that almost half, 43% of piracy attacks in the first quarter of 2021 took place in the Gulf of Guinea. During the first quarter of 2021, 33 vessels were attacked and boarded, 2 were attempts, 2 vessels were fired upon and another vessel was hijacked (1). Outside this, the ICC through its International Maritime Bureau states that violence against crew has risen. The ICC records that in March 2021, 15 crew members from a Maltese ship were kidnapped, 212 nautical miles from the shores of Cotonou in the Benin Republic; and in another incident, in February 2021 they used a vessel they hijacked to attack another vessel (2)

Another prominent area where maritime piracy has taken place is the Gulf of Eden. Wilson writes regarding Somalia that in 2008, 111 ships were attacked in the Gulf of Eden and the Horn of Africa (1). Neethling writes that in 2009 many attacks on several ships were also recorded (90). Neethling shows further that pirates in a dramatic manner use very fast-moving skiffs to get close to ships and board them through ladders/grappling hooks. They hold the crew to ransom and demand money. Furthermore, towards the end of 2008, the dramatic standoff between US naval warships and Somali pirates demanding

a US\$20 million ransom for a hijacked Ukrainian ship loaded with Russian tanks specifically highlighted and focused the world's spotlight on piracy in the Gulf of Aden. The hijacking southeast of Mombasa, Kenya, of the *Sirius Star*, a Saudi supertanker carrying two million barrels of oil, also towards the end of November 2008, furthermore stressed the prevalence and danger of piracy around Africa's east coast. In this particular case, a ransom of \$25 million for the release of the vessel was claimed, although an amount of \$3 million was eventually paid to the pirates. Another incident that specifically highlighted the reality and dangers of piracy on the east coast of Africa occurred in mid-April 2009 when Captain Richard Phillips of the *Maersk Alabama* was dramatically rescued by US Navy SEALs during which mission three Somali pirates were killed (Neethling 90).

The ICC (3) records that in the first quarter of 2021, only 1 (one) incident of piracy near Somalia took place. The attack was repelled. Piracy used to be rampant in the Gulf of Eden, and though it has subsided, it is still real and the threat is there. Preventive measures to combat. Concerning the East African coast though piracy has waned down it has not fully abated.

Some Causes of Maritime Piracy

Maritime piracy can be fuelled by human greed for money and other financial advantages. Take the situation in the Gulf of Guinea of Nigeria where petroleum products are often on the high seas. The United Nations Office on Drugs and Crime states that the disorder in the oil industry has fostered oil pirates who target vessels transporting petroleum products (1). These pirates attack, steal petroleum products, and sell them in the booming black market of west Africa.

The socioeconomic and political problems of injustice, environmental degradation, and unemployment in Nigeria especially in the Niger Delta should not be separated from the piracy problem. Just and peaceful societies can impede people from turning to criminality whether on land or at sea. Deutsche Welle (DW) states that: "The roots of the problem, however, run deep. Ali said that most of the pirates come from the Niger Delta in southern Nigeria, an impoverished region that is home to vast oil reserves but where drilling has contaminated local land and water" (5). In Nigeria, a major source of income is fishing and farming. This is common in riverine communities and the Niger Delta. DW reveals that: "Since the two most important economic sectors in the area — fishing and farming — have been destroyed, many people are looking for other sources of income. This makes it easy for criminal gangs to recruit new pirates" (5). While it can be disputed if most pirates come from the region, the fact remains that social problems can enhance

the emergence of pirates. The BBC Reality Research Team states that: “Most of the attacks have been against ships involved in oil and gas transportation, such as tankers, bulk carriers, and tugs. Fishing vessels have also been targeted. The coastline off Nigeria saw the most attacks in 2018. This is partly because of "petro-piracy", targeting tankers from Nigeria's rich oil and gas fields” (5). Note also that:

There were also incidents reported at the loading and anchorage facilities in the Nigerian port of Lagos. Piracy in the form of hijacking and kidnapping for ransom payments was also common off the coasts of Benin, Ghana, Nigeria, Congo-Brazzaville, and Cameroon. Rich pickings at sea, political instability, the lack of law enforcement, and poverty on land are all factors which have contributed to the increase in piracy. Most of the seafarers affected are not from the region. Around half are from the Philippines, followed by India, Ukraine, and Nigeria (BBC Reality Research Team 5).

Maritime piracy is an issue in security. Authors like Neethling have shown that many security problems facing the African continent are driven by poor governance and failures of states to positively maintain good order in both land and sea (89). Insecurity makes people turn to crimes and other social vices.

Consequences of Maritime Piracy

The consequences of piracy are enormous. DW reports that: “Over the past two or three years, the sea lanes in the Gulf of Guinea — a strategic region through which the majority of Europe's trade moves — has become the main theater of international piracy” (4). Piracy is a serious threat to international trade and commerce. Financial resources that could have been used for the construction of social infrastructures are plunged to combat piracy. Thus other sectors of the economy suffer. Portuguese Minister of Defence, Joao Gomes Cravinho told DW that “His country took the EU's rotating, half-year presidency in January. Since 2014, the EU has contributed more than €55 million (\$66.7 million) to the fight against piracy. This has included security upgrades for harbors and programs designed to improve cooperation between security forces in the region.” (4). The economic cost can be grave.

Neethling avers rightly that: “Piracy and armed robbery have threatened vital sea lines of communication and trade interest...” (90). Maritime piracy impedes the navigation of the world's oceans and seas thus slowing down international trade. It threatens the development, peace, security, and governance of the world's oceans. It is also a serious threat to environmental security and sustainability.

The consequences and effects of maritime piracy are unquantifiable. Human lives and marine properties are destroyed and lost. Sources of livelihood are abandoned and also lost. Because of maritime piracy, fishermen and women that work in the seas and oceans have abandoned their work. The consequence is hunger and starvation. Lacking vital financial resources, some of them cannot send their children and wards to schools. They cannot meet their basic needs for food, clothing, and shelter. The psychological and mental impact of this can lead to depression and sickness. Maritime piracy infringes on people's right to food and other fundamental human rights such as freedom of movement. What about the physical injuries that victims experience as a result of pirates' attacks?

Cure to Maritime Piracy

The International Maritime Organization (IMO) has highlighted that one vital way to deal with maritime piracy is through regional cooperation. Regional agreements against maritime piracy are vital in implementing common solutions to the problem (3-4). IMO relates how successful operations against piracy were carried out in the Straits of Malacca and Singapore. An example of such an agreement according to IMO is "The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against ships in Asia (RECAAP), which was concluded in November 2004 by 16 countries in Asia, entered into force in September 2006 and encompasses the RECAAP Information Sharing Centre (ISC) for facilitating the sharing of piracy and armed robbery related information." Sharing of information is vital in curbing piracy. Sharing of information can help nations to be aware of locations and activities of sea pirates and mobilize security agents to combat them. Another vital agreement according to IMO is the 2009 regional agreement, Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden that took place in Djibouti. In this regional agreement, "the signatories declare their intention to cooperate to the fullest possible extent, and in a manner consistent with international law, in the repression of piracy and armed robbery against ships." (6). The agreement is clear that pirate ships will be interdicted and sanctioned, pirates will be prosecuted and victims of sea pirates and armed robbers will be treated and repatriated.

IMO shows that in West and Central Africa there is the 2008 "Memorandum of Understanding on the establishment of a sub-regional integrated Coast Guard Function Network." This has been signed by fifteen Coastal states. There is also the "Code of Conduct concerning the repression of piracy, armed robbery against ships, and illicit maritime activity in west and central Africa" signed on 25th June 2013 in Yaoundé. The goals of these agreements are protecting human lives, curbing drug smuggling, and protecting ships and people's livelihood.

Maritime policing is also very important in combating sea piracy. Effective maritime policing can help to curb maritime policy should not be in doubt. The BBC Reality Research Team (6) states that:

One of the reasons West Africa is now the number one spot for piracy is because of the downward trends recorded elsewhere. The East African shipping routes along the Somali coastline have been notorious for hijackings and robberies. But since peaking in 2011, rates of piracy there have fallen dramatically in recent years. This is in large measure a result of a successful multi-national effort to patrol these waters and take firm action against acts of piracy.

Afroecosolidarity as a Panacea to Maritime Piracy

The reality is that beyond government and interstate policies, prosecution of pirates, and self-defense efforts of ship owners and sailors to combat piracy, the place of ethical value education and propagation against maritime piracy should not be overlooked. Maritime piracy is not only a socio-economic and political problem; it is also a moral problem. Rooted in human and economic greed, it needs to be combated with moral force. It is evil and offends against the value of law and order in society. Through all channels of social communication pirates need to be persuaded about the evils of piracy and the harm they are causing to society. Pirates lack respect for human dignity and human rights.

A vital ethical value that should be propagated is that of Afroecosolidarity. This ethical value fosters the spirit of solidarity among human persons and in relationship with their interaction with nature rooted in Ubuntu, Ujamaa, and Ukama values. This value highlights the human affinity with fellow human beings and other beings in nature. Sea pirates ought to know that the people they attack are human beings like them. They share equal dignity and value with them. Radical recognition of the humanity of others is a value that pirates should embrace. The economic greed of pirates can only bring harm to society. The golden rule affirms that you should do unto others what you want them to do to you. You find this rule in almost all religions in various forms. It will not be true to state that all pirates are atheists and adhere to no religion. Pirates should convert and authentically embrace the value of their religions. Respect for human life is a strong African value. Unless in individual self-defense or a community defending herself against threats it was not permissible to take another life. Ikeke argues that African life and culture were rooted and based on communalism, and social interests for others (348). Afroecosolidarity is imbued with this spirit of communalism that emphasizes working for the good of others. Imbibing this value someone will shun social vices like maritime piracy, greed, selfishness, etc.

The negative environmental effects of maritime piracy should not be ignored. All human activities have effects on the natural environment. Sea pirates have a total lack of respect for the African oceans and natural environment. They pollute the ocean with their sea vehicles and attack other ships with chemicals and other weapons that are dumped into the oceans. Sea pirates can pollute the oceans with the blood of their victims. Sea pirates ought to note that without peaceful oceans their lives are equally endangered.

A human rights and human dignity education rooted in Afroecosolidarity-centered values needs to be practiced in the land. Pirates are human beings and they come from society. Some would have had contact with secondary or even university education. But due to socioeconomic and political challenges in the land, hunger, and unemployment, they have turned to crime and criminality. Education against maritime and other forms of piracy and criminality at sea is important. The role of education in good leadership, effective governance, and good citizenship cannot be overemphasized. Maritime piracy is a symptom of failed governance and broken states. As noted previously it is the situation in Nigeria's Niger Delta and Somalia that has partly precipitated maritime piracy in those regions. Educational conscientization with Afroecosolidarity should be done across the curriculum. It is human beings who make and implement policies. No matter how strong the policies and laws against maritime policies and other criminalities if the people to implement the laws are corrupt, it will affect the eradication of maritime policy. Imagine corrupt officers acting as naval officers and policing the high seas. Instead of arresting sea criminals and bringing them up for prosecution they will collect money and let the criminals go. In a situation like this, it will be difficult for maritime piracy to abate. Africa needs men and women who are selfless, and who see maritime piracy as evil. Men and women who see the humanity of others and are willing to help foster the human good and also the biotic good.

Conclusion

The paper has examined the phenomenon of maritime piracy in Africa. It revealed that maritime piracy is a serious problem that endangers both human lives and maritime resources. Hundreds of human lives and properties have been lost to maritime piracy. It has caused physical and mental harm to human beings. It has posed a grave danger to international trade and commerce. Because of the evils of maritime piracy, it must be curbed. The policies and ways that maritime piracy can be solved were enumerated previously. Most importantly, the role of the practice of Afroecosolidarity value was highlighted. This value emphasizes the communal solidarity of human beings with their fellow human beings and the earth in avoiding whatever is inimical to human and

ecosystemic welfare and wellbeing. Though, not a total panacea, the value of Afroecosolidarity will help to curb maritime piracy in Africa.

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