

## Taming the Tide of Maritime Piracy in Nigeria's Territorial Waters

† *Kalu Kingsley Anele*

† *Division of Maritime Transportation Science, Korea Maritime and Ocean University, Korea 606-791*

**Abstract** : *The rising spate of piracy in Nigeria's territorial waters has become a burden on the economic development of the country. It has adversely affected the exportation of crude oil, which is the mainstay of the country's economy. Pirates target and hijack vessels carrying oil and gas, thus reducing the revenue accruable to the country from selling these resources. Piracy also affects the fishing industry which is another source of revenue to the country. Nigeria, as an import dependent country, relies on the importation of finished goods, and this is seriously affected by piracy. This study briefly examines the root causes of piracy in Nigeria. Further, the study interrogates the effects of piracy, identifies the challenges in the suppression of the crime and proffers suggestions toward suppressing the crime in the country. Against this backdrop, the study argues, among other things, that an expansive definition of piracy is key in the fight against this maritime crime in Nigeria, because the present legal regime is restrictive and limited in scope, thus, it does not reflect the modern piratical acts. More importantly, Nigeria must criminalise piracy in its domestic law in other to police its territorial waters, capture and prosecute pirates in its local courts.*

**Key words** : *Piracy, Nigeria, Territorial Waters, Crude Oil, Ports, UNSCRs, LOSC 1982, IMB.*

### 1. Introduction

Piratical activities in the territorial waters of Nigeria, one of the coastal states along the coastline of the Gulf of Guinea, have continued unabated despite the country's stance to suppress it. Piracy is rife in Nigeria as a result of the vessel traffic in the country's territorial waters. This situation is engendered by the fact that crude oil, which is the mainstay of the country's economy, is transported through the sea. Aside from that, Nigeria lacks the capacity to refine crude oil locally. Therefore the resource is exported to other countries where it is refined and imported back to the country for local consumption. Further, there are many vessels that provide support services to the various oil rigs located in the country's maritime zones which are also hijacked by pirates. In summary, piracy in the territorial waters of Nigeria is essentially targeted at crude oil (Nodland, 2010). The stolen crude oil is later sold at black market, and this makes piracy in Nigeria more lucrative compared to piracy in Somalia, where pirates depend on ransom paid for kidnapped seafarer(s), cargo or ship. Further, as an import dependent country, merchant vessels, which abound in the country's territorial waters, call at the ports in Nigeria. These vessels are easy prey to

piratical attacks when they are berthed at ports in Nigeria in other to discharge their cargoes or anchored waiting for their turn to berth at the designated berthing area within the port. In furtherance of their criminal acts, pirates attack fishing boats with the attendant consequence of loss of revenue accruable to Nigeria from the fishing sub-sector of the economy. Piratical attacks on fishing boats also increase unemployment as fishermen are afraid to fish in the waters of Nigeria (Suretic Report, 2014). These piratical attacks essentially affect the economy of the country, culminating to the lack of infrastructural development and the provision of basic amenities to the country.

This paper argues that first and foremost, the suppression of piracy in Nigeria must include the expansion of the definition of piracy to include armed robbery attacks that occur in the territorial waters and ports of the country, for political or private ends and could involve one or two vessels. The paper further maintains that Nigerian government must, as a matter of urgency, muster the political will to effectively combat piracy by prosecuting corrupt government officials in the energy and maritime sectors of the country, as well as, efficiently use the vehicle of regional and global cooperation in fighting piracy in the country. Thus, the paper looks at the root causes of piracy

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† Corresponding author : [kkanele@gmail.com](mailto:kkanele@gmail.com)

in Nigeria's territorial waters, their consequences, challenges in the suppression of piracy and suggestions on how to suppress the maritime crime in the country. In conclusion, the paper reiterates the importance of extending the definition of piracy in the suppression of piracy in Nigeria. More so, there is need for government of Nigeria to wield into the problems in the Niger Delta region with a view to finding lasting solutions to them. It is imperative that Nigerian government criminalises piracy in its domestic law, prosecutes corrupt government officials, implements and enforces international and local instruments on maritime security and other related conventions, adequately equips and funds maritime regulatory institutions like the Nigerian Maritime Administration and Safety Agency (NIMASA) and the Nigerian Ports Authority (NPA), security agencies like the Nigerian Police, and the Nigerian Navy, and the judiciary in other to curb piracy in the country. Lastly, Nigerian government should enhance regional and global cooperation with other countries, as well as international maritime organisations, in the suppression of piracy in the country.

## 2. Conceptual Clarifications

Under international law regime, piracy involves illegal and violent act that takes place on the high seas, involving two ships and for private ends (LOSC 1982, art. 101). However, modern piracy mostly occurs in territorial waters, archipelagic waters, internal waters and at the ports of coastal states, and it involves armed robbery against a ship. In other words, the definition of piracy under international law is limited and grossly inadequate in the fight against piracy. Modern trend of piracy, like piracy in Nigeria (Anele and Lee, 2014), Somalia (Treves, 2009), Indonesia (Nicholas, 2008) and Bangladesh (Menefee, 2010), does not necessarily require two ships (skiffs, boats are sometimes used, while at the ports, another ship is not needed) and there is a thin line between private and political ends (Guilfoyle(a), 2008, Guilfoyle(b), 2010). In Nigeria, for instance, piracy occurs in the territorial waters, ports, as well as the internal waters of the country. This means that the extant legal regime under LOSC 1982 does not cover these strategic areas. Consequent upon the limited definition of piracy, the use of regional and global cooperation and efforts to suppress the crime is seriously hampered. For instance, pirates after attacking a vessel retreat to the territorial waters of a coastal state, preventing joint naval forces or

other countries navies from engaging in hot pursuit (LOSC 1982, art. 111) and exercising the right of visit (LOSC 1982, art. 110) on the pirates' vessel. In view of these fundamental limitations, this paper adopts the definition given by the International Maritime Bureau (IMB) which expanded the meaning of piracy to violent acts and robbery against a ship that takes place anywhere on the sea, devoid of two ships and private end requirements (IMB, Piracy Report for 2009, 2010). More importantly, the United Nations Security Council (UNSC), recognising the limitations of the definition of piracy under the LOSC 1982 in the suppression of piracy off the coast of Somalia, through its resolutions, adopted the definition given by International Maritime Organisation, (IMO)(IMO Assembly Resolution A. 1025 (26), para. 2.2) which extends the definition of piracy to include armed robbery against ships in the territorial waters of a coastal state. (UNSCRs 1846, paras.1 & 10 (a-b), 1816 paras.1 & 7 (a-b)). To support this action is the provision of the United Nations (UN) Charter which stipulates that where there is a conflict between the provision of a UNSC resolution and a provision of an international convention, the former prevails (The UN Charter, article 103).

Table 1 The Number of Piratical Attacks in Nigeria's Territorial Waters (2009-30 June 2014)

Country	2009	2010	2011	2012	2013	2014 (1 Jan -30 June)
Nigeria	29	19	10	27	31	10

Source: IMB Piracy Report for 2013, p. 5 and IMB Piracy Report for the first half of 2014, p. 5

Table 2 Types of Violence to Crew in Nigeria's Territorial Waters (2013-30 June 2014)

Country	Year	Hostage	Threatened	Assault	Injured	Killed	Kidnaped	Missing
Nigeria	2013	43			4	1	34	
	1 Jan - 30 June 2014	15			1	1	2	

Source: IMB Piracy Report for 2013, p. 11 and IMB Piracy Report for the first half of 2014, p. 10

Table 3 The Number of Global Piratical Attacks

Countries	2009	2010	2011	2012	2013	1 <sup>st</sup> half of 2014
Nigeria	29	19	10	27	31	10
Somalia	80	139	160	49	7	3
Indonesia	15	40	46	81	106	47
Bangladesh	18	23	10	11	12	10
Columbia	5	3	4	5	7	1

Source: IMB Piracy Report for 2013, p. 5 and IMB Piracy Report for the first half of 2014, p. 5

Table 4 Types of Violence to Crew

Country	Host age	Threa tened	Assa ult	Injured	Killed	Kidna pped	Missi ng
Nigeria	43			4	1	34	
Somalia	20						
Indonesia	34	6		3			
Banglade sh		1					
Columbia	1						

Source: IMB Piracy Report for 2013, p. 11

A cursory look at Table 1 above shows that piracy in the territorial waters of Nigeria has been on the increase, with the highest number of attacks in 2013. However, the number of attacks in the first six months of 2014 depicts a reduction in attack, compared to the total attacks in 2013. Most of these attacks took place within the territorial waters and ports of the country. As a consequence, Nigeria’s maritime zones have been designated as risky and dangerous route for navigation. In view of this, vessels are advised to be vigilant when they enter into the territorial waters of Nigeria (IMB Report for 2013, 2014). This has a devastating effect on the economy of the country.

From the statistics in Table 2, it is obvious that Nigerian pirates are very violent in carrying out their attacks (IMB Piracy Report for 2013, 2014). These have resulted in a number of deaths, hostages and kidnappings, culminating in a high rate of humanitarian crisis in the country (IMB Piracy Report for 2013, 2014; IMB Piracy Report for the first half of 2014). Evidently, crew members (seafarers) are the ones that confront pirates and as a result of this, they are at risk of being killed, kidnapped or held hostage in the course of their legitimate work. This is the most important reason why piracy in the territorial waters of Nigeria should be suppressed forthwith, with the collaborative efforts at both regional and global levels.

Comparatively, there are uneven number of piratical attacks at the various piracy hotspots in the world, which shows that while in some areas the attacks are increasing, in others the attacks are decreasing. For example, in Table

3, Nigeria, Columbia, Bangladesh, and particularly Indonesia, attacks are on various levels of increase, but in Somalia, piratical attacks are reducing considerably. The reduction in the number of piratical attacks in Somalia is a direct result of global and regional efforts channeled toward suppressing piracy in the Indian Ocean and the Gulf of Aden, the use of private armed security personnel (PASP) aboard commercial vessels and the implementation of best management practices by the majority of commercial shipowners with vessels that navigate through the high-risk areas of the Indian Ocean and the Gulf of Aden (Anyimadu, 2013).

Hriberink observes that due to the counter-piracy efforts of the Regional Cooperation Agreement on Combating Armed Robbery against Ships in Asia (ReCAAP), through its information sharing center, piracy in Southeast Asia has reduced significantly. However, there has been a concurrent geographical shift in piratical attacks into the waters and ports of Indonesia (Hribernik, 2013). ReCAAP, in its report, states that the overall improvement of the situation of piracy and armed robbery against ships in Asia has continued. But, the number of incidents has increased in 2013, though the bulk of them were petty theft, which are reasonably less violent than in previous years (ReCAAP, 2013). From Tables 3 and 4, it can be concluded that, generally, piracy in Latin American Countries (LAC), represented by Columbia, is less violent and infrequent compared to other piracy hotspot areas. More so, piracy in the LACs is characterised by petty theft while the vessel is anchored (Reuchlin, 2012).

Again, a cursory look at Table 4 shows that violent attacks against the crew were rife in Nigeria, compared to other piracy hotspot areas, including Indonesia, which has the highest number of attacks for the periods in question. In the process of hijacking vessels in Nigeria, two crew members were killed in 2013 and the first half of 2014 respectively. While many were held hostage, others were injured, lending credence to the earlier position that Nigerian pirates are more violent than their counterparts in other piracy hotspot areas. These analysis evidently shows that it is imperative that piracy in the territorial waters of Nigeria should be suppressed without delay.

It is also necessary to understand the nature of piracy in Nigeria vis a vis piracy in other piracy hotspots in the world. Some of the similarities among pirates generally include the fact that piracy, no matter where it occurs, affects the freedom of navigation and international trade. In view of this, it is important to note that the Gulf of Guinea,

Strait of Malacca and the Indian Ocean are all important navigation routes for energy and merchant vessels. Additionally, piracy commences from land before being executed on the sea and this is peculiar to all piracy high-risk areas. Another similar characteristic that cuts across all piracy hotspot areas is poverty, which is a strong motivation for becoming a pirate. Nigerian pirates, Somali pirates, pirates in Bangladesh and Indonesian pirates are all motivated by poverty and unemployment in their countries.

On the other hand, piracy in Nigeria also differs with piracy in other parts of the world. For instance, Nigerian pirates are more violent than pirates in other piracy hotspot areas. Montclos argues that piracy in Nigeria differs from piracy in Indonesia, because the Gulf of Guinea has few islets unlike in Southeast Asia where there are plethora of islets (Montclos, 2012). Again, while piracy in Nigeria, like in Indonesia and Bangladesh, essentially occurs in ports and territorial waters of the country, Somali pirates largely operate on the high seas. Piracy in Nigeria and Indonesia abound due to insurgency in their various countries. This view is aptly illustrated by the fact that in Nigeria, the Niger Delta militants are engaging in piratical activities in Nigerian waters, extending to the Gulf of Guinea, while the Free Aceh Movement (GAM) rebels in Indonesia are attacking vessels in Indonesian waters and the Strait of Malacca. Somali pirates arose due to the absence of a central government in the country. Piracy in Nigeria, Indonesia and Bangladesh involves petty theft and stealing of cargoes, mostly crude oil. Thus pirates, especially in Nigeria, make a lot of money selling crude oil in black market. But in Somali, pirates kidnap the crew members, and sometimes the ship and the cargo for ransom, which may not be as lucrative as the selling of crude oil (Petretto, 2011).

### **3. Root Causes and Effects of Piracy in Nigeria's Territorial Waters**

#### **3.1 Root Causes of Piracy in Nigeria's Territorial Waters**

Modern piracy, particularly, piracy off the coast of Nigeria, generally arises due to disaffection by the marginalised Niger Delta communities whose land contains crude oil that is being exploited by the country in conjunction with multinational oil companies. There is no

infrastructural development and basic amenities in the Niger Delta communities, in spite of the crucial role these communities play in the economic development of the country. Due to oil exploration, Niger Delta communities suffer from environmental degradation which affects their health and occupations as farmers and fishermen. There is also high rate of unemployment and poverty in these communities (Anele and Lee, 2014). Nodland agrees that due to these challenges and the neglect by the federal government, the youths of the Niger Delta communities decided to disrupt the source of revenue in the country by stealing crude oil, benefiting financially from the sale of the stolen natural resource (Nodland, 2010).

A corollary to the above is the fact that there is a proliferation of weapons in the Niger Delta areas as a result of the political agenda of the political class. It is regrettable that politics in Nigeria has degenerated into violence, kidnapping, thuggery and killing of political opponents. Consequent upon that, Nigerian pirates, to a large extent, were the political thugs recruited, armed and subsequently used in the rigging of 2003 and 2007 elections in the various states in the Niger Delta region. After the elections in 2007, the politicians abandoned these thugs without dispossessing them of their weapons. These thugs therefore use the weapons at their disposal to become pirates in order to fund their lavish lifestyles (Okoronkwo *et al*, 2014; Dogarawa, 2013). Chalk, on his part, states that piracy is increasing in Nigerian waters due to access to leftover stocks of weapons used in the civil wars that ravaged some of the countries in West Africa (Liberia, Ivory Coast, Sierra Leone, etc.) and the illicit arms trade by members of the security agencies in the region (Chalk, 2014).

In furtherance of the above, maritime regulatory institutions and security agencies (Montclos, 2012; Clough, 2014). have compromised their functions by conniving with pirates in hijacking vessels in Nigerian waters. Security agencies, in order to get a share in the loot, collude with pirates in attacking vessels in the territorial waters of Nigeria. Additionally, these institutions and agencies are ill-equipped, under funded and ill motivated to effectively perform the function of securing the maritime zones of Nigeria (Anele and Lee, 2014).

Corruption in the petroleum industry is another major cause of piracy in Nigeria. Corruption has pervaded the industry, which takes place in the award of oil exploration and production licenses and contracts, allocation of license for exporting crude oil and importation of refined products,

corrupt subsidy regime, embezzlement of public funds, among others. For example, the fraudulent activities of the independent fuel marketers under the guise of subsidy regime has cost Nigerian government about \$6.8 billion for refined products that were mostly not supplied (The Economist, 2012). Buttressing the fact that corruption triggers piracy in Nigeria, Mead expresses his concern on the lack of transparency and auditing of the Nigeria National Petroleum Company (NNPC) and the issue of unremitted \$20 billion to the Central Bank of Nigeria by the NNPC (Mead, 2014). These corrupt tendencies of government officials give fillip to pirates to enrich themselves by hijacking and selling crude oil in black market (Global Witness, 2012).

It is very important to emphasize and highlight the fact that absence of political will by the Nigerian government to suppress piracy has continued to fan the embers of piracy in the country. First, the country is yet to criminalise piracy in its local law, which means that piracy may not be a crime in the country. Second, Nigerian government has not domesticated international instruments on maritime security and other sundry conventions. Aside from the International Ship and Port Facility Security (ISPS) Code 2002, through The International Convention for the Safety of Life at Sea (Ratification and Enforcement) Act, 2004, Nigeria has not domesticated any other piracy related convention in the country. Lastly, government of Nigeria has been paying lip service to the issue of corruption, embezzlement, oil theft, missing funds in the petroleum industry and misappropriation of public funds by its officials. Government officials and members of the political class involved in these fraudulent activities have not been prosecuted. This gives the impression that government is protecting corrupt officials, as well as those involved in oil theft and piracy in the country (Ribadu Report, 2012; House of Rep. Report, 2012; NEITI Report, 2012; Sahara Reporters, 2014).

### 3.2 Effects of Piracy in Nigeria's Territorial Waters

The main effect of piracy in Nigeria is that it adversely affects the economic development of the country, considering the fact that piratical activities are targeted at vessels carrying both crude oil, exported to other countries for refining, and refined products imported to the country for domestic use. Further, oil and gas industry accounts for 90 percent of the country's export and foreign exchange earnings, and over 79 percent of total Nigerian revenue

(Wilson, 2014). More so, the country's budget is based on the sale of crude oil. Therefore, the hijacking of vessels carrying crude oil and refined products, and the subsequent stealing of these cargoes by pirates gravely affects the economic development of Nigeria. In fact, Nigeria loses about US\$8 billion annually due to piracy in its territorial waters (Anele and Lee, 2014). In addition, due to piracy in Nigeria, oil production in the country has dropped by 20 percent since 2006 and 10 percent of the country's daily oil output (approximately 100, 000 barrels), valued at about \$1.5 million, is stolen every day (Hurlburt *et al.*, 2010a).

Piracy in Nigeria also has humanitarian consequences, when viewed from the purview of the killing, kidnapping, torturing, beating, starving and shooting of seafarers. Most seafarers have been maimed due to the violent nature of piracy in Nigeria. There is a high rate of post traumatic stress disorder (PTSD) among kidnapped seafarers in Nigeria. This ultimately disrupt the lives of the families of the affected seafarer(s), and most times, it leads to loss of job and economic hardship to these families (Hurlburt *et al.*, 2013b).

The existence of piracy in Nigeria's territorial waters has engendered other maritime crimes like human, arms and drug trafficking, illegal fishing, dumping of toxic waste and vandalism of oil installations. Piratical acts are also linked to money laundering, terrorism, corruption and other transnational organised crimes (Workshop Report, 2014). Piracy in the territorial waters of Nigeria could lead to the pollution of the aquatic environment with its attendant consequences to the ecosystem, if, in the course of a hijack, a vessel carrying crude oil or other dangerous cargoes was accidentally torpedoed or purposely set ablaze by pirates.

Nincic opines that piracy imposes significant cost on the Nigeria's fishing industry. Fishing is the second highest non-oil export industry in Nigeria, and pirate attacks on fishing trawlers have discouraged fishing boat captains from sailing in Nigerian waters. Such attacks by pirates include harassment, theft of fish cargoes, engines and other materials on board the boat, financial shakedowns, and the killing of fishermen. It has been estimated that Nigeria loses up to US\$600 million in export earnings as a result of threats of piracy to its fishing industry. More so, piracy threatens about 50, 000 jobs in Nigeria's fishing industry (Nincic, 2009).

Piracy in the territorial waters of Nigeria also has both regional and global implications on shippers. Nigeria accounts for over 60 percent of the total seaborne traffic in

the West African sub-region (Nincic, 2009). Consequent upon the warnings that Nigerian waters are dangerous, there has been increase in the shipping costs for merchant vessels calling at Nigerian and Gulf of Guinea ports, as shippers factor higher insurance premiums into their pricing. The high cost of shipping is eventually passed on to consumers, with its attendant inflationary pressures for vital goods and services throughout the region. Furthermore, the supply of crude oil by Nigeria to the United States (US), European Union (EU) and other countries will be affected as a result of piracy in Nigeria's territorial waters. Thus, piracy in Nigeria affects global energy supply from Nigeria to other parts of the world (U.S. Energy Information Administration, "Full Report on Nigeria" 2013). In view of this, Simmonds observes that, in 2012, piracy affected 5 percent or 42m barrels of Nigerian crude oil that were exported to the United Kingdom (UK), 39 percent that was sent to other EU countries and 4 percent that was exported to the US (Simmonds, 2014).

#### **4. Challenges and Suggestions on how to Suppress Piracy in Nigeria's Territorial Waters**

##### **4.1 Challenges in Suppressing Piracy in Nigeria's Territorial Waters**

The inability of the government of Nigeria to prosecute corrupt government officials and politicians who sponsor pirates prevents the suppression of the crime in the country (Sahara Reporters, 2014). Further, there is corruption in the petroleum industry in Nigeria, which has engendered the spread of piracy in the country. Due to the spate of corrupt activities in the oil and gas industry, Nigerian government set up different committees to look into these corruption allegations. The recommendations of these reports have not been implemented till date (Ribadu Report, 2012; House of Rep. Report, 2012; NEITI Report, 2012). Therefore, Nigerian government's lack of political will to prosecute those involved in corrupt practices as well as sponsoring piracy and oil theft in the country has given impetus to pirates to continue their criminal acts unabated in the country.

In addition to the above, Nigeria has not domesticated international instruments criminalising piracy. This has serious implications in the fight against piracy in the

country. The importance of having an existing legal regime for suppressing piracy cannot be over-emphasised, as the UNSC has severally urged countries to domesticate conventions criminalising piracy as part of the efforts toward suppressing the maritime crime (UNSCRs 1846, para.15; 2125, para.17; & 2077, para.17). The consequence of this situation is that it will be difficult for pirates to be prosecuted in Nigerian courts.

The inherent limitations of the international legal regime of piracy contributes to the escalation of the maritime crime in Nigeria. For instance, the geographical limitation of pirates has provided a leeway for pirates to operate in Nigeria's territorial waters without any resistance from the ill-equipped and ill-motivated Nigerian Navy. Nigeria, a weak state, lacks the capacity to police and secure its maritime zones. On the other hand, when piratical attacks occur on the high seas, pirates quickly sail into the territorial waters of a coastal state to prevent the joint naval forces or navies of other countries from engaging in hot pursuit and exercising the right of visit, thereby avoiding capture and subsequent prosecution.

Finally, the regulatory institutions in the maritime sector and security agencies in Nigeria are poorly funded, ill-motivated, lack state of the art facilities and are largely ill-trained in the area of maritime security, particularly in combating piracy. More so, the judiciary in Nigeria is not only poorly funded, but lacks adequate basic facilities and training to discharge its duties effectively and dispassionately in piracy cases.

##### **4.2 Suggestions on how to Suppress Piracy in Nigeria's Territorial Waters**

Before any meaningful progress can be made in suppressing piracy in Nigeria's territorial waters, government must have the political will to prosecute corrupt government officials and politicians who sponsor oil theft, terrorism, and piracy in the country. There is need for government to implement the recommendations of the reports of the various investigative committees on the activities in the oil industry. Government must also tackle the challenges confronting the Niger Delta communities with a view to solving them. This is because it is the responsibility of Nigerian government to secure the lives and properties of its citizens (The 1999 Constitution of F.R.N, s. 14).

Again, Nigeria must criminalise piracy in its national law. This can be achieved by domesticating international

instruments on maritime security that criminalise piracy in accordance with the Constitution of Nigeria (SUA Convention 1988, arts. 3 & 6; LOSC 1982, art. 105, The 1999 Constitution of F.R.N., s. 12). In addition, international instruments that protect the welfare, health, human rights and other labour related matters affecting seafarers (MLC 2006), which Nigeria has ratified, must be domesticated in accordance with the provision of the Nigerian Constitution (1999 Constitution of F.R.N., s 12).

The sponsors of piracy in Nigeria must also be prosecuted using other local laws on related crimes like terrorism, money laundering and other financial and economic crimes (EFCC Act, 2004; Terrorism Act, 2013; Money Laundering Act, 2012; UNSCRs 2077, para. 21 and 2125, paras. 5 & 20). This therefore means that the judiciary plays a key role in stamping out piracy in Nigeria. Against this backdrop, the judiciary should be well funded and adequate basic facilities provided for their use, and regular training and re-training of judges, specifically on how to handle piracy cases, should be guaranteed. Most importantly, judicial independence should be secured.

Regulatory institutions in the maritime sector and security agencies should be well funded, well equipped, well trained and well-motivated to be able to fight piracy in the territorial waters of Nigeria. Of great importance is the training of security agencies and maritime regulatory institutions on how to handle captured pirates, as well as how to preserve evidence, to avoid the issue of human right violations and the destruction of evidence which could stall the prosecution of the arrested pirates (LOSC 1982, art. 105, UNSRs 1851, para. 6, & 1897 para. 11).

Global and regional cooperation among the countries in the Gulf of Guinea is also crucial in combating piracy in the territorial waters of Nigeria, particularly, in the area of information sharing and joint military training exercises and patrol (UNSCRs 2039, para.5; 1897, para.7; & 1851, para.4). For instance, the bilateral cooperation between Nigeria and Benin Republic, which led to a combined maritime patrol of their waters, codenamed *Operation Prosperity*, should be intensified. Further, members of the Economic Community of West African States (ECOWAS) should come together with a view to finding lasting solution to piracy in the Gulf of Guinea, as exemplified by the efforts of ReCAAP in curbing piracy in Southeast Asia (Onuoha F.C., 2013). The success recorded by the joint naval forces in the fight against Somali pirates should also be extended to Nigeria in other to discourage piracy in Nigeria's territorial waters.

Shipowners, on their part, should engage PASP on board their vessels. Shipowners, therefore, should ensure that these armed guards follow the provisions of the guidelines for the engagement of PASP on vessels (UNSCRs 2125, para. 26, & 2077 para.30, IMO Guidance, 2002 & Interim UK Guidance, 2013). Shipowners should also make sure that members of the crew are acquainted with the best management practices to protect their vessels from being hijacked by pirates (UNSCRs 1897, para.15 & 1851, para.12, SAMI BMP4, Interim Guidelines for BMP).

## 5. Conclusion

Modern piracy has shown that there should be a paradigm shift in the international legal regime of piracy to reflect the new global trending of the crime. Based on that, piracy cannot be restricted to a particular geographical location or locations. The requirement for the existence of two vessels before an act of piracy could occur is equally unnecessary. More so, the difference between personal and political ends is blurred and courts have interpreted personal end to include political end (*Castle John v NV Mabeco, Institute of Cetacean & Ors v S.S.C.S. & Another*). Thus, there is need for a paradigm shift in the legal regime of international piracy governance. The justification for the suppression of piracy in Nigeria's territorial waters is not far-fetched. Piracy has grossly undermined the country's economic development and has resulted in humanitarian challenges. The incessant piratical attacks have made the maritime zones of Nigeria to be unsafe and a security concern to the country and the entire West African sub-region. The adverse effect it has on freedom of navigation and international trade is overwhelming, while its impact on world energy security is huge. Consequent upon these reasons, the spate of piratical attacks in Nigeria's territorial waters should be given due global attention in other to quickly suppress it. Presently, Nigeria does not have the capacity to tackle the menace of piracy in its waters alone. In addition, since piracy affects every country, it is therefore imperative to jointly and severally suppress this maritime crime in Nigeria's territorial waters. At the same time, Nigerian government must criminalise piracy in its domestic law and muster the political will to tackle the crime decisively by prosecuting corrupt government officials in the maritime and petroleum sectors in the country. More so, politicians and government officials involved in sponsoring or shielding those involved

in oil theft and piracy in the country should be prosecuted. It is also imperative that Nigeria should domesticate, implement and enforce all international instruments on maritime security and sundry conventions in order to tame the tide of piracy in the country. The plight of the Niger Delta communities must also be given due attention in order to discourage the youths of these communities from engaging in piracy. Information sharing remains a veritable way of curbing piracy, therefore regional and global cooperation should be encouraged and intensified by the government of Nigeria. More importantly, the paper concludes by saying that an amalgam of these countermeasures will extensively help in suppressing piracy in the territorial waters of Nigeria.

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