

## *Hybrid Maritime Security Governance and Limited Statehood in the Gulf of Guinea: A Nigerian Case Study*

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### **Introduction**

This article attempts to expand the scope of inquiry into “the market for force” as an important area of study in international relations<sup>2</sup> by focusing on the privatization of aspects of maritime security governance in the Gulf of Guinea (GoG) in West Africa. Over the past two decades, the GoG has been described variously as “the new flashpoint of piracy in Africa,”<sup>3</sup> “the world’s most dangerous seas;”<sup>4</sup> and thus “a

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<sup>2</sup> Deborah Avant, *The Market for Force: The Consequences of Privatizing Security* (Cambridge: Cambridge University Press, 2005).

<sup>3</sup> Alex Benkenstein, “Gulf of Guinea: The New Flashpoint of Piracy in Africa?” *Occasional Paper* (Johannesburg: South African Institute of International Affairs, 6 January 2014), <http://www.polity.org.za/article/gulf-of-guinea-the-new-flashpoint-of-piracy-in-africa-2014-01-06>.

<sup>4</sup> Christos Kyrou and Kaade Wallace, “The Gulf of Guinea: Maritime Piracy’s New Global Nerve Center,” *Fair Observer*, 3 March 2014.

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playbook example for maritime insecurity.”<sup>5</sup> Atop the sources of insecurity that have elicited these sensational headlines and consequently, the adoption of a variety of private governance practices are piracy and sea robbery (including theft of petroleum products) which alone allegedly result in an annual loss of about \$26.3 billion to international maritime transport and commerce.<sup>6</sup> Other maritime criminal activities that are replete in the region, namely illegal, unregulated and unreported (IUU) fishing, human and small arms and light weapons smuggling, coastal erosion and environmental degradation, etc., receive less attention, even though they are often the incubators of maritime piracy and sea robbery. There has equally been a corresponding increase in the number of private maritime security companies (PMSCs), a “hybrid security governance” arrangement, framed as a temporary solution to the subregion’s perceived “limited statehood”<sup>7</sup> that created a vacuum for piracy and sea robbery to fester, let alone contain and/or eliminate them.

Rather than enhance state capacity, the introduction of PMSCs has tended to exacerbate maritime insecurity in general, just as maritime piracy remains a recurring challenge despite the huge human and financial resources devoted to its eradication. As the “threat of piracy” escalated over the years, GoG states were pressured or compelled to license PMSCs to protect foreign shipping and international oil companies operating in the subregion against attacks,<sup>8</sup> rather than addressing the political economy of state-society relations and the structural constraints of the international environment that

<sup>5</sup> Brian Gicheru Kinyua, “Does Somali Piracy Hold Security Lessons for the Gulf of Guinea?,” *The Maritime Executive*, 22 January 2021.

<sup>6</sup> “Nigeria Loses \$26.3bn to Piracy, Others Annually – Buhari,” *Vanguard* (Lagos), 13 July 2021, <https://www.vanguardngr.com/2021/07/nigeria-loses-26-3bn-annually-to-piracy-sea-robbery-others-buhari/amp/>.

<sup>7</sup> Alex Gould, “Global Assemblages and Counter-Piracy: Public and Private in Maritime Policing,” *Policing and Society* 27, 4 (2017): pp. 408–18.

<sup>8</sup> Christina Katsouris and Aaron Sayne, *Nigeria’s Criminal Crude: International Options to Combat the Export of Stolen Oil* (London: Chatham House, The Royal Institute of International Affairs, 2013), [https://www.chathamhouse.org/sites/default/files/public/Research/Africa/0913pr\\_nigeriaoil.pdf](https://www.chathamhouse.org/sites/default/files/public/Research/Africa/0913pr_nigeriaoil.pdf); Sharifah Z. S. Kader Abdul, and Abdulkadir O. Abdulrazaq, “Privatization of Maritime Security Surveillance and Enforcement: A Compromise of State Sovereignty,” *Journal of Law, Policy and Globalization* 9 (2013): pp. 19-25; Raymond Adibe, Ejikeme Nwagwu and Okorie Albert, “Rentierism and Security Privatization in the Nigerian Petroleum Industry: Assessment of Oil Pipeline Surveillance and Protection Contracts,” *Review of African Political Economy* 45, 156 (2018): pp. 345-353, DOI:10.1080/03056244.2017.1391771.

create the remote and precipitate conditions for the region's festering maritime insecurity. The participation of PMSCs and substantial improvement in the capacity and equipment of the subregion's navies have not only had limited impacts on piracy incidents or diverted them to other domains; the sustainability of anti-piracy efforts continues to be doubtful. Extant analyses attribute this paradox to corruption, weak law enforcement, poverty<sup>9</sup> or a compromised criminal justice system.<sup>10</sup> Other writers blame "rushed solutions in reaction to sensational reports of [piracy] attacks at sea" which benefit shipping and oil companies, but fail to address the root causes of piracy, namely grievances among marginalized coastal communities whose unsustainable livelihoods and cycle of deprivation exposes them to crime.<sup>11</sup>

These studies provide important insights into the paradox, but they merely address the symptoms of maritime security misgovernance in the GoG. I argue, instead, that the puzzle of an inverse relationship between piracy escalation and improved nominal capability and equipment modernization, especially of the Nigerian Navy (NN),<sup>12</sup> arises from the effects of *securitization* practices that characterize current anti-piracy policy and strategy. "Securitization" is the process by which state actors

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<sup>9</sup> Christian Bueger, "What Is Maritime Security?" *Marine Policy* 53 (2015): pp. 159–164; Åse Gilje Østensen, Sheelagh Brady and Sofie Arjon Schütte, *Capacity Building for the Nigerian Navy: Eyes Wide Shut on Corruption?* U4 Issue 4 (Bergen: Chr. Michelsen Institute, 2018); Dirk Siebels, "Pirates, Smugglers and Corrupt Officials – Maritime Security in East and West Africa," *International Journal of Maritime Crime & Security (IJMCS)* 1, 1 (February 2020), [www.cberuk.com](http://www.cberuk.com); "IMB's Annual Report 2020: Gulf of Guinea Records Highest Ever Number of Crew Kidnapped in 2020, According to IMB's Annual Piracy Report," *IMB*, accessed 12 March 2021; Katja L. Jacobsen, *Pirates of the Niger Delta: Between Blue and Brown Water* (UNDOC, Global Maritime Crime Program, 2021), <https://www.icc-ccs.org/index.php/1301-gulf-of-guinea-records-highest-ever-number-of-crew-kidnapped-in-2020-according-to-imb-s-annual-piracy-report>; accessed 8 April; 20/6/21..

<sup>10</sup> Chijioke J. Nwalozie, "Exploring Contemporary Sea Piracy in Nigeria, the Niger Delta and the Gulf of Guinea," *Journal of Transport Security* 13 (2020): pp. 159-178. <https://doi.org/10.1007/s12198-020-00218-y>.

<sup>11</sup> Ifesinachi Okafor-Yarwood, Timothy Walker and Denys Reva, "Gulf of Guinea Piracy: A Symptom, Not a Cause, of Insecurity," *ISS Today*, 10 February 2021, accessed 19 September 2021, <https://issafrica.org/iss-today/gulf-of-guinea-piracy-a-symptom-not-a-cause-of-insecurity>;

<sup>12</sup> Kingsley Omonobi and Joseph Erunke, "61st Anniversary: Navy Now Has Fleet of 200 Platforms – Naval Chief," *Vanguard*, 29 May 2017, <https://www.vanguardngr.com/2017/05/61st-anniversary-navy-now-fleet-200-platforms-naval-chief/>; Katja L. Jacobsen, "Maritime Security and Capacity Building in the Gulf of Guinea: On Comprehensiveness, Gaps, and Security Priorities," *African Security Review* 26, 3 (2017): pp. 237-256, DOI: 10.1080/10246029.2017.1291441; Sanjay Badri-Maharaj, "Nigeria's Naval Power – Reviving Capacity After Prolonged Decline," *Africa Trends*, 15 March 2021, <https://idsa.in/africatrends/nigeria-naval-power-040419>.

transform subjects from regular political issues into matters of "security," thereby enabling extraordinary means to be used to respond to these problems in the name of security.<sup>13</sup> According to Arcudi,<sup>14</sup> the issues that become *securitized* do not necessarily represent issues that are essential to the objective survival of a state but rather represent issues where someone was successful in constructing an issue into an existential problem. Worse still, economically dependent state elites in places like the GoG, are often compelled to adopt and implement these externally constructed narratives of security threats that while benefiting the elite and their foreign collaborators, fail to advance the national and human security concerns of their citizens. The securitization framework is therefore a useful analytical tool that not only answers the question: "Security for whom?"<sup>15</sup> it also helps to explain why weak or dependent actors might prioritize certain security threats and norm constructions, and the implications of using scarce *extraordinary means* to protect against threats that might have been differently perceived under conditions of autonomy and why the securitized threats might persist nonetheless.

The empirical evidence is drawn largely from Nigeria which not only accounts for over 70 percent of the subregion's trade and economy, but the Nigerian Navy (NN) – the country's primary anti-piracy agency – dwarfs the naval capacity of all GoG states combined. Moreover, over 60 percent of maritime criminal activities recorded in the area occur in Nigeria's waters;<sup>16</sup> just as the overwhelming expenditure of scarce *extraordinary means* to protect against threats of piracy in the subregion has been undertaken by—and in—Nigeria. The study combines qualitative content analysis of documents, newspapers and industry publications with several semi-structured interviews with government officials, senior naval officers and representatives of

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<sup>13</sup> Barry Buzan, Ole Wæver and Jaapde Wilde, *Security: A New Framework for Analysis* (Boulder: Lynne Rienner Publishers, 1998), p. 25.

<sup>14</sup> Giovanni Arcudi, "La sécurité entre permanence et changement," *Relations Internationales* 125, 1 (2006): pp. 97–109; doi:10.3917/ri.125.0097.

<sup>15</sup> Charles Enns, Nathan Andrews and J. Andrew Grant, "Security for Whom? Analyzing Hybrid Security Governance in Africa's Extractive Sectors," *International Affairs* (London) 96, 4 (2020): pp. 995–1013, doi: 10.1093/ia/iiaa090.

<sup>16</sup> "IMB's Annual Report 2020: Gulf of Guinea Records Highest Ever Number of Crew Kidnapped in 2020, According to IMB's Annual Piracy Report," *IMB*, 12 March 2021, <https://www.icc-ccs.org/index.php/1301-gulf-of-guinea-records-highest-ever-number-of-crew-kidnapped-in-2020-according-to-imb-s-annual-piracy-report>, accessed 8 April 2021.

shipping and PMSCs and industry associations conducted at various times between January 2012 and December 2019 in Nigeria. Due to the sensitivity of the subject matter, I accepted most of the respondents' requests to remain anonymous. The role performed by each interviewee and the date when the interview was conducted are, however, indicated in the footnotes.

The remainder of the article will first elaborate on *securitization* as an analytical framework. This is followed by a brief survey of the maritime security environment of the GoG to foreground the subsequent discussion of PMSCs, especially the uniquely Nigerian variety, to demonstrate how a focus on the political economy of securitization practices can expand the scope of *hybrid security governance* in the maritime commerce and oil and gas sector as important research themes in international relations with a view to proffering solutions to the unassailable challenges posed to the region by the multifaceted and complex nature of maritime crimes in the GoG. The paper ends with some concluding remarks about strategies to overcome the challenges of externally driven securitization norms and practices manifested in contested state power and legitimacy and international constraints on state behaviour.

### **Securitization, Limited Statehood, and the Governance of Maritime Security**

Extant explanations of piracy incidents in the GoG subregion largely emphasize the symptoms of ineffective statehood, namely corruption, weak law enforcement, and poverty;<sup>17</sup> failure to address the grievances and desperate and unsustainable livelihoods of coastal communities;<sup>18</sup> or compromised criminal justice system,<sup>19</sup> rather than a theory-grounded explanation of these symptoms. This gap in the literature can be filled with the concept of "securitization" which is defined as "the act of labelling or framing something as a security issue."<sup>20</sup> The concept originated from a synthesis of constructivist and classical political realism theories of international relations (IR) by the

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<sup>17</sup> Christian Bueger, "What Is Maritime Security?" *Marine Policy* 53 (2015): pp. 159–164; Østensen et al., *Capacity Building*; Siebels, "Pirates, Smugglers and Corrupt Officials"; "IMB's Annual Report 2020;" Jacobsen, *Pirates of the Niger Delta*.

<sup>18</sup> Okafor-Yarwood, et al., "Gulf of Guinea Piracy."

<sup>19</sup> Nwalozie, "Exploring Contemporary Sea Piracy in Nigeria, the Niger Delta and the Gulf of Guinea."

<sup>20</sup> Buzan, et al., *Security*.

Copenhagen School of IR scholars<sup>21</sup> who use the term “securitization framework” to refer to the political process by which threats are constructed and issues are lifted on to the security agenda by drawing on a certain generic grammar of claims which are then presented by an actor as an *existential threat* to a certain referent object.<sup>22</sup> Generally, securitization is successful when actors that have the authority or power to speak about security frame the threat and persuade or socialize the referent target to accept this socially constructed reality. This is followed by the adoption of emergency measures considered necessary to protect against the identified threat that must be implemented.<sup>23</sup>

The above framings of securitization theory draw from the predominantly Weberian view of the state as, primarily, a set of institutions enjoying a monopoly over legitimate violence exercised over a population and territory, and where legitimacy is defined as the degree to which any order from the state “enjoys the prestige of being considered binding” because the state is the effective guarantor of *existential values*.<sup>24</sup> The capacity to protect against identified threats mirrors Joel Migdal’s assertion that the state’s primary function is the provision of a collective “strategy of survival” for its underlying society, a collection of “blueprints for action and belief” that helps socialized individuals and substate groups to make sense of the world around them and survive.<sup>25</sup> Under the idealized Westphalian state system, no piece of the global space can be left “ungoverned” without posing a security threat to the entire system.<sup>26</sup> Any derogation from this distinctly Western conception of “good governance” and ideal-type statehood is automatically seen as “state failure” or “weak state.”<sup>27</sup>

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<sup>21</sup> Michael C. Williams, “Words, Images, Enemies, Securitization and International Politics,” *International Studies Quarterly* 47, 4 (December 2003): p. 512.

<sup>22</sup> Buzan, et al., *Security*, p. 55.

<sup>23</sup> *Ibid.*, p. 27.

<sup>24</sup> Max Weber, *The Theory of Social and Political Organization* (New York, NY: Oxford University Press, 1974), p. 125.

<sup>25</sup> Joel S. Migdal, *Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World* (Princeton, N.J.: Princeton University Press, 1988), pp. 27-29.

<sup>26</sup> Francis Fukuyama, *State-Building: Governance and World Order in the 21st Century* (Ithaca, NY: Cornell University Press, 2004).

<sup>27</sup> Gerald B. Helman and Steven R. Ratner, “Saving Failed States,” *Foreign Policy* 89(1992): pp. 3–20; Robert I. Rotberg, “The New Nature of Nation-State Failure,” *The Washington Quarterly* 25, 3 (2002): pp. 85–96.

Some critics, however, observe that issues that become “securitized” do not necessarily represent issues that are essential to the objective survival of a state, but rather represent the successful construction of an issue into an existential problem.<sup>28</sup> The world’s oceans are a critical aspect of the global economy and, therefore, generate governance issues regarding food production, biodiversity conservation, industrialization, global environmental change, pollution, and maritime transport.<sup>29</sup> Consequently, the ability to adopt and implement measures considered necessary to protect against identified existential threats to any of these aspects of ocean use is considered by some writers as quintessentially an indicator of statehood.<sup>30</sup> This positivist framing downplays the contradiction in securitization, particularly in oceans governance, that often pits the survival of the state and overall interests of the citizenry against the interests of actors with the power to frame threats and persuade or socialize referent targets to accept this socially constructed reality.

Moreover, in the post-Cold War era, the ideal of state monopoly over the means of violence has become untenable as even the most developed “strong states” find it difficult to assert authority or prosecute wars without power augmentation from non-state actors, just as non-traditional security threats and “new wars”<sup>31</sup> led to a rethinking of the Weberian fiction and consideration of possibilities of power-sharing between states and private actors.<sup>32</sup> The mismatch between securitization theory’s fundamental Westphalian assumption of state legitimacy and a strong bias in favour of state actors<sup>33</sup> and the above changes in statehood put the theory at a crossroads as attempts to critically scrutinize its achievements and shortcomings have proliferated. Concerns about the theory’s Eurocentrism and the ease with which its proponents’ transfer “the state-centric luggage of Western social science into situations where the state is not the

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<sup>28</sup> Arcudi, “La sécurité,” pp. 97–109.

<sup>29</sup> Christian Bueger and Timothy Edmunds, “Beyond Seablindness: A New Agenda for Maritime Security Studies,” *International Affairs* 93, 6 (November 2017): pp. 1293–1311, <https://doi.org/10.1093/ia/iix174>.

<sup>30</sup> Bueger, “What Is Maritime Security,” pp. 159–164.

<sup>31</sup> See: Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era* (Stanford, CA: Stanford University Press, 1999).

<sup>32</sup> Stephen D. Krasner, “Sharing Sovereignty: New Institutions for Collapsed and Failing States,” *International Security* 29, 2 (2004): pp. 85–120.

<sup>33</sup> Barry Buzan, “Societal Security, State Security, and Internationalization,” in *Identity, Migration and the New Security Agenda in Europe*, edited by Øle Wæver, Morten Kelstrup and Pierre Lemaitre (London: Pinter, 1993), pp. 41–58.

only center of authority,”<sup>34</sup> led to claims that securitization theory was creating its own “silence problem,”<sup>35</sup> similar to most mainstream international relations theories’ silencing of subaltern voices.<sup>36</sup> A heated row following accusations of racism against these theorists<sup>37</sup> has further shaken the theory’s utility.<sup>38</sup>

In response to these criticisms, some writers have sought to “rescue” securitization theory’s analytical purchase and creatively extend same to non-Western European settings by adopting largely sociological and constructivist approaches that view securitization much more broadly as a discourse about power, authority, and legitimacy contextualized and equally entangled in a mutually constitutive relationship.<sup>39</sup> By so doing, they demonstrated the securitization theory’s robustness in providing for the possibility of securitizing actors and audiences outside the confines of the state in a variety of issue areas,<sup>40</sup> including recent studies of transnational organized crime<sup>41</sup> and the so-called “Somali piracy.”<sup>42</sup> In these “thickly contextualized” settings,

<sup>34</sup> Claire Wilkinson, “The Limits of Spoken Words: From Meta-Narratives to Experiences of Security,” in *Securitization Theory: How Security Problems Emerge and Dissolve*, edited by Thierry Balzacq (London, UK: Routledge, 2011), p. 96; Claire Wilkinson, “The Copenhagen School on Tour in Kyrgyzstan: Is Securitization Theory Useable Outside Europe,” *Security Dialogue* 38, 1 (2007): pp. 5-25.

<sup>35</sup> Sarah Bertrand, “Can the Subaltern Securitise? Postcolonial Perspectives on Securitization Theory and Its Critics,” *European Journal of International Security* 3, 3 (2018): p. 281.

<sup>36</sup> Sophia Dingli, “We Need to Talk About Silence: Re-examining Silence in International Relations Theory,” *European Journal of International Relations* 21, 4 (December 2015): pp. 721-742, <https://doi.org/10.1177/1354066114568033>.

<sup>37</sup> Alison Howell and Melanie Richter-Montpetit, “Is Securitization Theory Racist? Civilizationism, Whiteness, and Antiblack Thought in the Copenhagen School,” *Security Dialogue* 51, 1 (2019): pp. 3-22; See also: Wæver and Buzan’s “bombastic” rejection of the racism charge. Ole Wæver and Barry Buzan, “Racism and Responsibility – The Critical Limits of Deepfake Methodology in Security Studies: A Reply to Howell and Richter-Montpetit,” *Security Dialogue* 51, 4 (2020): pp. 386-394.

<sup>38</sup> Stephane J. Baele and Diana Jalea, “Twenty-five Years of Securitization Theory: A Corpus-based Review,” *Political Studies Review* 1-14 (2022): p. 1, (Online First), <https://doi.org/10.1177/14789299211069499>.

<sup>39</sup> Wilkinson, “The Copenhagen School on Tour in Kyrgyzstan,” pp. 5-25; Monika Barthwal-Datta, “Securitizing Threats Without the State: A Case Study of Misgovernance as a Security Threat in Bangladesh,” *Review of International Studies* 35, 2 (2009): pp. 277-300; Pinar Bilgin, “The Politics of Studying Securitization? The Copenhagen School in Turkey,” *Security Dialogue* 42, 4-5 (2011): pp. 399-412; Holgar Stritzel and Sean C. Chang, “Securitization and Counter-Securitization in Afghanistan,” *Security Dialogue* 46, 6 (2015): pp. 548-567; Basar Baysal, *Securitization and Desecuritization of FARC in Colombia* (New York: Lexington Books, 2019).

<sup>40</sup> Barthwal-Datta, “Securitizing Threats,” pp. 277-300.

<sup>41</sup> Stritzel and Chang “Securitization and Counter-Securitization,” pp. 548-567.



securitization connotes the existence of contestation (of anti-piracy measures, for example) in various forms—resistance, de-securitization, emancipation, and resilience—that makes it possible to empirically evaluate the theory’s utility in explaining success or failure in issues like anti-piracy efforts.<sup>43</sup> Unlike the Weberian ideational state, this constructivist perspective lays bare the imperfect nature of state legitimacy as a field of practice (such as anti-piracy policy) where various forms of contestation exist outside, as well as against the state. It also demonstrates that these “fractures and contradictions can therefore point to deficiencies in state legitimacy,” and, hence a statehood gap or “securitization gaps”—describing instances where the security discourses and practices of state and society diverge<sup>44</sup>—that point to alternative approaches to sustainable security.

The constructivist slant amplifies the post-Cold War reappraisal of state power that acknowledges that statehood gaps or “securitization gaps” could be augmented with “hybrid governance” arrangements involving state and non-state actors, rather than the prevailing messianic policies of “state-building” or rebuilding of “failed states” in pursuit of the Weberian fiction that failed woefully.<sup>45</sup> As one writer puts it:

The imperfect, contested nature of securitization-as-a-field implies the possibility of alternative forms of legitimacy, and alternative, non-state sources thereof: just as in ideational approaches to state weakness and failure, the legitimacy of the state as provider of security can no longer be assumed—indeed, in a world of imperfectly constituted, contradictory security discourses and practices, non-state actors can, and do play a role in resolving the securitizations of a given society.<sup>46</sup>

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<sup>42</sup> Gilberto Carvalho Oliveira, “The Causal Power of Securitization: An Inquiry Into the Explanatory Status of Securitization Theory Illustrated by the Case of Somali Piracy,” *Review of International Studies* 44, 3 (2017): pp. 504–25.

<sup>43</sup> Thierry Balzacq (ed.), *Contesting Security: Strategies and Logics* (London and New York: Routledge, 2015).

<sup>44</sup> Kevork Oskanian, “Securitization Gaps: Towards Ideational Understandings of State Weakness,” *European Journal of International Security* 6 (2021): pp. 439–458, doi:10.1017/eis.2021.13.

<sup>45</sup> M. Boege Volker, Anne Brown and Kevin P. Clements, “Hybrid Political Orders, Not Fragile States,” *Peace Review: A Journal of Social Justice* 21, 1 (2009): pp. 13–21; Charles T. Call, “Beyond the ‘Failed State’: Toward Conceptual Alternatives,” *European Journal of International Relations* 17, 2 (2010): pp. 303–26.

<sup>46</sup> Oskanian, “Securitization Gaps,” p. 445.

The result is a normative shift in political economy that permits non-state actors to play prominent roles in security provision on land in recent wars<sup>47</sup> and resource extraction in conflict zones.<sup>48</sup> The latest controversial example of privatization of security is the role of the Wagner Group in the Syrian civil war and Russia-Ukraine war since February 2014;<sup>49</sup> as well as in counter-terrorism operations in the Central African Republic,<sup>50</sup> Burkina Faso, Mali and Niger Republic.<sup>51</sup>

“Hybrid security governance” practice<sup>52</sup> particularly in “in areas of limited statehood,”<sup>53</sup> is increasingly being normalized in the maritime sector where licensed state and private maritime security companies (PMSCs) increasingly deploy armed guards on board ships in international and internal waters of those states considered to lack the capacity to maintain maritime security.<sup>54</sup> This has been the case on the Somali coast in East Africa where this phenomenon was developed and also used liberally in

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<sup>47</sup> Avant, *The Market for Force*; Abrahamsen and Williams *Security Beyond the State*; Christopher Kinsey and Malcolm Hugh Patterson (eds.), *Contractors and War: The Transformation of United States' Expeditionary Operations* (Palo Alto, CA: Stanford University Press, 2012).

<sup>48</sup> Abrahamsen and Williams, *Security Beyond the State*; Enns et al., “Security for Whom,” pp. 995–1013.

<sup>49</sup> Kimberly Marten, “Russia’s Use of Semi-State Security Forces: The Case of the Wagner Group,” *Post-Soviet Affairs* 35, no. 3 (2019): pp. 181-204, DOI: 10.1080/1060586X.2019.1591142; Christopher M. Faulkner, “Russia’s Reliance on Mercenaries in Ukraine Points to the Weakness of Its Military – and Putin’s Strategy of Deflecting Blame,” *The Conversation*, 15 September 2022, <https://theconversation.com/russias-reliance-on-mercenaries-in-ukraine-points-to-the-weakness-of-its-military-and-putins-strategy-of-deflecting-blame-190612>.

<sup>50</sup> Jack Losh, “Central African Republic War: No-Go Zones and Russian Meddling,” *BBC News*, 23 September 2021, <https://www.bbc.com/news/world-africa-58641124>.

<sup>51</sup> Moses Rono, “Mali’s Plan for Russia Mercenaries to Replace French Troops Unsettles Sahel,” *BBC News*, 2 October 2021, <https://www.bbc.com/news/world-africa-58751423>; Katja Lindskov Jacobsen and Karen Philippa Larsen, “Liberal Intervention’s Renewed Crisis: Responding to Russia’s Growing Influence in Africa,” *International Affairs* 99, 1 (January 2023): pp. 259–278, <https://doi.org/10.1093/ia/iiaac252>.

<sup>52</sup> Enns, et al., “Security for Whom,” pp. 995–1013.

<sup>53</sup> Thomas Risse, “Governance in Areas of Limited Statehood: Introduction and Overview,” in *Governance Without a State? Policies and Politics in Areas of Limited Statehood*, edited by Thomas Risse (New York, NY: Columbia University Press 2013), pp. 1-35.

<sup>54</sup> Gould, “Global Assemblages and Counter-Piracy,” pp. 408–18; Eugenio Cusumano and Stefano Ruzza, “Security Privatization at Sea: Piracy and the Commercialization of Vessel Protection,” *International Relations* 32, 1 (2018): pp. 80–103.

the 1990s and early 2000s<sup>55</sup> and the Indian Ocean.<sup>56</sup> The industry's progressive reliance on several models of contracted maritime security to protect vessels and seafarers has, however, resulted in a proliferation of weapons at sea, contrary to international law; and, various types of largely ungoverned and unaccountable armed security teams operating aboard private commercial vessels that could increase incidents of violence at sea and possibly hinder efforts to pursue sustainable rule of law solutions to maritime criminality.<sup>57</sup> Additionally, "differences in function, applicable national jurisdiction, and types of services offered by maritime security providers makes assessing operational scope and designing uniform global policy for this sector a challenging endeavor."<sup>58</sup> Although the International Maritime Organization (IMO) has neither endorsed nor condemned this widespread trend that clearly contravenes UNCLOS III,<sup>59</sup> it has tacitly normalized PMSCs through its various circulars (the so-called "Montreux Document") that provide guidance for flag states, coastal states, shipowners, operators and masters seeking to select this service, provided shipowners obey local law.<sup>60</sup>

In framing maritime security threats, however, the securitization framework asks "how the contemporary understanding of the oceans and the sea as a space of insecurity and threats has come about and how it has changed overtime ... [It also asks] the question of who securitizes issues towards which audience and with what kind of reference objects in mind."<sup>61</sup> The answer is that "the subaltern [e.g., GoG states and local

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<sup>55</sup> Anna Petrig, "The Use of Force and Firearms by Private Maritime Security Companies Against Suspected Pirates," *The International and Comparative Law Quarterly* 62, 3 (July 2013): pp. 667-701. Sarah Percy and Anja Shortland, "The Business of Piracy in Somalia," *Journal of Strategic Studies* 36, 4 (2013): pp. 541-578.

<sup>56</sup> James Brown, *Pirates and Privateers: Managing the Indian Ocean's Private Security Boom* (Sydney, NSW, Australia: Lowy Institute for International Policy, 2014).

<sup>57</sup> Mazyar Ahmad, "Maritime Piracy Operations: Some Legal Issues," *Journal of International Maritime Safety, Environmental Affairs, and Shipping* 4, 3 (2020): pp. 62-69, DOI:10.1080/25725084.2020.1788200.

<sup>58</sup> Oceans Beyond Piracy, "Privately Contracted Armed Maritime Security," *Issue Paper*, n.d., [https://oceansbeyondpiracy.org/sites/default/files/attachments/Privately\\_Contracted\\_Armed\\_Maritime\\_Security\\_IssuePaper.pdf](https://oceansbeyondpiracy.org/sites/default/files/attachments/Privately_Contracted_Armed_Maritime_Security_IssuePaper.pdf), accessed 6 July 2021.

<sup>59</sup> Katinka Svanberg, "The Use of Private Maritime Guards as an Innovative Means to Fulfil States' Duty to Cooperate in the Repression of Maritime Piracy, Part 1," *International Journal of Maritime Crime & Security* 1, 2 (September 2020): pp. 31-53.

<sup>60</sup> Cusumano and Ruzza, "Security Privatization at Sea," pp. 80-103. Simon John Allison, *The Use of Force by Non-State Actors on the High Seas: Public and Private Responses* (Doctoral Dissertation, Queen's College, University of Cambridge, 2020).

<sup>61</sup> Bueger, "What Is Maritime Security," p. 162.

maritime industry actors] cannot securitize, first, because they are structurally excluded from the concept of security through one of three mechanisms: locutionary silencing, illocutionary disablement, or illocutionary frustration.”<sup>62</sup> Second, “they are always already being securitized and spoken for ... by the ... [Global North] intellectuals trying to highlight and remediate their predicament.”<sup>63</sup> Finally, despite the desire of postcolonial states to assert agency in formulating and implementing anti-piracy strategies, “the subaltern cannot securitize because the popular rendering of securitization theory as critical obfuscates and rationalizes their marginalization.”<sup>64</sup>

Expectedly, the dependent GoG states have been “socialized” to accept versions of “public-private” PMSC arrangements first experimented in the extractive sector in several African countries<sup>65</sup> as the solution to the region’s perceived “limited statehood” in maritime security governance.<sup>66</sup> In practice, while “piracy” gets preponderant attention because it directly threatens the economic interests of foreign shipping and international oil and gas companies that have the power to securitize the “threat,” the other maritime criminal activities that not only incubate piracy but actually pose existential threats to the region’s subalterns are sidelined. Indeed, questions have been raised about the effectiveness and sustainability of high-profile domestic, regional and international efforts to securitize piracy at the expense of the other equally serious maritime security threats and the socio-economic conditions of the littoral states.<sup>67</sup> In other words, whereas “fractures and contradictions” point to deficiencies in state

<sup>62</sup> Bertrand, “Can the Subaltern Securitize,” p. 281.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.; Oliveira, “The Causal Power of Securitization,” pp. 504–25.

<sup>65</sup> Rita Abrahamsen and Michael C. Williams, “Public/Private, Global/Local: The Changing Contours of Africa’s Security Governance,” *Review of African Political Economy* 35, 118 (2008): pp. 539–53.

<sup>66</sup> Katsouris and Sayne, *Nigeria’s Criminal Crude*; Kader and Abdulrazaq, “Privatization of Maritime Security,” pp. 19-25; Adibe, et al., “Rentierism and Security Privatization in the Nigerian Petroleum Industry,” pp. 345-353.

<sup>67</sup> See: Dyhia Belhabib, U. Rashid Sumaila and Phillip Le Billon, “The Fisheries of Africa: Exploitation, Policy, and Maritime Security Trends,” *Marine Policy* 101 (2019): pp. 80–92, doi:

10.1016/j.marpol.2018.12.021. G. Denton, and J. Harris, “Impact of Illegal Fishing on Maritime Piracy: Evidence from West Africa,” *Studies in Conflict & Terrorism* 44, 11 (2019): pp. 1-20 doi:

10.1080/1057610X.2019.1594660; Okafor-Yarwood, et al., “Gulf of Guinea Piracy”; Maurice Beseng and James A. Malcolm, “Maritime Security and the Securitization of Fisheries in the Gulf of Guinea: Experiences from Cameroon,” *Conflict, Security & Development* 21, 5 (2021): pp. 517-539, doi:

10.1080/14678802.2021.1985848.

legitimacy in framing and implementing anti-piracy strategies, the “authority or power to speak about security” by which piracy is given priority over many other maritime crimes, reflects the global power positions of international shipping and oil and gas interests to frame “piracy” as the most important threat to the vital interests of GoG states. By the same token, the susceptibility of the latter to persuasion or “socialization” into accepting the securitization of piracy is also a function of the global power configurations and capacity to construct and globalize norms.<sup>68</sup>

A political economy analysis of the *securitization* of maritime piracy in the GoG thus provides a robust analytical framework to investigate how PMSCs as a “hybrid security governance” practice might temporarily augment the limited anti-piracy capacity gaps in African navies and other state agencies with maritime security governance responsibilities while engendering competition among local and international collaborators for the creation and capture of national and personal rent. The resulting prioritization of the economic interests of the predatory elite and foreign shipping and oil companies not only undermines the effectiveness of the anti-piracy efforts of the region’s states; externally-driven securitization provides little incentive for regional cooperation because of the overriding focus on the rent accruing from state-centric and country-focused securitization strategies. These contradictions are implicated in the creation and implementation of PMSCs as anti-piracy in the GoG, especially in Nigeria, which I discuss in the section that follows.

### **Nigeria: A Case Study of Limited Statehood and Maritime Security Misgovernance**

The model of PMSCs operating in the GoG requires the use of government-sanctioned forces on board ships arranged through private entities because commercial vessels are not allowed to carry firearms in or to transit firearms through any of the GoG and ECOWAS countries. Sometimes, this hybrid security governance arrangement involves mainly partnerships between local and foreign actors, whereby the latter (including shipping and international oil companies) provide patrol vessels to local navies which then deploy armed government personnel on the boats to protect foreign

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<sup>68</sup> Alexander E. Kentikelenis and Sarah Babb, “The Making of Neoliberal Globalization: Norm Substitution and the Politics of Clandestine Institutional Change,” *American Journal of Sociology* 124, 6 (May 2019): pp. 1720–1762.

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commercial vessels and platforms against piracy attacks for a fee. For example, the navies of both Benin and Togo operate “secured anchorages,” as well as provide teams of navy troops on board commercial vessels for a fee through agents and local security companies. In Ghana and Cameroon, merchant ships may obtain protection from the navy or the *Battalion d’Intervention Rapide* (BIR), in the case of Cameroon, through direct liaison with the military authorities.<sup>69</sup>

*Hybrid Governance, Limited Statehood and Escalating Niger Delta Militancy and Piracy*

In Nigeria, the possession of firearms on board commercial or private vessels is also illegal, just as the possession of firearms without a license from the Nigerian president or the Inspector-General of Police is generally prohibited, unless the individual is in the armed forces in both cases.<sup>70</sup> Armed security guards on board commercial shipping vessels as well as protection forces for oil and gas installations were first introduced as an emergency response to the first youth militancy in the Niger Delta in the 1990s and early 2000s that exposed the rot in the NN and its inability to provide security in the country’s maritime waters.<sup>71</sup> It has since evolved into a site of contestation for state power and legitimacy, as well as a conduit for primitive accumulation that often binds domestic and foreign criminal, economic, and political interests in a network of corruption.<sup>72</sup>

In the early years of *piracy* attacks (1992-1999), private security and shipping and oil companies, with or without authorization from state agencies, employed security vessels or patrol boats—mostly ordinary offshore support vessels—manned by four to six embarked soldiers and, sometimes, non-military security guards and former militants or former *pirates* hired for their familiarity with the local coastal communities to protect vessels and oil installations. Consequently, different state agencies—Nigerian

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<sup>69</sup> Dirk Steffen, “Gulf of Guinea Maritime Security in 2016,” *CIMSEC*, 12 April 2017, <https://maritime-executive.com/editorials/maritime-security-in-the-gulf-of-guinea-in-2016>.

<sup>70</sup> Emeka Akabogu, “Legal Limits of Armed Guards on Board Ships,” *internationallawoffice.com*, 16 January 2019, <https://www.lexology.com/commentary/shipping-transport/nigeria/akabogu-associates/legal-limits-of-armed-guards-on-board-ships>

<sup>71</sup> Katsouris and Sayne, *Nigeria’s Criminal Crude*; Adibe, et al., “Rentierism and Security Privatization,” pp. 345-353.

<sup>72</sup> Østensen et al., *Capacity Building*.

Customs Service, Nigeria Immigration Service, National Intelligence Agency (NIA), Nigerian Security and Civil Defense Corps (NSCDC), the National Maritime Administration and Safety Agency (NIMASA), the Nigerian Army (as part of the Joint Task Force, *Oppression Pulo Shield*), and the NN were issuing, sometimes conflicting Memorandum of Understanding (MOUs) to PMSCs authorizing them to provide armed guard protection for merchant vessels and oil and gas installations for a fee, even though the MOUs had no basis in law.<sup>73</sup> For the NN, the official rationale for participating in armed ship protection during this period was “to provide its personnel the only opportunity to train at sea since most NN vessels at the time were officially unseviceable”.<sup>74</sup>

As the insurgency escalated and practically fought the NN and other security agencies into a stalemate,<sup>75</sup> it became clear that pitting ordinary armed offshore support vessels against heavily armed attackers operating from two to three large speedboats, often mounted with one or two general-purpose machine guns (GMPGs), was ineffective or disproportionate to the threat.<sup>76</sup> In 2009, the Umaru Musa Yar’Adua/Goodluck Jonathan federal administrations were compelled to declare an “amnesty program” by which over 30,000 Niger Delta “repentant militants” laid down their arms for monthly payments of \$130 and scholarships to colleges and universities, vocational and skills training within and outside the country.<sup>77</sup> The government also “solved” the anti-piracy dilemma (as part of the amnesty program) by authorizing

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<sup>73</sup> Interview with a retired official of the Public-Private Partnership Unit, Nigerian Maritime Administration and Security Administration, Apapa, Lagos, 16 October 2016.

<sup>74</sup> “Report of the Committee to Formulate Modalities for the Operation of Private Maritime Security Companies and Boats in Nigerian Waters,” *NHQ*, 2012, <http://www.securitywati.org>

<sup>75</sup> Cyril Obi, “Nigeria’s Niger Delta: Understanding the Complex Drivers of Violent Oil-Related Conflict,” *Africa Development* XXXIV, 2 (2009): pp. 103–128; Judith B. Asuni, “Understanding the Armed Groups of the Niger Delta,” Working Paper (New York: Council on Foreign Relations, September 2009), [https://www.cfr.org/sites/default/files/pdf/2009/09/CFR\\_WorkingPaper\\_2\\_NigerDelta.pdf](https://www.cfr.org/sites/default/files/pdf/2009/09/CFR_WorkingPaper_2_NigerDelta.pdf).

<sup>76</sup> Marc-Antoine Pérouse de Montclos, “Maritime Piracy in Nigeria: Old Wine in New Bottles,” *Studies in Conflict & Terrorism* 35, 7/8 (2012): pp. 531–41.

<sup>77</sup> Iro Aghedo, “Sowing Peace, Reaping Violence: Understanding the Resurgence of Kidnapping in Post-Amnesty Niger Delta, Nigeria,” *Insight on Africa* 7, 2 (2015): pp. 137–153, doi:10.1177/0975087815580729; Tarila M. Ebiede, Arnim Langer and Jale Tosun, “Disarmament, Demobilization, and Reintegration: Analyzing the Outcomes of Nigeria’s Post-Amnesty Program,” *Stability: International Journal of Security & Development* 9, 1 (2020): pp. 1–17, DOI: <https://doi.org/10.5334/sta.752>.

NIMASA to award Oil Pipeline Surveillance and Protection (OSP) contracts and protection of oil installations to prominent leaders of the insurgency.<sup>78</sup>

The most controversial of these OSP contracts was the \$103.4 million contract awarded in 2012 to Global West Vessel Specialists Nigeria Ltd (GWVSNL) owned by Mr. Government Ekpemukpolo (a.k.a. Tompolo), an ex-commander of the Niger Delta Volunteer Force (NDVF), one of the deadliest militant groups that fought the armed forces of Nigeria and other agencies to a stalemate in 2009. GWVSNL was to supply platforms (off-shore patrol boats) to secure the entire stretch of Nigeria's vast maritime domain from Lagos to Calabar because the coastguard authorities—NIMASA—allegedly had limited capacity (equipment and personnel) for effective surveillance and pipeline protection. GWVSNL supplied 25 offshore patrol vessels for NIMASA. These contracts—which operated outside the control of the NN—were renewed in 2014 for a 20-year period, despite strident criticisms and opposition from stakeholders in the maritime sector, including claims that part of the ship purchases by Global West was a decommissioned Norwegian warship.<sup>79</sup>

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<sup>78</sup> Adibe et al, "Rentierism and Security Privatization," pp. 345-353.

<sup>79</sup> Aghedo, "Sowing Peace, Reaping Violence," pp. 137-153; Adibe et al, "Rentierism and Security Privatization," pp. 345-353; Ebiede, et al., "Disarmament, Demobilization, and Reintegration," pp. 1-17 .



Table 1: West Africa Maritime Statistics				
WAF	2017	2018	2019	2020
Approach	21	19	10	25
Kidnapping	11	15	28	27
Attack	5	5	5	8
Fired Upon	10	21	19	11
Attempted	8	9	3	8
Boarded	15	19	13	21
Robbery	16	40	31	31
Hijack	1	2	8	1
Kidnapped Crew	111	156	177	138

Source: IMB, 2022

While pipeline vandalism reduced or remained dormant for several years thereafter as a result of the amnesty program;<sup>80</sup> some studies show that piracy attacks may have moved from the Niger Delta creeks to attacks on oil tankers, fishing and other commercial vessels within Nigeria’s territorial waters, to the point of even regionalizing the attacks (see Table 1) with the usual sensational reporting by mostly Europe-based securitization capable outlets often connected to international shipping companies plying the area.<sup>81</sup> Between 2013-2014, the attacks not only resumed their upward movement, but the attackers scaled up their “business model” to include ransom-kidnapping, torture and killing of crewmembers.<sup>82</sup> During the first three quarters of 2013 alone, the International Maritime Bureau (IMB)—the most powerful voice in maritime securitization on behalf of Global North actors-- recorded more than 40 attacks, with 132 crews taken hostage and seven vessels hijacked, including six tankers

<sup>80</sup> Ebiede, et al., “Disarmament, Demobilization, and Reintegration,” pp. 1–17.

<sup>81</sup> Adibe, et al., “Rentierism and Security Privatization,” pp. 345-353; Jacobsen, *Pirates of the Niger Delta*.

<sup>82</sup> Stephen Starr, “Maritime Piracy on the Rise in West Africa,” *CTC Sentinel* 7, 4 (April 2014): pp. 23-26.

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and an offshore supply vessel. Those incidents accounted for 19 percent of recorded attacks and all crew kidnappings worldwide, with 32 of them occurring off Nigeria's coast in the Niger Delta, and two off Togo; although by this time, piracy incidents had also expanded to Angola, Cameroon, Benin, Côte d'Ivoire, Ghana, Guinea, and Equatorial Guinea by 2013.<sup>83</sup> It was during this period that the GoG was branded "the maritime piracy's nerve center" because the number of serious cases of piracy and armed robbery attacks reported by the IMB in West Africa (966 sailors attacked) far exceeded similar incidents (851 attacks) off the Horn of Africa for the first time.<sup>84</sup>

*Hybrid Maritime Governance: From Threat to State Security to Neopatrimonial Protection Racket*

On 15 June 2015, barely two weeks after his inauguration (having defeated former President Jonathan in the general elections three months earlier), President Muhammadu Buhari terminated the OSP contracts and the federal amnesty program and abolished the Ministry of the Niger Delta in charge of the amnesty program as part of his "shake up" of the country's security architecture.<sup>85</sup> The government contended that the public-private partnership between NIMASA and ex-militant Tompolo was a serious threat to national security. By 2013, GWVSL had already purchased 25 off-shore patrol vessels for NIMASA, but Buhari's government promptly confiscated and placed them on anchor at the Dock Yard in Lagos where they remained under the custody of the Economic and Financial Crimes Commission (EFCC), the country's anti-corruption agency.<sup>86</sup> The government contended that allowing oil companies to directly engage the services of PMSCs without recourse to the NN was tantamount to granting private companies virtual control over the country's entire maritime domain, further compromising its sovereignty and national security, particularly in the Niger Delta. It also contended that the government's planned investments in equipment and fleet

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<sup>83</sup> Nirit Ben-Ari, "Piracy in West Africa: A Bumpy Road to Maritime Security," *Africa Renewal*, December 2013, p. 12, <http://www.un.org/africarenewal/magazine/december-2013/piracy-west-africa>.

<sup>84</sup> Kyrou and Wallace "The Gulf of Guinea."

<sup>85</sup> Oxford Analytica, "Nigeria Army Shake-Up Reflects Buhari's Bid for Help," *Expert Briefings* 14 August 2015, <https://doi.org/10.1108/OXAN-ES200963>.

<sup>86</sup> Eugene Agha, "Global West's 25 Patrol Vessels Still With EFCC - Nimasa DG," *Daily Trust* (Abuja), 16 July 2020.

modernization and capacity building for the NN, NIMASA and the Marine Police would eventually phase out the need for private security providers. Critics of the Yar'Adua-Jonathan "appeasement" of ex-militants also lamented that Nigeria had become "perhaps, the only country in the world where the surveillance, enforcement and security of her entire maritime domain are in the hands of private individuals."<sup>87</sup>

Predictably, the termination of both the GWVSNL's OSP contracts and the amnesty program promptly re-ignited the insurgency and led to an upsurge in piracy and ransom-kidnapping of ship crews, as well as oil theft, pipeline vandalism, and other criminal activities.<sup>88</sup> Although the Buhari administration later relented and reinstated the amnesty program and the Ministry of the Niger Delta, it refused to rescind the termination of the OSP contracts. Instead, its quest to "re-engineer" the maritime security governance framework focused particularly on the selection of PMSCs and their clients, the assignment of naval personnel to the patrol vessels, and accountability for funds generated.<sup>89</sup> On 6 June 2016, the NN unveiled a new MoU that granted it sole responsibility over the role of PMSCs in commercial vessel and oil and gas platforms protection. Private companies that signed the new MoU were required to supply and maintain patrol boats and put them at the disposal of a practically "dysfunctional NN," while the latter would provide navy crews with mounted weapons and ammunition and make them available for a fee to other commercial clients seeking protection missions.<sup>90</sup>

Eventually, a total of 16 Nigerian PMSCs signed the 2016 MoU with the NN, while another privately operated joint venture (between Nigerians and foreigners), Secure Anchorage Area Ltd., a subsidiary of Ocean Marine Solutions (a pioneer marine security company with a fleet of 42 purpose-built patrol boats involved in offshore asset protection for major oil companies in Nigeria) was allowed to continue the \$125 million

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<sup>87</sup> B. M. Idris, "Private Maritime Security Companies and Implications for Nigeria's National Security," *Daily Trend* 28 September 2020, <https://dailytrend.com.ng/2020/09/28/private-maritime-security-companies-and-implications-for-nigerias-national-security/>, accessed 24 May 2021.

<sup>88</sup> "UK Warns Buhari: Using Military Confrontation in Niger Delta Could End in 'Disaster'," *Vanguard*, 15 May 2016, [www.vanguardngr.com/2016/05/uk-warns-buhari-using-military-confrontation-in-niger-delta-could-end-in-disaster/](http://www.vanguardngr.com/2016/05/uk-warns-buhari-using-military-confrontation-in-niger-delta-could-end-in-disaster/), accessed 14 May 2017. Steffen, "Gulf of Guinea."

<sup>89</sup> "Buhari to Re-Engineer Niger Delta Amnesty Program," *Africa News*, 29 May 2016, <https://www.africanews.com/2016/05/29/buhari-to-re-engineer-niger-delta-amnesty-program/>.

<sup>90</sup> Steffen, "Gulf of Guinea."

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per year contract awarded to it since 2012 to manage the secure anchorage area (SAA) located about 10 NM south-west off Lagos.<sup>91</sup> The SAA was the only such dedicated area in the region officially promulgated on admiralty charts where ships may either anchor or conduct ship-to-ship transfers.<sup>92</sup> By the end of 2016, more than 200 asset protection vessels of varying levels of quality—ranging from purpose-built law-enforcement and patrol boats to hastily converted offshore support vessels; or vessels with embarked troops only—were operating in Nigerian waters, although some observers claim that the number was probably higher as not even the NN knew exactly how many vessels were involved.<sup>93</sup> Rather than sanitize the activities of the PMSCs and protect against the menace of piracy, oil theft and armed robbery in Nigerian waters, “the 2016 MoU exacerbated the problem by drawing more local and foreign operators into what had become a lucrative protection racket. The 2016 MoU had created a thriving market for partnerships between experienced foreign PMSCs and Nigerian registered firms, several of which were mere fronts and conduits through which the foreigners gained access to the top echelon of the state agencies with maritime security governance functions.”<sup>94</sup>

Curiously, the increase in the number of registered PMSCs and armed protection vessels coincided with the period of escalation in the number and variety of attacks on shipping vessels and oil and gas installations in the GoG from 2017 to 2020 (see Table 1). In April 2020, the IMB reported that the GoG accounted for nearly half (43 percent) of all reported piracy incidents and all 40 kidnapped crew incidents and the sole crew fatality globally in the first three months of that year. The total of 138 persons kidnapped in the GoG in 2020 in 22 separate incidents—in comparison to the previous high of 121 crew kidnapped in 2019 from 17 incidents—was also the highest number of such incidents ever recorded in the subregion. Globally that year, IMB recorded 195 incidents of piracy and armed robbery against ships (compared to 162 in 2019), including three hijacked vessels, 11 vessels fired upon, 20 attempted attacks, and 161 vessels boarded. One respondent, however, explained that: “Under these circumstances,

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<sup>91</sup> This publicly available information was corroborated by an interview respondent, a retired NN rear Admiral who works with Ocean Marine Services Ltd., Lagos, 19 June 2022.

<sup>92</sup> See: <https://www.ocean-ms.com>.

<sup>93</sup> Steffen, “Gulf of Guinea.”

<sup>94</sup> Serving NN Commodore who had recently been involved in administering the MoUs for the NN, Ikeja, Lagos, 17 October 2016.

the continuation of piracy in Nigerian waters actually meant ‘job security’ for those benefiting from the vessel protection program.”<sup>95</sup>

As a result of the rise in piracy attacks, the IMB and international shipowners and shipping company associations escalated their securitization pressure on Nigeria and its GoG neighbours by urging vessels operating in the subregion to remain at least 250 NM from the coast at all times, or until the vessels could transit to commence cargo operations at a berth or safe anchorage.<sup>96</sup> Alarm bells also rang regarding the apparent capabilities of the pirates to now operate further away from shorelines. According to IMB, the furthest recorded kidnapping—of 15 crew from a Maltese-flagged chemical tanker—occurred on 11 March 2021 about 212 NM south of Cotonou, Benin, while the average kidnapping incident took place over 60 NM from land. Although the data is limited, these trends suggested that the pirates “are spending more periods of time on board vessels. In one case, they were on board a vessel for more than 24 hours, totally unchallenged.”<sup>97</sup> Their modus operandi also consisted of the use of motherships to launch attacks, while in some cases, armed teams would board and attack or kidnap crewmembers of vessels sailing off the littoral states. Additionally, the pirate gangs seemed to have become well organized and were targeting all vessel types over a wide range of the ocean.<sup>98</sup> In addition to the escalating “piracy” attacks during this period, Nigeria lost between 150,000 and 400,000 bpd of its oil daily, amounting to more than 505 million bpd of crude oil and 4.2 billion litres of petroleum products valued at \$40.06 billion and \$1.84 billion, respectively, between 2009 and 2018. It also lost about \$1.5 billion to oil theft in the first six months of 2019 alone.<sup>99</sup>

In May 2021, the Baltic & International Maritime Council—BIMCO (comprising about 2,000 local, global, small, and large companies in more than 130 countries that

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<sup>95</sup> Civilian deputy director, Nigerian Navy unit, Ministry of Defense, Abuja, 6 December 2012.

<sup>96</sup> “IMB’s Annual Report 2020.”

<sup>97</sup> Daniel Pelz, “Why Is Piracy Increasing On the Gulf of Guinea?” *dw.com*, 21 February 2021, <https://www.dw.com/en/why-is-piracy-increasing-on-the-gulf-of-guinea/a-56637925>, accessed 15 April 2021.

<sup>98</sup> *Ibid.*

<sup>99</sup> Nigerian Extractive Industries Transparency Initiative (NEITI), “Stemming the Increasing Cost of Oil Theft to Nigeria.” *Policy Brief*, Issue 5, 2019, <https://neiti.gov.ng/index.php/neiti-policybrief?download=890:neiti-pb-issue-05-stemming-the-increasing-cost-of-oil-theft-to-nigerianovember-6-2019>.

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cover over 60 percent of the global fleet)—and 125 shipping companies launched the “Gulf of Guinea Declaration on Suppression of Piracy” calling for the safety of seafarers in the GoG. By the end of 2021, about 450 organizations had signed the Declaration, including about 60 based in Asia alone.<sup>100</sup> The navies of Italy, Norway, Denmark, France, China and Russia added more pressure by sending their warships to the subregion to protect their shipping companies from attacks but eventually began to actively locate “pirates” and intervene where possible if attacks on merchant vessels occur.

These reports fueled sensational claims that Nigeria had failed or was doing nothing to curb the escalating insecurity in its waterways and the entire GoG. Nothing could be farther from the truth; the country had adopted an array of formal policy initiatives, engaged in regional and global partnerships (such as the United States-led *Obangame Express* yearly joint naval exercises) and legal frameworks—from targeted legislation and prosecution of maritime criminals under its *Suppression of Piracy and Other Maritime Offences Act, 2019 (POMO Act)* (under which several piracy gang members were tried and convicted), to equipment modernization for the NN (over 200 new platforms between 2012 and 2021<sup>101</sup> and state-of-the-art surveillance technology (such as the US \$198 million *Project Deep Blue* 24-hour maritime domain surveillance project launched in 2021). The Nigerian authorities also disputed IMB’s reports and countered that the number of assaults was already on the decline, and would further decline as the next phase of fleet and equipment modernization of the NN and renewed anti-piracy strategy took effect by end of May 2021.<sup>102</sup> Overall, there were visible and significant changes in regional maritime security governance readiness, from bigger budgets, more and newer platforms, capacity-building for the navies and increased combat experience opportunities for their personnel, and unprecedented regional and international partnerships that suggest the emergence of the rudiments of a “security community” in West Africa.<sup>103</sup> Nigeria has also pursued regional and international

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<sup>100</sup> BIMCO, “The Gulf of Guinea Declaration on Suppression of Piracy”, 17 May 2021; <https://www.bimco.org/ships-ports-and-voyage-planning/security/gulf-of-guinea-declaration-on-suppression-of-piracy>.

<sup>101</sup> Omonobi and Erunke, “61st Anniversary.”

<sup>102</sup> Bashir Jamoh, “Deep Blue Project – Part 2,” *Guardian* (Lagos), 26 May 2021, <https://guardian.ng/business-services/deep-blue-project-part-2/>, accessed 9 June 2021.

<sup>103</sup> Bueger, “What Is Maritime Security?”

collaboration in development assistance and capacity building for the NN and other state agencies<sup>104</sup>—all of which should make the country “a leading maritime capital” in the world, and certainly, a preeminent anti-piracy leader in the GoG subregion<sup>105</sup> where few, if any, of the extant explanations for persistent piracy would ordinarily find purchase.

In what appeared to be a vindication of the Nigerian authorities, in December 2021, the IMB reported a 58 percent drop in pirate attack incidents in the GoG—from 81 in 2020 to 34 in 2021 and “commend[ed] the robust actions of the international navies and regional authorities in the Gulf of Guinea which appear to have positively contributed to the drop in reported incidents and ensuring continued safety to crews and trade.” An elated Nigeria’s chief of naval staff enthused that “IMB and Defense Web had removed Nigeria from the list of piracy-prone countries for the first time in 17 years.”<sup>106</sup> The IMB, however, cautioned that there were still reports of other serious maritime criminal activities in Nigeria and the rest of the GoG, including armed robberies within the anchorage waters of Angola and Ghana, as well as the hijacking of a product tanker off the coast of Ivory Coast in which 17 crew were taken hostage within the first quarter of 2022.<sup>107</sup> Furthermore, the United Nations Security Council did not appear to be impressed with this unprecedented drop in reported attack incidents; hence, in May 2022 it unanimously adopted *Resolution 2634 (2022)* sponsored by Ghana and Norway condemning the GoG as “the world’s piracy hotspot” and called on GoG states to criminalize piracy and armed robbery at sea and take action to penalize perpetrators.<sup>108</sup>

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<sup>104</sup> Jacobsen, “Maritime Security and Capacity Building,” pp. 237-256.

<sup>105</sup> Bashir Jamoh, “Deep Blue Project – Part 2.”

<sup>106</sup> Godwin Ortise, “Gulf of Guinea Records Sharp Drop in Piracy Incidents,” *Vanguard* (Lagos) 20 January 2022, <https://www.vanguardngr.com/2022/01/gulf-of-guinea-records-sharp-drop-in-piracy-incidents/>.

<sup>107</sup> Adaku Onyenucheya, “IMB Warns, Gulf of Guinea Still at Risk of Piracy,” *Guardian*, 20 April 2022, <https://guardian.ng/business-services/maritime/imb-warns-gulf-of-guinea-still-at-risk-of-piracy/>.

<sup>108</sup> United Nations “Adopting Resolution 2634 (SC/14915) “Security Council Calls on Gulf of Guinea Countries to Criminalize Piracy, Armed Robbery at Sea under Domestic Laws” (New York: United Nations Press Office, 31 May 2022), <https://press.un.org/en/2022/sc14915.doc.htm>.

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*Hybrid Maritime Security Governance and the Predatory Elite's Threat to the State*

The shortcomings of Nigeria's hybrid maritime security governance regime also epitomize critical securitization theorists' contention that subaltern states "are always already being securitized and spoken for" and are easily susceptible to securitization pressures by powerful actors to change their behaviours or policies.<sup>109</sup> And so, in order to deflect mounting pressure on the Nigerian government by IMB, foreign shipping and oil companies and their home states, the NN reviewed the MoU policy again in 2019, almost doubling the number of PMSCs—now called Private Maritime Logistics Support Companies (PMLSCs)—to 30 with over 200 patrol boats in tow.<sup>110</sup> This "emergency measure" to respond to escalating piracy attacks, however, demonstrated the critical theorists' assertion that externally framed securitization in subaltern states tends to expose the imperfect nature of state legitimacy as a field of practice where various forms of contestation exist outside, as well as against the state; just as these "fractures and contradictions can therefore point to deficiencies in state legitimacy ... and, hence a statehood gap where the security discourses and practices of state and society diverge."<sup>111</sup>

Unsurprisingly, in January 2021, President Buhari terminated Ocean Marine Solutions Ltd.'s (OMS) monopoly contract which had been a source of intra-elite contestations "outside, as well as against the state" since 2012 and transferred its functions to the NN to provide boats in the Secure Anchorage Area (SAA) on the approaches to Lagos port. An elated Minister of Transport at the time, Mr. Rotimi Amaechi gloated that he had tried unsuccessfully for several years to end the NN's relationship with OMS, arguing that the \$2,500 per vessel the firm charged for the first day and \$1,500 per subsequent day imposed exorbitant costs on Nigerian shippers and consumers. He also complained that the \$8,000-\$10,000 per day cost of engaging each privately owned "escort vessels" (some commercial vessel owners put the fees at

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<sup>109</sup> Sarah Bertrand, "Can the Subaltern Securitize," p. 281.

<sup>110</sup> Vincent Toritseju, "Nigerian Navy Signs MoU With 30 Private Maritime Security Firms," *sweetcrudereports.com*, 29 June 2019, <https://sweetcrudereports.com/nigerian-navy-signs-mou-with-30-private-maritime-security-firms/>.

<sup>111</sup> Kevork Oskanian, "Securitization Gaps," pp. 439–458.



\$12,000 per day) was a monopoly tax on the economy.<sup>112</sup> Some maritime industry stakeholders including a retired NN admiral, however, insisted that the minister's long struggle with OMS had nothing to do with the national interest. Instead, he had all along sought to control and manage the rent accruing from the PMSC racket, evidenced by the minister's prompt replacement of OMS with another company that was allegedly fronting for him."<sup>113</sup> Another observer opined that "The government appears more focused on holding the commercial balance of power over third-party security providers than combating piracy."<sup>114</sup>

### **Assessment of the Hybrid Security Governance in Nigeria's Anti-Piracy Marketplace**

On the surface, the "contract fleet" of the various versions of PMSCs or what a NN commodore described as "capacity for rent" would be a welcome relief for the NN that "at some point in the 1990s to early 2000s did not have a single ship at sea, not even in the backwaters of its operational areas of Lagos, Warri, and Calabar due to lack of funds to pay for routine operations."<sup>115</sup> A former chief of naval staff painted an even bleaker picture in 2015, disclosing that "even where the NN's necessary equipment was available, putting it to use was a challenge, often because of lack of funds for basic supplies like fuel or spare parts to make the equipment operationally active at sea."<sup>116</sup> The fate of NN's now-decommissioned flagship, *NNS Aradu*, an exceptionally well-armed, German-built vessel equipped with a formidable complement of armaments including ship-to-ship missiles, torpedoes, and 127mm naval guns launched in 1980 but commissioned in 1982, is a case in point. According to a NN officer who served as a Captain on the ship, it required 480,000 litres of automotive gas oil (AGO)—about 12-13

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<sup>112</sup> William Clowes, "Pirate Fight Needs Private Might Off Nigeria, Maritime Firm Says," *Bloomberg News*, 24 February 2021, <https://www.bloomberqint.com/business/pirate-fight-needs-private-might-off-nigeria-maritime-firm-says>; 8 June 2021.

<sup>113</sup> Retired NN admiral who had been involved in the administration of the MoUs while in the service but is currently employed by OMS Ltd., Lagos, 19 June 2022.

<sup>114</sup> William Clowes, "Pirate Fight."

<sup>115</sup> Serving NN Commodore who had recently been involved in administering the MoUs for the NN, Ikeja, Lagos, 17 October 2016.

<sup>116</sup> Quoted in, Oscar Nkala, "Fifty Per Cent of Nigerian Navy Vessels Broken Down, Says Naval Chief of Staff," *Defense Web*, 28 August 2015.

truck-loads of 3,000 litres each—for two to three weeks operations out to sea. “This was a prohibitive expense on a 34-year-old ship that might not even make it back to base.”<sup>117</sup>

Despite the huge investments in equipment modernization and the acquisition of about 200 new platforms since 2012,<sup>118</sup> the NN has continued to rely on the private sector to fill equipment gaps for its maritime security operations. While some companies purchased and donated platforms to the NN, others financed the purchase of weapons, equipment and accommodation for regular police and the Department of State Services (DSS) in their various installations, thereby exercising greater control over the protection services rendered to them by the NN.<sup>119</sup> For instance, on 10 May 2014, Nautic Africa (Pty) Ltd., a South African company that specializes in building a range of patrol boats tailored to meet specific and general requirements of major international oil companies operating within Nigeria’s water, donated two specially-built 17-metre Sentinel fast patrol vessels to the NN for offshore patrol and escort duties for foreign vessels plying the country’s waterways.<sup>120</sup> Over the past decade, the GoG has become Nautic Africa’s primary market, making the company that generates \$57 million annual revenue and its local partners the leading beneficiaries of this private sector augmentation of limited statehood in Nigeria.<sup>121</sup> In August 2021, Aiteo Group, a Nigerian energy, oil and pipeline conglomerate similarly donated 50 brand new gunboats, patrol crafts, drones and other assets worth billions of naira to the NN, which the chief of naval staff later described as “a very laudable example of how corporate entities could partner the force on the security of the country’s territorial space.”<sup>122</sup>

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<sup>117</sup> Serving NN Commodore who had recently been involved in administering the MoUs for the NN, Ikeja, Lagos, 17 October 2016.

<sup>118</sup> Omonobi and Erunke, “61st Anniversary.”

<sup>119</sup> Idris, “Private Maritime Security Companies.”

<sup>120</sup> “Nigerian Navy Receives Two 17 Meter *Nautic Africa* Patrol Boats,” *Defense Web*, 6 June 2014.

<sup>121</sup> See: <https://www.nauticafrica.com/>

<sup>122</sup> Aiteo Group acquired the Nembe Creek Trunk Line in Rivers State from Shell (along with the oil field OPL 29) in 2016, following Shell’s divestment from Nigeria’s downstream oil sector. The facility had been a frequent target that was losing an estimated 140,000 barrels of oil per day to oil thieves, forcing the oil major to repeatedly shut down the flow in order to conduct repairs. Quoted in, Samuel Olorunniwa, “The Nigerian Navy: 2021 in Review,” *The Guardian* (Lagos), 2 February 2022, <https://guardian.ng/news/the-nigerian-navy-2021-in-review/>. See “Oil Company Donates 50 Security Boats to the Nigerian Navy,” *The Maritime Executive*, 16 August 2021, <https://www.maritime-executive.com/article/oil-company-donates-50-security-boats-to-the-nigerian-navy>.

While onboard armed protection of ships as a public-private alternative to limited statehood benefitted primarily foreign shipping companies and some politically-connected PMSCs operators, reliance on *rented capacity* has been a nightmare for the NN's operations department which had to monitor the activities of over 200 contracted patrol boats. That department also must supply about six personnel with weapons and ammunition per boat, and ensure compliance with the terms of the MoU by politically connected firms whose pecuniary interests routinely conflicted with the mission and priorities of the NN as the lead agency in Nigeria's anti-piracy efforts."<sup>123</sup> According to an official of the Indigenous Ship Owners Association of Nigeria with first-hand knowledge of the predatory elite contestations involved in administering the onboard armed ship protection program, "The major beneficiaries and/or those who spearheaded the 2019 MOU revision were former NN officers aligned with political and civil authorities some of whom are connected to the Buhari and previous administrations. Most of them have created front companies or partnerships with foreign companies that supply the platforms while their Nigerian partners contribute access to the decision-makers."<sup>124</sup>

Additionally, the prioritization of national and personal rent, rather than commitment to ending piracy and oil theft, predictably exacerbated the contested nature of the Nigerian state as evidenced in the escalated rivalry among a myriad of state agencies that have historically shown little flexibility in managing conflicts arising from both their overlapping maritime security governance jurisdictions and the official and personal rent accruable to their personnel.<sup>125</sup> According to one respondent, until the adoption of the 2016 MoU, "the operation of on-board armed protection of ships and oil platforms was so convoluted that there were more Nigerian Army personnel involved in maritime security assignments than those involved in counterinsurgency operations

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<sup>123</sup> Serving NN Commodore who had recently been involved in administering the MoUs for the NN, Ikeja, Lagos, 17 October 2016.

<sup>124</sup> The Public Relations Officer, Indigenous Ship Owners Association of Nigeria (the umbrella industry association of Nigerians who are owners of vessels of 500GRT and above), Apapa, Lagos, 10 November 2019.

<sup>125</sup> See: Sunday Owen Abang, "The Niger Delta Crisis and the Roles of Governmental Agencies in Nigeria," *African Identities* 12, 2 (2014): pp. 180-195, doi:10.1080/14725843.2014.885779.

against Boko Haram in the northeast of the country, while the number of NN personnel fighting in the northeast exceeded those involved in maritime security operations.”<sup>126</sup>

The anti-piracy role of the NN and other state agencies in a political economy of limited statehood has also deepened the scope of corruption among the ranks of the Nigerian armed forces, particularly the NN.<sup>127</sup> Over the past two decades, several NN personnel have been implicated in corruption scandals and the perpetration of piracy and oil theft themselves. For example, in 2007, then chief of naval staff, Vice Admiral Ganiyu Adekeye accused a large group of retired navy officers of facilitating the “disappearance” of captured vessels involved in oil theft in the Niger Delta.<sup>128</sup> Secondly, amidst the bitterness of the rigged general elections in the oil-rich Rivers State in 2015, the state governor, Mr. Nyesom Wike at a news conference in Port Harcourt publicly accused the General Officer Commanding (GOC) the 6 Division of the Nigerian Army (a Major-General seated next to him) of running an “oil bunkering racket” that was exacerbating insecurity in the state. The senior officer denied the allegation.<sup>129</sup> In January 2022, the same governor called upon the Inspector-General of Police to immediately transfer out of his state a police superintendent whom he accused of involvement in oil theft in the Emuoha area of the state. Additionally, senior security figures and the rank and file reportedly lobby and pay bribes to be posted to the Niger Delta region because of the lucrative pay-offs from armed onboard vessels and on-ground protection of oil installations, if not active participation in the oil theft and “illegal” oil refining racket.<sup>130</sup>

Other state agencies with maritime security governance responsibilities in Nigeria have also historically had a far worse record of large-scale corruption than the officers of the NN noted earlier. For instance, every head of all of these state agencies

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<sup>126</sup> Serving NN Commodore who had recently been involved in administering the MoUs for the NN, Ikeja, Lagos, 17 October 2016.

<sup>127</sup> Østensen, et al., *Capacity Building*; Akali Omeni, “Beyond African Pride: Corruption Mechanisms in the Nigerian Navy and Maritime Sector,” *Scientia Militaria: South African Journal of Military Studies* 50, & 2 (2022): pp. 45-64, <https://doi.org/10.5787/50-1-1332>.

<sup>128</sup> Jacobsen, *Pirates of the Niger Delta*.

<sup>129</sup> Ignatius Chukwu, “Wike Pointedly Accuses Army GOC of Running Oil-Bunkering Racket,” *Business Day* (Lagos), 16 May 2019, <https://businessday.ng/energy/oilandgas/article/wike-pointedly-accuses-army-goc-of-running-oil-bunkering-racket/>, accessed 26 May 2021.

<sup>130</sup> Nduka Ojinmo, “Nigeria's Stolen Oil, the Military and a Man Named Government,” *BBC News*, 23 October 2022, <https://www.bbc.com/news/world-africa-63314545>.

(particularly NIMASA) since the early 1990s has been booted out of office for looting billions of Naira from this *den of robbers*. According to one critic:

It is saddening that under President Buhari, ministries and agencies of government, including ... NPA [Nigerian Ports Authority], NIMASA, ... among others, are now Automated Teller Machines (ATMs) from which avaricious officials and [the ruling] APC [All People's Congress Party] leaders have stolen over ₦17 trillion in the last six years [2016-2022], while our nation wallows in poverty, economic hardship and infrastructural decay.<sup>131</sup>

Yet, some of these state officials have been receiving all manner of *performance awards* from mostly collaborating local and foreign actors in the industry. And so, despite occasional threats of punishing corrupt state officials—which sometimes tend to be public relations stunts or indications of elite contestation in the form of “resistance” to securitization or “de-securitization,”<sup>132</sup> crude oil theft and illegal bunkering remains a huge business in the Niger Delta creeks because “those who are supposed to fight the crime [the NN] are the ones aiding and abetting it.”<sup>133</sup> Consequently, while the NN and NIMASA have sometimes been lauded by IMB and some foreign shipping operators,<sup>134</sup> several foreign maritime actors have continued to express reservations about working with these state agencies as credible anti-piracy partners and increasingly consider the MoU partnerships as an “optional” business practice.<sup>135</sup>

The private military and security companies (PMSCs) also confront unresolved commercial and contractual issues in Nigeria's murky model of hybrid maritime security governance that support the claim that the state's power and legitimacy—as a

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<sup>131</sup> “NIMASA, Jamoh and \$9.5million Fraud Allegation: Awaiting the EFCC Report,” *Business & Maritime West Africa*, 27 May 2022, <https://businessandmaritimewestafrica.com/nimasa-jamoh-and-9-5million-fraud-allegation-awaiting-the-efcc-report/>.

<sup>132</sup> Balzacq, *Contesting Security*.

<sup>133</sup> Kanayo Umeh, “How Navy Personnel, Others Aid Crude Oil Theft, Illegal Refineries in N'Delta,” *The Guardian* (Lagos), 15 February 2021; <https://guardian.ng/news/how-navy-personnel-others-aid-crude-oil-theft-illegal-refineries-in-ndelta/>.

<sup>134</sup> “Petro-Piracy Returns to Gulf of Guinea,” *Offshore Energy*, 3 August 2018, <https://www.offshore-energy.biz/petro-piracy-returns-to-gulf-of-guinea/>, accessed 8 April 2021.

<sup>135</sup> A former “operations personnel” at Secure-A-Ship Company-West Africa (a PMSC that provides “port transit” and other maritime security for commercial vessels operating legally in Lagos, Port Harcourt, Warri, Calabar (Nigeria) and other West African ports). See <https://www.secureaship.com/contact-secure-a-ship/>. Interviewed Lagos, 10 November 2019.

field of practice—is the site of various forms of contestation inside, outside, as well as against the state.<sup>136</sup> Firstly, the vital sectors of Nigeria’s maritime environment still remain unprotected, while the PMSCs have continued to gain deeper insights into the country’s security architecture which is frequently exploited to subvert the nation by disgruntled private interests. Indeed, some observers suggest that many of the “pirates” and criminals that have made the GoG unsafe for shipping may be former owners or employees of indigenous shipping companies; proprietors and/or employees of PMSCs that lost out in the musical chair of frequent revision of MoUs; or those that were blacklisted in the elite predatory system of allocating permits and assignment of government forces to ship protection duties.<sup>137</sup> According to Chief Isaac Jolapamo, the chief executive officer of Morlap Shipping Company Limited and chairman of the Indigenous Ship Owners Association of Nigeria:

Whatever law the government makes, there are agencies or people who are in position to enforce the law but what you find is that these laws are enacted for personal interest ...We have two recognized training institutions [maritime academies]. When trainees graduate, they don’t have a place to work and acquire sea time experience. It is the problem we have created. We are not like Somalia. It is a product of reactions. Pirates go from the shore here. They are experienced at it, which means they are trained seamen. If they had legitimate work to do, they would not be faced with such situations. It is the multiplier effect of doing things in the wrong way. They know they can get away with their loot due to porous security and this tends to encourage them.<sup>138</sup>

A second set of unresolved commercial and contractual issues in Nigeria’s model of extraverted hybrid maritime security governance is that, as a practical matter, the content of the MoUs and the PMSCs’ activities fall under a gray zone of illegality and/or extra-legality that is typical of “business and shadow state” governance in areas of

<sup>136</sup> Kevork Oskanian, “Securitization Gaps,” pp. 439–458.

<sup>137</sup> Aghedo, “Sowing Peace, Reaping Violence;” Eddy Akpomera, “International Crude Oil Theft: Elite Predatory Tendencies in Nigeria,” *Review of African Political Economy* 42, 143 (2015): pp. 156–165, doi:10.1080/03056244.2014.988696.

<sup>138</sup> Interviewed 10 November 2019. Chief Jolapamo made similar assertions back in 2012. See “Ship Business [in Nigeria] Is Like Suicide,” *PM NEWS* (Lagos), 15 October 2012, <https://pmnewsnigeria.com/2012/10/15/ship-business-is-like-suicide/>.

contested state authority.<sup>139</sup> According to a Nigerian maritime lawyer, “Neither the Ministry of Defense nor the Nigerian Navy has given formal approval for the Nigerian Navy-led initiative to protect individual merchant ships for a fee. Each case in which the navy provides security cover for individual vessels (for a fee) is outside the mandate and operational scope of the navy.”<sup>140</sup> So, whereas the government expressly forbids the embarkation of armed security, including NN personnel on commercial vessels, within Nigerian waters, the MoU-holding PMSCs continue to collaborate with the NN within this *legal illegality* to arrange armed security escorts for commercial vessels and oil and gas companies. Unsurprisingly, the opaqueness of the PMSC regime has made it a veritable site of brutal contestation of the power and legitimacy of the state, inevitably rendering the supposed answer to Nigeria’s limited statehood in the oceans susceptible to manipulation to serve both the domestic elite and foreign interests, rather than enhancing the effectiveness of the NN in fighting piracy.<sup>141</sup>

Thirdly, in order to minimize the free-rider problem among shipping and oil companies, the commercial and contractual provisions of the MoUs preclude security vessels from rendering assistance to attacks or incidents other than those involving their fee-paying clients.<sup>142</sup> Such preferential treatment, rather than vigorous enforcement of the anti-piracy MoUs as a *whole-of-maritime domain strategy*, has meant that the main beneficiaries of this supposed supplement to safety and security responsibilities of the state in GoG’s waters are the handful of foreign commercial clients with sufficiently deep pockets. Indeed, an online advertisement by Secure-A-Ship Inc., one of the biggest and better-connected foreign third-party providers of ship protection services to all GoG states boasted about its ability to provide “critical liaison between the Master of the Vessel and the local Armed Forces” to its prospective foreign shipowner clients, and

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<sup>139</sup> William Reno, “Business Conflict and the Shadow State: The Case of West Africa,” in Ronald Cox, ed., *Business and the State in International Relations* (Boulder, CO: Westview Press, 1996), pp. 149-164.

<sup>140</sup> Emeka Akabogu, “Legal Limits of Armed Guards on Board Ships,” *internationallawoffice.com*, 16 January 2019, <https://www.lexology.com/commentary/shipping-transport/nigeria/akabogu-associates/legal-limits-of-armed-guards-on-board-ships>.

<sup>141</sup> Eddy Akpomera, “International Crude Oil Theft: Elite Predatory Tendencies in Nigeria,” *Review of African Political Economy* 42, 143 (2015): pp. 156–165, doi:10.1080/03056244.2014.988696.

<sup>142</sup> Akabogu, “Legal Limits.”

unabashedly warned that “ship-owners and charterers put themselves at risk by hiring low-cost unregulated security outfits in West Africa.”<sup>143</sup>

In sum, Nigeria’s model of PMSCs supports the assertion that because securitization connotes the existence of contestation in various forms, namely resistance, de-securitization, emancipation, and resilience, the theory is useful in explaining the success or failure of policies.<sup>144</sup> It lays bare the Nigerian state’s legitimacy as a field of practice where various forms of contestation exist inside and outside, as well as against the state; and why these “fractures and contradictions” and statehood gap or “securitization gaps” persist.<sup>145</sup> These domestic and global sources of statehood gaps generate the symptoms of persistent failure copiously documented in extant studies of maritime security governance in the GoG, namely corruption, weak law enforcement, and poverty<sup>146</sup> or a compromised criminal justice system;<sup>147</sup> and “rushed solutions” to deflect criticisms by international “partners” that fail to address the root causes of piracy.<sup>148</sup> These studies contribute immensely to the debate on the challenge of maritime security notwithstanding; yet, they lack a theoretical grounding capable of generating solutions to the root causes of those symptoms of limited statehood in the GoG maritime domain.

## Conclusion

This paper set out to fill a persistent gap in the study of the privatization of maritime security as part of the normative shift in the global political economy that permits non-state actors to play prominent roles in security provision, particularly in

<sup>143</sup> “We Have Experience in West Africa: Maritime Security for Commercial Vessels in West Africa,” Secure-A-Ship, n.d., <https://www.secureaship.com/west-africa/>; 13 June 2021.

<sup>144</sup> See, Balzacq, *Contesting Security*.

<sup>145</sup> Oskanian, “Securitization Gaps,” pp. 439–458, doi:10.1017/eis.2021.13.

<sup>146</sup> Bueger, “What Is Maritime Security,” pp. 159–164. Østensen, et al., *Capacity Building for the Nigerian Navy*; Siebels, “Pirates, Smugglers and Corrupt Officials;” “IMB’s Annual Report 2020;” Jacobsen, *Pirates of the Niger Delta*; Freedom C. Onuoha, “Nigeria’s Ambitious New Maritime Security Project Must Avoid Old Traps,” *The Conversation*, 21 July 2021, <https://theconversation.com/nigerias-ambitious-new-maritime-securityproject-must-avoid-old-traps-163989>.

<sup>147</sup> Nwalozie, “Exploring Contemporary Sea Piracy in Nigeria, the Niger Delta and the Gulf of Guinea.”

<sup>148</sup> Okafor-Yarwood, et al., “Gulf of Guinea Piracy.”



the Gulf of Guinea (GoG) in West Africa. Extant studies erroneously attribute the persistence and escalation of piracy incidents in the subregion to corruption, weak law enforcement, and grievances over high levels of poverty and unsustainable livelihoods that push coastal community members towards maritime criminality. While providing invaluable insights into contemporary piracy and the justification for a hybrid maritime security governance strategy and the transformations in international maritime law, these studies merely analyze the symptoms, rather than a theorization of the paradox that piracy and other maritime crime incidents have escalated at the same time that many GoG states have substantially modernized and, in principle, improved the anti-piracy capacity of national navies. Moreover, these navies now collaborate with licensed private maritime security companies (PMSCs) implementing the *securitization* of piracy as an existential threat in a hybrid governance arrangement that is framed as the solution to perceived limited statehood.

Using the political economy approach, the paper locates this puzzle in the persistence of externally-driven securitization of threats to national security in Africa whereby national emergency measures or policies are adopted (often hastily) to respond to the *threat* to the interests of external actors (piracy in this case); rather than addressing the political economy of state-society relations and the structural constraints of the international environment that create the remote and precipitate conditions for the region's festering maritime insecurity. This explains why substantial anti-piracy investments have failed to protect against the threat. Instead, by prioritizing the creation and capture of national and personal rent from the privatization of maritime security, predatory domestic and foreign elites instrumentalize the perpetuation of piracy through corruption, weak law enforcement, and high levels of poverty which, in turn, lubricate the patron-client allocation of access to that rent, thereby exacerbating coastal community grievances. The empirical evidence is drawn largely from Nigeria, the dominant economy and source of over 60 percent of piracy and other maritime criminality in the subregion, although the impact of externalized securitization of piracy in other GoG states was also analyzed to provide a more regional scope of the anomaly. The paper detailed the political economy of Nigeria's convoluted hybrid, public-private partnership model of armed guard protection for shipping and international oil companies. This has implications for the behaviours of other states and non-state maritime actors in the subregion who look up to Nigeria for leadership. Future policy

interventions are more likely to succeed if the clarity provided by this political economy framework (the paradox of externalized securitization and state power contestation) is taken into consideration in their design and implementation.

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