



The Gulf of Guinea Declaration on Suppression of Piracy

The Gulf of Guinea Declaration one year on – status report

Just over a year since the launch of the Gulf of Guinea Declaration on Suppression of Piracy, the fight against piracy in the region seems to be progressing well. Here are some of the developments seen over the past 12 months.

Summary

With no kidnappings and an 89% reduction in attacks this year, it's encouraging to see progress. But it's important not to lower our guard, so BIMCO will continue to advocate for:

- non-regional anti-piracy deployments with clear Rules of Engagement (RoE) to disrupt pirate attacks and with improved communication with regional states when law enforcement action is initiated
- minimising the risk of conflicts of interest between law enforcement and commercial protection businesses
- the importance of information sharing between law enforcement and industry
- the effective and full deployment of Deep Blue assets on anti-piracy tasking.

We hope the signatories of the Gulf of Guinea Declaration will continue to do the same.

The number of attacks is decreasing

Since the Gulf of Guinea Declaration on Suppression of Piracy was launched on 31 May 2021, the number of piracy attacks and kidnappings in the Gulf of Guinea has decreased significantly. The declaration states that attacks are preventable and calls for a minimum 80% reduction in attacks by the end of 2023 and no seafarers kidnapped during that year.

Judging from available statistics, there is good progress (see table) with no kidnappings at all, and attacks reduced by 89% so far in 2022.

Data point	2020	2021	2022 (until 15 June)
Failed attack	40	12	2
Kidnap for ransom attack	20	12	0
Hijack attack	2	3	1
Total attacks	62	27	3

Seafarers kidnapped	130	60	0
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Source: Risk Intelligence and open sources

Since the launch of the declaration, several factors have contributed to the drop in attacks in the region:

- In 2022, international navies stepped up and began conducting proactive maritime law enforcement in international waters off Nigeria.
- The Nigerian navy reported clampdowns on pirate camps.
- Project Deep Blue's coastal surveillance and C4 centre began ramping up activities.
- Nigeria and the Interregional Coordination Centre (ICC) held a series of meetings and working groups under the umbrella of GoG-MCF/SHADE (Gulf of Guinea Maritime Coordination Forum, Shared Awareness and Deconfliction).
- The number of Security Escort Vessels operated in co-operation between the Nigerian navy and commercial operators appears to have increased in the period (statistics are not easy to come by).
- Pirate gangs could potentially be more occupied with other nefarious activities such as oil theft and smuggling.

While it would be a stretch to claim that it was the declaration alone which was responsible for the drop in the number of attacks, there is little doubt that it has helped put the question of seafarer security on the agenda both in the Gulf of Guinea coastal states and non-regional states.

The declaration has helped political decision makers both in the region and beyond muster political support for strengthening antipiracy efforts in Gulf of Guinea.

Non-regional antipiracy deployments

Since the declaration was launched, we have seen several deployments of non-regional naval forces from the following countries. There is no centrally-held list available so the list below is based on open sources and may not be complete:

- Denmark
- France
- Spain
- Portugal
- Canada
- USA
- Brazil
- Italy
- United Kingdom
- Russia

Most deployments have been focussing on national tasking such as diplomatic outreach, training and exercises and protection of selected ships falling within the scope of national interest. While the presence of these ships provides a degree of safety to shipping falling within the scope of national interest, the fact that warships with narrow national mandates have been present and

visible in the Gulf of Guinea for several years, including when kidnapping numbers were very high in the years 2018-2020, suggests that they don't provide much deterrence of pirate activity.

Recently, however, three naval deployers have stood out in terms of benevolence towards seafarers and the broader shipping community, namely Italy, Denmark, and Russia.

The Italian warships have been engaged in several disruptions of pirate attacks where attacking skiffs have been shunned away.

The Danish warship arrested one pirate action group. During the arrest a firefight broke out with five pirates killed and four survivors arrested, one of which was severely wounded. Three of the four pirates were released after it turned out to be legally impossible to hand them over for prosecution in a coastal state, while the fourth pirate was taken to Denmark for medical treatment and to stand trial.

The Russian warship was engaged in one disruption after which a salvage claim was raised and subsequently settled with the affected shipowner.

The interactions by Italian, Danish and Russian warships have highlighted several weaknesses in the current setup to manage the piracy situation in the Gulf of Guinea:

- an absence of handover agreements between coastal states and non-regional deployers
- An essential precondition for handover from non-regional states is that there is an urgent need for legal processes and prison facilities in regional coastal states to live up to international human rights standards.
- To arrest the usually heavily-armed and aggressive pirates in skiffs, superior speed and firepower is needed to undertake a safe arrest and with sufficiently overwhelming force. In practical terms, a helicopter armed with a machine gun and a sniper to provide aerial cover is needed, plus highly-trained and well-armed boat teams who can move in and do the arrest once the pirate skiff is immobilised.
- Non-regional navies should consider keeping coastal states informed, in a timely fashion, of progress once law enforcement action is initiated.

In order to provide a credible deterrent, deployments of non-regional assets to the Gulf of Guinea with the ability to conduct high-intensity anti-piracy operations will be needed. Deployments of non-regional assets for diplomatic purposes and training missions are expected to continue.

While such deployments arguably play a positive role in their own right, their contribution to deterring pirate attacks is probably limited. Another factor which may impact future deployments is the deterioration in the security situation between Russia and the West, which already places higher demands for warships especially from Western navies' fleets.

Regional capability under implementation: Project Deep Blue

Although formally launched by Nigeria on 10 June, Nigeria's Project Deep Blue is still experiencing some trouble getting fully underway. The following capabilities form part of the project:

Situational awareness:

- Command, Control, Communication, Computers, and Intelligence (C4I)
- Falcon Eye of the Nigerian Navy (over the horizon radar system)
- aircrafts and ships with communication equipment.

Response capability:

- two special mission aircraft
- three special mission helicopters
- two special mission ships
- four units of unmanned aerial vehicles
- 17 fast patrol boats
- special training of 2,000 military personnel for enforcement operations.

The implementation of project Deep Blue by the Nigerian government has encountered some setbacks, including the delayed delivery of certain antipiracy capabilities such as helicopters and drones, and a lack of logistical support. The command structure of the Deep Blue assets has recently been agreed and the coastal surveillance system and the Nigerian command and control centre are now reported to be operational.

Despite the challenges described above, project Deep Blue is currently the most promising Nigerian antipiracy initiative. If deployed effectively, it can make a positive impact on the piracy threat if the assets are effectively used in a law enforcement role.

New UN Security Council Resolution

On 31 May, the United Nations Security Council unanimously adopted a text which condemns the pirate networks jeopardising the safety and security of seafarers and restricting the flow of commerce in the Gulf of Guinea.

Clarifying that the United Nations Convention on the Law of the Sea (UNCLOS) of 10 December 1982 sets out the legal framework within which antipiracy should be carried out, the Security Council dubbed piracy and armed robbery at sea in the Gulf of Guinea "the primary responsibility of the States of the Gulf of Guinea" but – importantly – did not discourage other states from also taking antipiracy action under UNCLOS.

The resolution also called upon Member States in the Gulf of Guinea region to criminalise piracy and armed robbery at sea under their domestic laws, and to investigate, prosecute or extradite, in accordance with applicable international law, perpetrators of such crimes, as well as those who incite, finance, or intentionally facilitate them.

The importance of fair trial guarantees, including through drafting of agreements for the transfer of arrested piracy suspects between states in and outside the region, was also highlighted.

The passing of the UN Security Council Resolution sends a clear message to the pirate networks, the Gulf of Guinea coastal states, non-regional states, and industry stakeholders that more should be done to tackle the piracy problem in the Gulf of Guinea.

However, the resolution does not shine light on the involvement of law enforcement agencies or officials in the commercial protection business. Such involvement can lead to conflict of interest between business and law enforcement efforts and should thus be avoided.

To this end, the Gulf of Guinea Declaration on Suppression of Piracy calls for improving the transparency between law enforcement agencies, military forces, and protection services. BIMCO will continue to advocate for the risk of a conflict of interest between law enforcement and commercial protection business being minimised.

Maritime domain awareness

The declaration calls for improving domain awareness (such as via radar on offshore platforms) and sharing of relevant information between antipiracy law enforcement forces and agencies. Since the declaration was launched, a series of meetings have been held between industry representatives, regional navies, and non-regional navies.

Early on, BIMCO advocated for the development of a shared communications plan (COMPLAN) in the form of a list of radio frequencies and other communication means to establish and maintain maritime domain awareness.

A little more than six months after the COMPLAN idea was pitched, a basic COMPLAN was agreed. The COMPLAN will allow law enforcement assets from the various deployers in the region to communicate and deconflict law enforcement operations. One element of the COMPLAN was a secure chat system called Solarta which is already used in operations under the name Mercury by allies tackling illicit activities off Somalia.

After an initial free, three-month trial phase where Solarta was in use by regional and non-regional navies, the Nigerian authorities are now in the process of securing funding for continued operation of Solarta.

Another system is also under implementation – the EU-funded YARIS. YARIS is a more complex system with functions such as secure chat-, email-, and video conferencing, advanced chart functions, and an incident log. YARIS has some interesting perspectives, and training of staff from the regional coastal states is ongoing. Until YARIS is fully implemented with all relevant stakeholders, Solarta, or a similar system, will have an important role to play in ensuring effective information sharing and maritime domain awareness.

BIMCO will continue to advocate for improvements in information sharing between law enforcement agencies and the industry in accordance with normal security protocols. All information sharing should take into consideration aspects of operational security. For example, knowledge of whereabouts and intentions of law enforcement forces should only be shared in ways which minimise the risk of compromising the operational security of the law enforcement forces involved.