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# A critical analysis of the implications of Covid-19 on piracy off the Nigerian coast\*

## Uma análise crítica das implicações da Covid-19 sobre pirataria na costa nigeriana

Kalu Kingsley Anele\*\*

### Abstract

This paper analyses the implications of Covid-19 to piracy in Nigeria and suggests measures to suppress the crime. The paper dialectically interrogates the the land-based causes of piracy in Nigeria. Further, the paper critically analyses legal instruments, data, and scholarly publications to determine the effects of Covid-19 to piracy in Nigeria. The review reveals that the emergence of Covid-19 significantly aggravated some of the onshore causes of piracy, like poverty. Nonetheless, data suggests that the number of piratical acts has not increased in Nigeria yet. This is due to the Covid-19 preventive measures imposed by the Nigerian government, such as restriction of movement on land and on the sea. Notwithstanding that Covid-19 may not have increased the number of piracy incidences in Nigeria, there is a possibility of a spike in the number of piratical attacks in Nigerian waters post-Covid-19, after the suspension of the Covid-19 countermeasures. This is because the emergence of Covid-19 has escalated the onshore causes of piracy and the movement restrictions on land and on the sea have been lifted. Moreover, Nigerian counterpiracy efforts have been significantly unproductive in the past due to the dearth of maritime domain awareness, weak piracy institutional regime, among others. This research suggests, inter alia, that finding lasting solutions to the onshore causes of piracy, the cultivation of the political will by the Nigerian government to curb piracy, and strengthening the piracy legal regime and institutional framework are key to curbing piracy off the Nigerian waters during and post-Covid-19.

**Keywords:** Piracy; Covid-19; Nigeria; SPOMO Act; LOSC.

### Resumo

Este artigo analisa as implicações do Covid-19 para a pirataria na Nigéria e sugere medidas para suprimir o crime. O jornal interroga dialeticamente as causas terrestres da pirataria na Nigéria. Além disso, o documento analisa criticamente os instrumentos legais, dados e publicações acadêmicas para determinar os efeitos do Covid-19 na pirataria na Nigéria. A análise revela que o surgimento da Covid-19 agravou significativamente algumas das causas da pirataria em terra, como a pobreza. No entanto, os dados sugerem que o número de atos de pirataria ainda não aumentou na Nigéria. Isso se deve às medidas preventivas da Covid-19 impostas pelo governo nigeriano,

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como a restrição de movimentos em terra e no mar. Apesar de a Covid-19 não ter aumentado o número de incidentes de pirataria na Nigéria, existe a possibilidade de um aumento no número de ataques piratas em águas nigerianas pós-Covid-19, após a suspensão das contra-medidas da Covid-19. Isso ocorre porque o surgimento da Covid-19 aumentou as causas da pirataria em terra e as restrições de movimento em terra e no mar foram suspensas. Além disso, os esforços de contra-pirataria da Nigéria foram significativamente improdutivos no passado devido à falta de consciência do domínio marítimo, regime institucional de pirataria fraco, entre outros. Esta pesquisa sugere, entre outras coisas, que encontrar soluções duradouras para as causas da pirataria em terra, o cultivo da vontade política por parte do governo nigeriano para conter a pirataria e o fortalecimento do regime jurídico da pirataria e da estrutura institucional são fundamentais para conter a pirataria nas águas nigerianas durante e após a Covid-19.

**Palavras-chave:** Pirataria, Covid-19, Nigéria, Lei SPOMO, LOSC

## 1 Introduction

Though many scholarly papers have interrogated the issue of piracy in Nigeria,<sup>1</sup> particularly its impact on the country's economy,<sup>2</sup> specifically the oil industry,<sup>3</sup> the fishing industry,<sup>4</sup> transportation,<sup>5</sup> the tourism

sector,<sup>6</sup> and the implementation of regional economic agreements,<sup>7</sup> this paper focuses on the implication of Coronavirus (Covid-19) on piracy in the country. It is significant to note that the emergence of Covid-19 has not stopped piratical attacks off the Nigerian coast as shown in Tables 1-3 below. Again, the emergence of Covid-19 aggravated the onshore causes of piracy in Nigeria, such as poverty and unemployment. However, data shows that piratical acts has not necessarily increased in Nigeria, from 1 January – 31 December 2020 compared to the same period in 2019, including the first quarter (1Q) of 2021 compare to the same period in 2019 (see Tables 1 and 2 below).

Despite the absence of a spike in piratical acts in Nigeria, piracy activities will skyrocket post-Covid-19 in Nigeria, long after the removal of the movement of persons restriction on land and permission of vessels to ply the waters of the country as Covid-19 is contained and the Covid-19 vaccine developed. It is further observed that, perhaps, while the measures imposed to stop the spread of Covid-19, such as the restriction of movement on land and the sea, may have prevented the occurrence of piratical acts, the exacerbation of onshore causes of piracy by the pandemic would lead to a spike in the number of piratical acts off the coast of Nigeria post-Covid-19 as more poverty-stricken and unemployed youths may become pirates. Additionally, the absence of maritime domain awareness and weak institutional regime will contribute to the spike in the number of piratical acts off the coast of Nigeria. Consequently, this paper will play a significant role in addressing piracy in Nigeria during and post-Covid-19 era. Hence, the paper will reiterate the need to enhance Nigeria's maritime domain awareness, strengthen the piracy legal and institutional frameworks, and advocate for the introduction of productive economic policies that would create jobs and enhance infrastructure development, such as building of well-equipped hospitals. Again, Nigerian government must engage in the cleaning of polluted environment in the Niger Delta region, where oil is exploited in the country, and cultivate the

impacts to maritime transportation and maritime security. *Journal Of Asian Development*, n. 4, n. 2, p. 1-43, doi:10.5296/jad.v4i2.13124, 2018.

<sup>6</sup> ANELE, K. Kalu. Addressing the Issues of Piracy off Indonesia and Nigeria. *the indonesian journal of international & comparative law*, v. VII, p. 217-237, 2020.

<sup>7</sup> ANELE, K. K., The Potential Impact of Piracy on ACFTA: A Nigerian Perspective, *supra* note 3, p. 5-25.

<sup>1</sup> ANELE, K. Kalu. Harvest of Arrests but no Prosecution: Ideation Toward Strengthening the Legal Regime for Prosecuting Pirates in Nigeria. *Commonwealth Law Bulletin*, v. 46, n. 4, p. 611-639, DOI:1080/03050718.2020.1774402, 2020 and SCHNEIDER, Patricia. When Protest goes to Sea: Theorizing Maritime Violence by Applying Social Movement Theory to Terrorism and Piracy in the Cases of Nigeria and Somalia. *Ocean Development & International Law*, p. 1-24, 2020. <https://doi.org/10.1080/00908320.2020.1781383>.

<sup>2</sup> NVALOZIE, J. Chijioke. Exploring Contemporary Sea Piracy in Nigeria, the Niger Delta and the Gulf of Guinea. *Journal Of Transportation Security*, 2020. <https://doi.org/10.1007/s12198-020-002180y>.

<sup>3</sup> ANELE, K. Kalu. The Potential Impact of Piracy on ACFTA: A Nigerian Perspective. *JOURNAL OF Territorial And Maritime Studies*, v. 8, n. 1, p. 15-16, DOI:10.2307/JTMS.8.1.5, 2021.

<sup>4</sup> NWOKEDI, Theophilus. et al. Assessment of Sea Piracy and Armed Robbery in Nigeria Industrial Trawler Fishery Sub-sector of the Blue Economy. *Journal Of Eta Maritime Science*, v. 8, n. 2, p. 114-132, 2020 and USMAN, Abdullahi. et al. Impact of Piracy and Sea Robberies on Fishing Business in Nigeria: A Focus on Lagos Coastal Area. *Review Of International Comparative Management*, v. 20, n. 4, p. 396-408, 2019.

<sup>5</sup> OFOSU-BOATENG, R.L. Nana. Piracy in the Gulf of Guinea:

political will to curb piracy, especially the prosecution of pirates, corrupt government officials, and other sponsors of piracy in the country.

Some of the limitations in this research include the absence of funds to conduct field research and interviews with relevant parties, like ship owners. It is significant to note that due to restrictions on movement imposed as a result of the spread of Covid-19, this research relies on a dialectical analysis of primary materials, like legal instruments, and secondary materials - such as scholarly papers and text books to reach its conclusion. Further, the data reviewed in determining the number of piratical acts during this aeon of Covid-19 in Nigeria would be derived from the International Maritime Bureau (IMB) piracy reports for 2020, the third quarter (3Q) of 2020, and 1Q of 2021. More importantly, due to the limitations in the definition of piracy under international law, like the high sea principle, this paper adopts the piracy definition that includes both violent attacks on ships on the high seas (including the exclusive economic zone) and the territorial waters of Nigeria, as incorporated in the Nigerian Suppression of Piracy and Other Maritime Offences (SPOMO) Act 2019, sections 3-4.<sup>8</sup> This position is strengthened by Schneider's suggestion that the definition of piracy that includes armed robbery against a ship in the territorial waters of a coastal state could be more useful in understanding piracy, specifically, through data analysis<sup>9</sup> and Denton and Harris who opine that the use of piracy definition that includes both the high seas and the territorial waters arises from the safety and security threat posed by the crime.<sup>10</sup>

The paper critically reviews available data to determine the impact of Covid-19 on piracy off the coast of Nigeria by dialectically analysing the convergence of piracy and Covid-19 in terms of their socioeconomic and humanitarian impacts. This is achieved by first highlighting some of the root causes of piracy and how

Covid-19 directly interact with them. In relation to conceptual clarifications, the history, nature, consequences, and legal regime of piracy in Nigeria are interrogated, and thereafter the emergence of Covid-19 in Nigeria is reviewed. Having analysed both concepts, the paper delves into the kernel of the study by addressing the issue of piracy off the coast of Nigeria during Covid-19 through data analysis to determine whether the pandemic impacted on the crime off the country's coast. The data contained in the various piracy reports used in the study (IMB Piracy Reports for 2020, 3Q 2020 and 1Q 2021) reveal that coronavirus may not have exacerbated piracy in Nigeria at the moment because of the land-based movement of person restriction policy, docking of local vessels for quarantine, and banning of international vessels from operating in Nigerian waters. The paper also comparatively analyses the effect of Covid-19 in other piracy hotspots in the world to buttress its hypothesis. Nevertheless, the paper opines that piracy acts in the waters of Nigeria may increase post-Covid-19 due to the removal of the piracy prevention measures and the heightened level of the onshore causes of piracy aggravated by the pandemic. For instance, due to Covid-19, the economic recession in Nigeria has worsened, poverty and unemployment have increased, prices of foodstuffs have gone up, government corruption and misappropriation of public funds are rampant, and violence pervades all the regions in the country.

Further, the enforcement of piracy legal regime is weak due to the dearth of maritime domain awareness occasioned by infrastructure deficit and institutional limitations, and the absence of political will by the Nigerian government to curb piracy. Therefore, the absence of maritime domain awareness, weak piracy institutional regime, the lack of political will by the government of Nigeria to curb piracy, the removal of the Covid-19 counter-measures due to the availability of vaccine, and the need to rejig the economy as well as restore normalcy in the social lives of Nigerians would lead to an increase in the number of pirates and piratical acts off the Nigerian coast. To find the solution to piracy during and post-Covid-19 in Nigeria, the paper suggests measures to tackle the crime, such as finding solutions to land-based causes of piracy that were worsened by Covid-19, enhanced maritime domain awareness, and strengthening piracy legal regime and institutional framework. The paper also maintains that the government of Nigeria must cultivate the political will to curb piracy

<sup>8</sup> See the United Nations Convention on the Law of the Sea (LOSC), adopted 10 December 1982, (entered into force 16th November 1994) 1833 UNTS 3, article 101 and the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigations, adopted 10 March 1988, (entered into force 1 March 1992) 1678 UNTS 221, art. 3.

<sup>9</sup> SCHNEIDER, P. *supra* note 1, p. 2.

<sup>10</sup> DENTON, L. Ginger; HARRIS, R. Jonathan. The Impact of Illegal Fishing on Maritime Piracy: Evidence from West Africa. *Studies in conflict & terrorism*, p. 3, 2019. DOI:10.1080/1057610X.2019.1594660.

during and after Covid-19 by practicing good governance, eschewing corruption and prosecuting corrupt government officials, preventing the misappropriation of public funds, among others.

## 2 A panoramic view of the convergence of piracy and Covid-19

It is common knowledge that the oil and gas industry plays a crucial role in the economic development of Nigeria. While the industry represents a relatively moderate percentage of the Nigerian gross domestic production (GDP), the oil industry is critical in preparing for the country's budget, "contributes to the provision of basic services from security to health and education, and to service foreign debt".<sup>11</sup> Aside from the exploitation of crude oil in the waters of Nigeria that requires oil tankers to transport crude oil and refined products - such as Premium Motor Spirit (PMS) - there are vessels that engage in supply services to the offshore oil rigs off the coast of the country.<sup>12</sup> Additionally, Nigeria imports most of its finished goods, exports raw materials, and engages in fishing.<sup>13</sup> Aside from adversely affecting transactions in these economic sectors, these activities have led to heavy vessel traffic in the waters of Nigeria; thereby providing an enabling environment for pirates to operate.<sup>14</sup>

<sup>11</sup> Covid-19 and the Nigerian Oil and Gas Sector – Impact on the Nigerian Economy and Key Mitigation Measures. Available at: <http://www.opml.co.uk/files/Projects/a0773-covid-19-nigerian-oil-sector.pdf?noredirect=1>. Accessed on: 3 December 2020.

<sup>12</sup> ANELE, K. K. Addressing the Issues of Piracy off Indonesia and Nigeria. *Supra* note 6, p. 247.

<sup>13</sup> For detailed assessment of the impact of piracy on the fishing industry in Nigeria, see generally, NWOKEDI, T. et al. *supra* note 4; USMAN, A. et al. *supra* note 4; EZEOZUE, Chidozie. Piratical Challenges in the Nigeria Ocean Space: Implications for National Security. *International Journal Of Research And Innovation In Applied Science*, v. IV, n. X, p. 58, 2019 and ADONGOI, Toakodi. et al. The Impact of Sea Robbery on Artisanal Fishing in Rural Settlements in Niger Delta Region of Nigeria. *INTERNATIONAL JOURNAL OF INNOVATION AND SUSTAINABILITY*, v. 1, p. 32-43, 2017. For the analysis of the effect of piracy on the importation of goods in Nigeria, see ADINGOI, Toakodi. et al. An Appraisal of Sea Robbery Control in Nigeria's Waterways: Lessons from Niger Delta Region. *International Journal Of Criminology And Sociology*, v. 8, p. 75, 2019.

<sup>14</sup> Due to the incessant attacks by pirates off the coast of Nigeria, the waters of the country have been declared risky and dangerous for navigation. See ICC International Maritime Bureau (IMB) Piracy and Armed Robbery against Ships, Report for the Period 1 January – 31 March 2021, April 2020, (ICC/IMB Piracy Report for the 1Q 2020), p. 19, ICC/IMB Piracy and Armed Robbery against Ships,

It is significant to note that piracy is caused, galvanised, and sustained by poverty, unemployment, absence of good governance, corrupt political leaders, corrupt government officials as well as officials of maritime regulatory and security agencies, absence of maritime domain awareness, weak maritime enforcement agencies, and the absence of political will by the Nigerian government to curb piracy. Further, in Nigeria, piracy stems from political violence, activities related to resource control agitation, and the pollution of the environment in the oil-producing communities in the Niger Delta.<sup>15</sup> In recent times, other sources of insecurity in Nigeria have sustained piracy off the country's coast as funds to curb piracy are channeled to curb insecurity in other parts of Nigeria.<sup>16</sup> This has been exemplified by the wanton killings, kidnappings, and violent destruction of properties across the country,<sup>17</sup> thereby exacerbating the factors that motivate the youths to become pirates. It is argued that the susceptibility of Nigeria to piracy means that disasters, like Covid-19, will exacerbate the factors that foster piracy in the country.

More pointedly, some of these factors, like poverty, unemployment, mismanagement of public funds and bad economic policies, have been made worse by the emergence of Covid-19 in Nigeria, especially the measures imposed on citizens to curb the spread of the virus. For illustrative purposes, the ban on international vessels without thermal screening kit from operating in Nigerian waters,<sup>18</sup> the docking of vessels to quarantine

Report for the Period 1 January – 31 December 2020, January 2021, (ICC/IMB Piracy Report for 2020), p. 23 and ICC International Maritime Bureau (IMB) Piracy and Armed Robbery against Ships, Report for the Period 1 January – 30 September 2020, October 2020, (ICC/IMB Piracy Report for the 3Q 2020), p. 22. For the impact of piracy in those economic sectors in Nigeria, see generally, ANELE, K.K. The Potential Impact of Piracy on ACFITA, *supra* note 3.

<sup>15</sup> ANELE, K. K., *ibid*, p. 13.

<sup>16</sup> While the Niger Delta insurgency gave prominence to Nigerian piracy, the insurgent group, Gerakan Aceh Merdeka (GAM), elevated piracy in Indonesia. For detailed analysis of insurgency or terrorism as a precursor to piracy in Nigeria, see NWALOZIE, J. C., *supra* note 2 and SCHNEIDER, P. *supra* note 1, p. 8-10. For further reading on insurgency as the cause of piracy in Indonesia and Southeast Asia, see generally HASTINGS, V. Justin. The Return of Sophisticated Maritime Piracy to Southeast Asia. *Pacific Affairs*, v. 93, n. 1, p. 5-29, DOI: 10.5509/20209315, 2020.

<sup>17</sup> See OBARISIAGBON, I. Emmanuel & AKINTOYE, O. Emily. Insecurity Crisis in Nigeria: The Law Enforcement Agents a Panacea? *J. OF SOC'Y & SOCIAL WORK*, v. 7, n. 1, p. 44, 2019 and SAHEED, B. Owonikoko; ONUOHA, C. Freedom. Child of Necessity: (Ab)uses of the Civilian Joint Task Force in Borno State, Nigeria. *AFSOL J.*, v. 3, n.1, p. 27-40, 2019.

<sup>18</sup> TWINING, Gabriella. Nigeria Bans International Vessels with-



the crew, and the restriction of movement in the country led to the suspension of domestic and international trade in the country.<sup>19</sup> The implication is that most Nigerians will be out of work as poverty and hunger grip the populace. Lending credence to unemployment as one of the chief causes of piracy, it has been argued that pirate groups usually recruit unemployed or underemployed people, especially fishermen and policemen.<sup>20</sup> These measures to control the spread of the pandemic aggravated poverty, increased unemployment as people lost their jobs, halted international and domestic trade, impede transportation, especially shipping, enhanced the misappropriation of public funds and corruption, facilitated the killing of the youths, led to the increase in the prices of staple food, and culminated to the inability of many households to pay utility bills and purchase food items.<sup>21</sup> Beyond the fatalities, the existence of Covid-19 in the country has exposed the poor state of Nigeria's health sector.<sup>22</sup> The implication is that the poor and unemployed Nigerians, who are susceptible to the health and socio-economic impacts of the pandemic, are unwittingly driven to criminal acts, like piracy, to survive or to get back at the government for failing to deliver the dividend of democracy.

From a global standpoint, aside from millions that have lost their lives due to the pandemic, the world economy may have decreased by a whopping 4.3 per cent in 2020.<sup>23</sup> Additionally, "millions of jobs have already been lost, millions of livelihoods are at risk, and an estimated additional 130 million people will be living in extreme poverty if the crisis persists."<sup>24</sup> Consequently, the emergence of Covid-19 adversely affected the livelihood of the people in the oil sector,<sup>25</sup> the fishing industry, and worsened the lives of an average Nigerian. Specifically, maritime transportation, which has been estimated to "handle over 80 percent of global merchandise trade by volume and more than 70 percent by value by value",<sup>26</sup> is disrupted by the pandemic; thereby undermining world trade and economic activity. The implication is that the increment in the number of poor, hungry, and jobless Nigerians - especially the youths in the Niger Delta region of the country - as a result of the disruption of economic activities by Covid-19 in Nigeria will lead to an increase in the number of desperate youths who are willing to become pirates. It has been opined that "research works on the causes of insecurity, including piracy,<sup>27</sup> across the country have been linked primarily to youth unemployment."<sup>28</sup> Consequently, this situation would potentially increase the number of piratical acts in Nigerian waters.<sup>29</sup>

Arguably, there are further linkages between piracy and Covid-19 in Nigeria. Lending credence to this point, the United Nations Office on Drugs and Crime (UNODC) identifies "the lack of resilience in the infrastructure of port security and a diminished ability to react to unexpected events like the spread of Covid-

out Thermal Screening Kits. SAFET AT SEA, 31 March 2020. Available at:

<https://safetyatsea.net/news/2020/nigeria-bans-international-ves-sels-without-thermal-screening-kits/>. Accessed on: 13 January 2021.

<sup>19</sup> According to Professor Prins, Covid-19 would reduce international trade which will lower growth, increase poverty and joblessness and piracy. See LOCHERER, Theo. Surge of Piracy Amid Coronavirus Outbreak. GLOBAL RISK INSIGHTS, 4 October 2020. Available at: <https://globalriskinsights.com/2020/10/surge-of-piracy-amid-coronavirus-outbreak/>. Accessed on: 3 December 2020, quoting Professor Brandon Prins. For more details on the linkage between increased piracy attacks and Covid-19, see PRINS, Brandon. Piracy is on the Rise, and Coronavirus Could Make it Worse. *World Economic Forum*, 15 May 2020. Available at: <https://www.weforum.org/agenda/2020/05/global-sea-piracy-coronavirus-covid19/>. Accessed on: 3 December 2020.

<sup>20</sup> DENTON, L. G. & HARRIS, R. J. *supra* note 10, p. 4.

<sup>21</sup> For detailed analysis of the socioeconomic effects of Covid-19 lockdown on Nigerians, see generally, ANDAM, Kwaw, et al. Estimating the Economic Costs of Covid-19 in Nigeria. IFPRI NIGERIA, STRATEGY SUPPORT PROGRAM, WORKING PAPER 63, July 2020, p. 1-11 and Socio-economic Impact Assessment of Covid-19 Pandemic among Persons of Concern in Nigeria. UN-HCR, July 2020, p. 4-33.

<sup>22</sup> AJIBO, Henry. Effect of Covid-19 on Nigerian Socio-economic Well-being, Health Sector Pandemic Preparedness and the Role of Nigerian Social Workers in the War against Covid-19. SOCIAL WORK IN PUBLIC HEALTH, v. 35, n. 7, p. 515-516, DOI:10.1080/19371918.2020.1806168, 2020.

<sup>23</sup> The Impact of the Covid-19 pandemic on Trade and Development. United Nations Conference on Trade and Development (UNCTAD), United Nations, Geneva, 2020, p. 8.

<sup>24</sup> *Ibid.*

<sup>25</sup> OMOLOLA, Coker; MOSANYA, Adebimpe. Covid-19: Impact on the Nigerian Oil and Gas Industry. DNL PARTNERS. Available at: <https://dnlegalandstyle.com/2020/covid-19-impact-on-the-nigerian-oil-and-gas-industry/>. Accessed on: 3 December 2020.

<sup>26</sup> Covid-19 and Maritime Transport: Impact and Responses. United Nations Conference on Trade and Development (UNCTAD), UNCTAD/D/TL/TLB/INF/2020/1, p. 10.

<sup>27</sup> The italicised words by this author. For detailed analysis of poverty and unemployment as causes of piracy in Nigeria, see NWOKEDI, T. et al., *supra* note 4, p. 117-120.

<sup>28</sup> ALABELEWE, A. Abdulgafar. Two Million Youths Now Jobless with SIM Card Registration Suspension. THE NATION, Lagos, 28 December 2020. Available at: <https://thenationonlineng.net/two-million-youths-now-jobless-with-sim-card-registration-suspension/>. Accessed on: 29 December 2020.

<sup>29</sup> LOCHERER, T., *supra* note 19.

-19<sup>30</sup> as factors in the rise of piracy. In light of that, the nexus between piracy and Covid-19 in Nigeria is strengthened by the absence of maritime domain awareness in the country. This may have immensely contributed to the spike in piracy in the waters of Nigeria prior to the advent of the pandemic and the spread of Covid-19 in the country.<sup>31</sup> More importantly, it has been observed that Covid-19 affected, inter alia, international trade,<sup>32</sup> energy supply,<sup>33</sup> the fishing industry,<sup>34</sup> the maritime sector,<sup>35</sup> and family businesses<sup>36</sup> in Nigeria. Above all, given the importance of the oil industry to the economic development of Nigeria and the country's dependence on the importation of finished goods and the exportation of raw materials, it becomes imperative to address the issue of piracy and the impact of Covid-19 on the crime in Nigeria.

### 3 Overview of piracy in Nigeria

#### 3.1 Nature and consequences of piracy in Nigeria

<sup>30</sup> LOCHERER, T., supra note 19.

<sup>31</sup> It has been submitted that travelling influences the outbreak and spread of infectious diseases. See MULEY, Deepti, et al, Role of Transport during Outbreak of Infectious Diseases: Evidence from the Past. *Sustainability*, v. 2, p. 2, doi:10.3390/siu12187367, 2020.

<sup>32</sup> IWEDI, Marshal, et al. Covid-19 Pandemic, Global Trade Wars and Impact on the Nigeria Economy. *Academic Journal Of Current Research*, v. 7, n. 5, p. 71-82, 2020.

<sup>33</sup> See The Impact of Covid-19 on African Oil Sector. A Special Report by AFREC on the Implications on African Countries, African Union/African Energy Commission, May 2020, p. 13-15 and OZILI, K. Peterson. Covid-19 Pandemic and Economic Crisis: The Nigerian Experience and Structural Causes. Munich Personal RePEc Archive, MPRA Paper No. 103131, 2020, p. 1-29.

<sup>34</sup> See WorldFish Discussed Covid-19 Impacts with Nigerian Aquaculture Community. CGIAR, Research Program on Fish, 2 June 2020. Available at: <https://fish.cgiar.org/news-and-updates/news/worldfish-discussed-covid-19-impacts-nigerian-aquaculture-community>. Accessed on: 21 December 2020.

<sup>35</sup> See OKELEKE, J. Ukah & APONJOLOSUN, O. Moses. A Study on the Effects of Covid-19 Pandemic on Nigerian Seafarers. *Journal Of Sustainable Development Of Transport And Logistics*, v. 5, n. 2, p. 135-142, doi:10.14254/jsdtl.2020.5-2.12, 2020 and OKELEKE, J. U.A Study of the Results of Coronavirus (COVID-19) on the Nigerian Maritime Workers. *AIJR*, p. 1-8, 2020.

<sup>36</sup> OGUNGBENRO, Tayo. The Twin Shocks (Covid-19 Pandemic & Oil Price Crisis) and Implications for Nigerian Family Businesses. KPMG, May 2020, p. 1-23. Available at: <https://assets.kpmg/content/dam/kpmg/ng/pdf/audit/impact-of-covid19-on-nigerian-family-businesses-and-enterprises.pdf>. Accessed on: 22 December 2020.

As a historical discourse, the concept of piracy was introduced in Nigeria as a colonial legislation.<sup>37</sup> Subsequently, certain economic activities in the country, such as palm oil trade, manifested the crime in the waters of the country.<sup>38</sup> The nature of contemporary piracy in Nigeria essentially revolves around the oil sector. This is because the spike in the number of piratical acts in Nigeria has always been fueled by resource control agitation, vandalisation of oil and gas facilities, pollution of the environment of the communities in the Niger Delta, and political violence as a result of the quest by the Niger Delta politicians to control the revenue derived from the oil and gas industry.<sup>39</sup> The pollution of the environment of the oil-producing communities that affected fishing, farming, and the health of the people also facilitated poverty and unemployment: precursor to piracy.<sup>40</sup> Thus, it is argued that piracy off the coast of Nigeria is linked to and affected the petroleum industry - petro-piracy - the bastion of the country's economy, which means that oil tankers are the major targets for attack as pirates aim to steal their cargo. <sup>41</sup> Also, piracy affects maritime transportation,<sup>42</sup> the fishing industry (fishing boats and trawlers),<sup>43</sup> the tourism industry,<sup>44</sup> and the exportation of raw materials and the importation

<sup>37</sup> See the Slave Trade Act of 1825. See also ANELE, K. K., Addressing the Issues of Piracy off Indonesia and Nigeria, supra note 6, p. 250.

<sup>38</sup> See ANELE, K. K., *ibid*. See also AKINSOLA, Jimoh. Maritime Piracy and Lethal Violence Offshore in Nigeria. IFRA-Nigeria Working Papers Series, 2015, p. 5.

<sup>39</sup> See NWOKEDI, T. et al., supra note 4, p. 117-120 and NWALOZIE, J. C., supra note 2.

<sup>40</sup> See ANELE, K. K., Addressing the Issues of Piracy off Indonesia and Nigeria, supra note 6, p. 251, ANELE, K. K. Harvest of Arrests but no Prosecution, supra note 1, p. 619-620, ANELE, K. K. The Potential Effects of Piracy on the Art-Craft Industry: A Comparative Analysis of Nigeria and Indonesia. *Indonesia Law Review*, v. 10, n. 2, p. 217-237, DOI: <http://dx.doi.org/10.15742/ilrev.v10n2.652>, 2020, NWALOZIE, J. C., supra note 2, SCHNEIDER, P., supra note 2 and NWOKEDI, T., et al., supra note 4, p. 114-132.

<sup>41</sup> See ANELE, K. K., The Potential Impact of Piracy on ACFTA, supra note 3, p. 15. See also JIN, Menjie, et al. Marine Piracy Prediction and Prevention: Policy Implications. *MARINE POLICY*, p. 1-2, <https://doi.org/10.1016/j.marpol.2019.103528>, 2019 and BALOGUN, A. Wasiu. Why has the 'Black' Market in the Gulf of Guinea Endured? *Australian Journal Of Maritime & Ocean Affairs*, p. 1, 2021. <https://doi.org/10.1080/18366503.2021.1876311>.

<sup>42</sup> ALOZIE, Chinyere, et al. Ocean Governance, Integrated Maritime Security and its Impact in the Gulf of Guinea: A Lesson for Nigeria's Maritime Sector and Economy. *African Review*, v. 11, n. 2, p. 203, 2019. DOI:10.1080/09744053.2019.1631640.

<sup>43</sup> ANELE, K. K., The Potential Impact of Piracy on ACFTA: A Nigerian Perspective, supra note 5, p. 16.

<sup>44</sup> *Ibid*, p. 17.

of finished goods in the country, especially container vessels.<sup>45</sup>

Further, insecurity in Nigeria, for example, insurgency, terrorism, and kidnapping, has worsened and it has affected every facet of life in the country with no sign of abating.<sup>46</sup> Such insecurity in the country, which has been aggravated by Covid-19 measures, has adversely affected factors like poverty, unemployment, weak leadership, political violence and embezzlement of public funds.<sup>47</sup> Hence, creating a conducive environment for the potential increase in piracy activities in the country's waters. Even the attempt by the youths to protest against the wanton killings of the citizens by security operatives, especially the Police Special Ant-Robbery Squad (SARS), has resulted in the shooting of the protesters by the Nigerian Army in Lagos.<sup>48</sup> These security issues create an enabling environment for the youths to challenge the Nigerian government and its security agencies by becoming outlaws: pirates.

**Table 1 Actual and Attempted Attacks in Nigeria (1 January 2017 - 31 March (1Q) 2021)**

Year	2017	2018	2019	2020	2021
<b>Nigeria</b>	7	22	14	11	2

Source: Table created by this author from IMB Piracy Reports from 1 January 2017-31 March 2021, p. 6.

**Table 2 Actual and Attempted Attacks in Nigeria (1 January 2016 – 31 December 2020)**

Year	2016	2017	2018	2019	2020
<b>Nigeria</b>	36	33	48	35	35

Source: Table created by this author from IMB Piracy Reports from 1 January 2016-31 December 2020, p. 6.

<sup>45</sup> Ibid, p. 15.

<sup>46</sup> OBARISIAGBON, I. E. & AKINTOYE, O. E., supra note 17, p. 44. See also KALU, O. Emenike, et al. Insecurity Challenges in Nigeria: Human Security Option as a Panacea. *Research On Humanities And Social Sciences*, v. 8, n. 5, p. 1-2, 2018.

<sup>47</sup> OBARISIAGBON, I. E.; AKINTOYE, O. E., ibid, p. 44-45.

<sup>48</sup> ORJINMO, Nduka. Nigeria SARS Protests: Horror over Shootings in Lagos. BBC NEWS, London, 21 October 2020. Available at: <https://www.bbc.com/news/world-africa-54630592>. Accessed on: 25 December 2020 and HAYNES, The Nigerian Army Shot Dead at Least 2 Peaceful Protesters in Lagos, Rights Group Says. TIME, New York, 23 October 2020. Available at: <https://time.com/5902112/nigeria-endsars-protest-shootings/>. Accessed on: 25 December 2020. Please note that SARS has been disbanded in Nigeria due to the ENDSARS protest. See JONES M. SARS Ban: Nigeria Abolishes Loathed Federal Special Police Unit Police. BBC NEWS, London 11 October 2020. Available at: <https://www.bbc.com/news/world-africa-54499497>. Accessed on: 7 July 2021.

**Table 3 Actual and Attempted Piracy in Nigeria (1 January 2016 - 30 September (3Q) 2020)**

Year	2016	2017	2018	2019	3Q 2020
<b>Nigeria</b>	31	20	41	29	17

Source: Table created by this author from IMB Piracy Reports from 1 January 2015-30 September (3Q) 2020, p. 5 and 6 respectively.

A statistical analysis of the nature and consequences of piracy in Nigeria is critical in comprehensively articulating the impact of Covid-19 on piracy in the country. To that end, a cursory look at Table 2 above shows that the number of attempted and actual piratical acts off the coast of Nigeria in 2020 is similar to that of 2019. In the same vein, Tables 1 and 3 above show that piracy attacks did not increase in the 1Q of 2021 compared to the same period in 2019 and 3Q of 2020 compared to 3Q of 2019, respectively. The simple conclusion is that despite the existence of Covid-19, piracy escalation may have been halted by the restrictions of movement on land and on the sea and the absence of maritime domain awareness to capture all attempted piracy attacks. Consequently, it can be argued that the measures imposed by the Nigerian government to prevent the spread of Covid-19 may have resulted in the low number of piracy acts in the country's waters. For example, the introduction of movement restriction means that pirates are prevented from sailing through the country's waters to hijack vessels and merchants that engage in shipping and international trade are prevented from engaging in their trade.<sup>49</sup> Additionally, the docking of vessels to quarantine the crew and the ban on international vessels without thermal screening kit from operating in Nigerian waters contributed immensely to the low number of piracy attacks off the Nigerian coast as there were few ships to be attacked by a handful of pirates.<sup>50</sup> This is particularly significant in terms of the adverse implications of the dwindling oil revenue and the impact of Covid-19 measures on other economic activities in the country.<sup>51</sup> In other words, the low revenue from the oil

<sup>49</sup> See LOCHERER, T., supra note 19, quoting Professor Brandon Prins and *World Economic Forum*, 15 May 2020. Available at: <https://www.weforum.org/agenda/2020/05/global-sea-piracy-coronavirus-covid19/>. Accessed on: 3 December 2020.

<sup>50</sup> TWINING, G., supra note 18.

<sup>51</sup> See generally OZILI, K. P., supra note 33, p. 1-29 and EJIOGU, Amanze, et al, Nigerian Budgetary Response to the Covid-19 Pandemic and its Shrinking Fiscal Space: Financial Sustainability, Employment, Social Inequality and Business Implications. *Journal*



industry and the Covid-19 preventive measures would compound the already existing poverty, unemployment, and economic hardship in the country, thereby engendering piracy.

Beyond the humanitarian and security implications of piracy in Nigeria,<sup>52</sup> the number of piratical acts off the country's coast has economic impacts on the country. For instance, in 2018, it was reported that due to piracy, which led to the payment of high insurance charges and other charges levied on Nigerian shipments, Nigeria lost about US\$2.74 billion in the past 4 years.<sup>53</sup> Furthermore, according to the Nigerian National Petroleum Company (NNPC), Nigeria lost about US\$750 million in 2019 due to piracy and crude oil theft.<sup>54</sup> Other economic activities have been adversely affected by piracy off the waters of Nigeria. For instance, while the fishing industry lost about 50, 000 in Nigeria, the country may have lost an estimated US\$600 million in export earnings because of piracy threats to its fisheries.<sup>55</sup> Lastly, piracy adversely affects maritime transportation,<sup>56</sup> potentially threatens the implementation of regional economic agreements by Nigeria,<sup>57</sup> and adversely implicates the tourism sector and the act-craft industry in the country.<sup>58</sup>

### 3.2 Piracy legal and institutional regimes in Nigeria

Piracy, under international law, is a violent attack against a ship by another ship on the high seas for personal gain.<sup>59</sup> This definition has been criticised, and ri-

ghtly so, as being limited in scope and therefore does not capture the nature of contemporary piracy. Aside from being a product of compromise that is tautologous and incoherent,<sup>60</sup> the high seas limitation of the definition of piracy is a geographical dilemma that perhaps disregards the impact of contemporary technology, the mobility of pirates, 'dry land' facilitators and 'failed states' on suppressing piracy.<sup>61</sup> Moreover, the high seas limitation prevents the initiation of counter-piracy operations within the territorial waters by other countries or joint naval operation team without proper permission.<sup>62</sup> Similarly, it has been concluded that "the new shape of piracy is better trained people, well-equipped ships, financially sponsored by different groups, terrorism organizations, or cooperated with state organisation which get benefits and money from piracy activities."<sup>63</sup> Consequently, the use of maritime definition that incorporates both the high seas and territorial waters, among other things, has been supported by Kao who "argues that having multiple definitions of piracy is, in fact, conducive to combating piracy and addressing the ensuing legal issues."<sup>64</sup> This paper analyses attacks that occur both on the high seas and in the territorial waters of Nigeria in its interrogation of piracy in the Covid-19 era in the country.

Given the above impact of piracy to the socio-economic development of Nigeria, the country has taken steps to introduce antipiracy measures to curb the crime. For example, in 2019, Nigeria enacted legislation criminalising piracy, the SPOMO Act<sup>65</sup>. Section 4 of the Act also covers other illegal acts that occur in the territorial waters of Nigeria. It is argued that Nigeria has a comprehensive antipiracy legal framework that aligns with international law on piracy. Further, section 7 of

of *Public Accounting & Financial Management*, v. 32, n. 5, p. 919-928, DOI:10.1108/JPBAFM-07-2020-0101, 2020.

<sup>52</sup> ICC/IMB Piracy Report for the 1Q of 2021, p. 22 and ICC/IMB Piracy Report for 2020, p. 23.

<sup>53</sup> See ANELE, K. K. The Potential Impact of Piracy on ACFTA, *supra* note 3, p. 15.

<sup>54</sup> See *ibid*, p. 16.

<sup>55</sup> See *ibid*.

<sup>56</sup> See NWALOZIE, J. C., *supra* note 2 and OFOSU-BOATENG, R. L. N., *supra* note 5, p. 39.

<sup>57</sup> See generally ANELE, K. K. The Potential Impact of Piracy on ACFTA, *supra* note 5, p. 1-25.

<sup>58</sup> See generally ANELE, K. K. The Potential Effects of Piracy on the Art-Craft Industry: A Comparative Analysis of Nigeria and Indonesia, *supra* note 40, p. 217-237 and ADONGOI, Toakodi, et al. Sea Robbery and Its Implications on Tourism Development in Niger Delta Region of Nigeria. *INTERNATIONAL JOURNAL OF SOCIAL & MANAGEMENT SCIENCES*, v. 2, n. 1, p. 1-13, <https://doi.org/10.26762/ijms.201800010>, 2019.

<sup>59</sup> See the SPOMO Act, s. 3.

<sup>60</sup> WALLNER, Michal; KOKOSZKIEWICZ, Artur. Maritime Piracy and Limitations of the International Law of the Sea. *Historia I Polityka*, v. 28, n. 35, p. 29, 2019.

<sup>61</sup> GOTTLIEB, Y. International Cooperation in Combating Modern Forms of Maritime Piracy: Legal and Policy Dimensions. University of Amsterdam UvA-DARE (Digital Academic Repository), 2017, p. 38-55.

<sup>62</sup> AHMAD, Mazyar. Maritime Piracy Operations: Some Legal Issues. *Journal of International Maritime Safety, Environment Affairs, and Shipping*, v. 4, n. 3, p. 63, DOI:10.1080/25725084.2020.1788200, 2020.

<sup>63</sup> KYRCHENKO, Volodymyr. "Piracy is a Land-based Crime": Analysis of Definition, Drivers and Government Policy. *Journal Of Maritime Studies And National Integration*, v. 2, n. 1, p. 55, 2018.

<sup>64</sup> KAO, Bob. Against a Uniform Definition of Maritime Piracy. *Maritime Safety And Security Law Journal*, v. 3, p. 1, 2016.

<sup>65</sup> The SPOMO Act, s. 3.

the Act envisages the application of the universal jurisdiction principle in prosecuting pirates in Nigeria as the relevant authority has been authorised to seize vessels used in committing piracy within the territorial waters of Nigeria or beyond the jurisdiction of the country. However, one of the gaps in the SPOMO Act is that no maritime enforcement agency has been designated as the 'relevant authority' in the Act.

In section 5 (2) of the SPOMO Act, the Federal High Court has jurisdiction to adjudicate piracy cases while section 5 (1) authorises the Attorney General of the Federation to prosecute pirates. The Act, in section 9 (1), stipulates that pursuant to an ex-parte application, the court may grant an order for the detention of a suspect arrested under the Act for a period not exceeding 90 days, subject to renewal for a similar period until the conclusion of the investigation and detention is dispensed with. This provision implies that a 'suspect' can be detained for up to 6 months without trial which contradicts the provision of the 1999 Constitution of the Federal Republic of Nigeria (the Nigerian Constitution). The SPOMO Act was applied by a Federal High Court sitting in Port Harcourt, Rivers State. In that case, the court fined 3 pirates the sum of —20 million naira (US\$52,633) each for the act of piracy.<sup>66</sup> Though this a laudable step towards suppressing piracy off the coast of Nigeria, the lenient sentencing - which is contrary to section 12 (1) of the SPOMO Act that prescribes life imprisonment and a fine of not more than —50 million naira (US\$131,574) - will not have any deterrent effect on pirates.

In terms of institutional framework, Nigeria has continued to fund and support its maritime regulatory and security agencies. Thus, Nigeria has funded some training courses for the officials of the relevant institutions, such as judges,<sup>67</sup> and procured surveillance facilities and combat boats for the maritime regulatory and security agencies to maintain maritime domain awareness.<sup>68</sup> In light of that, the Integrated National Security

and Waterways Protection Infrastructure (Deep Blue Project) is a project initiated by NIMASA,<sup>69</sup> which is designed to enhance effective maritime domain awareness in Nigeria.<sup>70</sup> Additionally, the Nigeria Navy installed some "automated camera-equipped surveillance towers in the littoral zone just off the Nigerian coast".<sup>71</sup> The Nigerian government also acquired four patrol vessel - NNS Centenary, NNS Prosperity, NNS Okpabana and NNS Sagbama - for the Nigerian Navy to strengthen maritime domain awareness in the country's waters.<sup>72</sup> Nonetheless, this paper argues that the funding and support are grossly inadequate and that corruption and mismanagement of funds earmarked for maritime infrastructure development have impeded the effective policing of the Nigerian coast.<sup>73</sup> Moreover, this paper argues that the effective implementation and utilisation of the Deep Blue Project to curb piracy may be difficult as a result of corruption and the broad nature of the Nigerian coast. The existence of the Deep Blue Project has not facilitated the suppression of piracy in Nigeria. Other support for the Nigerian maritime security sector includes the United States Africa Command (AFRICOM), through Africa Partnership Station (APS) and Africa maritime law enforcement partnership programmes.<sup>74</sup> These supports are grossly inadequate to effectively combat because of the size of the Nigerian coast and the misappropriation of funds, personal aggrandisement, embezzlement, and corrupt tendencies among government officials and the officials of the maritime regulatory and security agencies.

Regarding regional cooperation, Nigeria has participated in many regional antipiracy activities. Take, for example, Nigeria participated in some regional antipi-

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IN\_A\_NUTSHELL\_Capt\_NN\_SD\_Atakpa. Accessed 13 January 2021.

<sup>69</sup> See NIMASA Act, 2007.

<sup>70</sup> Navy's Support for the Maritime DEEP Blue Project. DRYAD GLOBAL, 23 November 2020. Available at: <https://channel16.dryadglobal.com/navys-support-for-the-maritime-deep-blue-project>. Accessed on: 13 January 2021.

<sup>71</sup> See NWALOZIE, J. C., supra note 2.

<sup>72</sup> See *ibid.*

<sup>73</sup> See the case of *Rear Admiral Francis Echie Agbiti v The Nigerian Navy* (2007) LPELR-CA/L/361/2005, (2011) 4NWLR 175. See also ANELE, K. K., Addressing the Issues of Piracy off Indonesia and Nigeria, supra note 6, p. 262-263 and OSTENSEN G. Ase, et al. Capacity Building for the Nigerian Navy: Eyes Wide Shut on Corruption. U4 Anti-Corruption Resource Centre, U4 Issue 2018:4, CMI, 16-20.

<sup>74</sup> OSTENSEN, A., et al, *ibid.*, p. 1-29.

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<sup>66</sup> *Federal Republic of Nigeria v Binaebi Johnson & Co*, Suit No.FHC/PH/62c/2020 (Unreported).

<sup>67</sup> See also Nigerian Maritime Administration and Safety Agency (NIMASA) – Nigerian Institute of Advanced Legal Studies (NI-ALS) 9th Admiralty Training for Judges which took place on the 19th-21th February 2020 at the Nigerian Institute of Advanced Legal Studies (NIALS), Lagos.

<sup>68</sup> Nigeria's 'Deep Blue Project' to Reduce Criminalities in its Waters. SAFETY4SEA, 29 March 2019. Available at: [https://www.researchgate.net/publication/327550968\\_BLUE\\_ECONOMY\\_](https://www.researchgate.net/publication/327550968_BLUE_ECONOMY_)

racy training programmes<sup>75</sup> and received funds from other countries to bolster its maritime domain awareness.<sup>76</sup> As mentioned earlier, Nigeria participated in the AFRICOM programme that strengthened the capacity of coastal states in African to combat piracy.<sup>77</sup> Part of Nigeria's efforts to curb piracy through the instrumentality of regional cooperation includes the Joint Naval Patrol Agreement (Operation Prosperity) between Nigeria and Benin in 2011.<sup>78</sup> More importantly, Nigeria is a party to the enactment of antipiracy legal instruments in both the Gulf of Guinea and Africa. Because of that, the existence of the Yaoundé Code of Conduct<sup>79</sup> creates the regional framework to curb piracy in the waters of Nigeria and the Gulf of Guinea. Additionally, the Lome Charter<sup>80</sup> proffers a veritable platform to repress piracy in African waters.<sup>81</sup> However, it has been argued that the inherent limitations in the Charter, exemplified by its "disproportionate focus on the fishing industry" may hamper its effectiveness in curbing piracy.<sup>82</sup> Moreover, Nigeria has signed but not ratified the Charter to make it binding on the country. This is because under the Nigerian constitution, any treaty must be passed into law by the National Assembly of Nigeria before such a treaty becomes binding on the country.<sup>83</sup> It is submitted that the government of Nigeria has not cultivated the political will to effectively enforce these legal instruments and implement other measures to curb piracy; thereby culminating in the susceptibility of the

<sup>75</sup> See generally ERUAGA, A. Osatohanmwun & MEJIA, Q. Maximo Jr., Piracy and armed robbery against ships: revisiting international law definitions and requirements in the context of the Gulf of Guinea, in Aldo Chircop, et al, (eds.) *Ocean Yearbook 33* (Brill Nijhoff, Leiden, 2019) p. 432-434 and OSTENSEN G. A., et al. *ibid.*

<sup>76</sup> OSTENSEN, G. A., et al. *ibid.*

<sup>77</sup> *Ibid.*

<sup>78</sup> ERUAGA, A. O. & MEJIA, Q. M. Jr., *supra* note 75, p. 432.

<sup>79</sup> Code of Conduct Concerning the Repression of Piracy and Armed Robbery against Ships, and Illicit Maritime Activity in West Africa (25 June) 2013.

<sup>80</sup> African Charter on Maritime Security and Safety and Development in Africa (Lome Charter) adopted by the Extraordinary Session of the African Union Assembly, Lome, Togo, 15th October 2016.

<sup>81</sup> See the Lome Charter, art. 3, para. 3. See also OLADIPO, Oluseyi. Cooperation as a Tool for Enhancing State Capacity to Fulfil Obligations of the Lome Charter. *Conflicts Trends*, Issue 3, 2017, p. 19.

<sup>82</sup> OTTO, L. Over-promise, Under-deliver: The Disappointment of the Lome Charter. *Maritime Security Briefings*, Iss. 18. Available at: <http://www.maritimesecurity.global/wp-content/uploads/2017/01/Issue-18-The-disappointment-of-the-Lom%C3%A9-Charter-.pdf>. Accessed on: 2nd December 2020.

<sup>83</sup> See the Nigerian Constitution, s. 12.

Nigeria waters to piracy even during disasters, like Covid-19.

## 4 Overview of Covid-19 in Nigeria

Covid-19 is a type of respiratory disease that can spread from person to person and it was first discovered during an investigation into an outbreak in Wuhan, China.<sup>84</sup> The first Covid-19 case in Nigeria was confirmed on the 27th of February 2020 in Lagos State.<sup>85</sup> As at midnight of the 20th December 2020, the Nigeria Centre for Disease Control (NCDC) reported that there were 5,261 cases of Covid-19 in Nigeria.<sup>86</sup> Considering that Nigeria's health system is inadequate, it must be noted that the low number of Covid-19 cases in the country is not as a result of deliberate observation of the pandemic measures but because there has been limited tests carried out in the country.<sup>87</sup>

Furthermore, while some Nigerians have misconceptions about Covid-19,<sup>88</sup> the fragile national health system and the dearth of health facilities prevented the country from taking maximum preventive measures as well as effectively responding to the growing number of infected patients.<sup>89</sup> Besides, the lockdown of schools - which was one of the measures taken to address the issue of Covid-19 - affected higher institutions in the country,<sup>90</sup> thereby keeping the vast majority of the youths at their impoverished homes. The combined effect of these Covid-19 realities is that the idle youths in the poverty-stricken environment, exemplified by the Niger Delta communities, would be prone to engage in illegal acts, particularly piracy.

The emergence of the pandemic culminated in corruption, "as government workers in statist countries like Nigeria look to sell preferential access to centrally

<sup>84</sup> AJIBO, H., *supra* note 22, p. 511.

<sup>85</sup> OKELEKE, U.J., *supra* note 35, p. 1-2.

<sup>86</sup> Covid-19 Situation Report, Weekly Epidemiological Report 10, Epi Week 51: 14th December – 20th December 2020, 20th December 2020, 1. Available at: <https://ncdc.gov.ng/diseases/sitreps/?cat=14&name=An%20update%20of%20COVID-19%20outbreak%20in%20Nigeria>. Accessed on: 27 December 2020.

<sup>87</sup> Covid-19 in Nigeria and South Africa. *STRATEGIC COMMENTS*, v. 26, n.4, p. vii, DOI:10.1080/13567888.2020.1797212, 2020.

<sup>88</sup> OZILLI, K. P., *supra* note 33, p. 5.

<sup>89</sup> *Ibid.*

<sup>90</sup> *Ibid.*, p. 6.



controlled food or pharmaceutical supplies to increasingly desperate people.”<sup>91</sup> Additionally, the misappropriation of Covid-19 relief funds<sup>92</sup> and the hoarding of the palliatives by some state governments in Nigeria<sup>93</sup> magnified the existing poverty in the country. The implications of these corrupt attitudes and actions of government officials in the health sector to piracy is that the youths would be inured to poverty and corruption in the country and would use the opportunity to engage in criminal activities, such as piracy.

In view of the economy, the outbreak of Covid-19 in Nigeria aggravated the country’s ability to recover from the recession due to the decline in international trade and oil prices. This has been aptly captured thus:

In 2016, a decline in domestic crude-oil production and falling international prices saw Nigeria’s real GDP contract by 1.6% - its first recession in 25 years. The steep decline in international oil prices associated with the pandemic – Brent crude has average US\$39.80/barrel in 2020 against an average of US\$64.20/barrel in 2019 – will hit an already shaken economy, shrinking government revenues and thus the state’s ability to tackle COVID-19 and stimulate the economy.

A cursory look at the above statement reveals that the advent of Covid-19 in Nigeria created a conducive environment for piracy to spike as government revenues and other economic activities, which are already in bad shape, are adversely affected. This is because the attendant poverty and unemployment resulting from the dwindling oil revenue worsened by the Covid-19 mea-

sures would motivate the youths to engage in piracy and other criminal acts in the country.

More pointedly, the heightened security situation in Nigeria as a result of the emergence of Covid-19 would facilitate piracy in the country. Using the security implications of the outbreak of coronavirus in Nigeria as a case study, the extra-judicial killing and maiming of Nigerian youths could potentially motivate the youths in the riverine areas to become pirates. This is pertinent in light of the existing controversy over the role of security agencies saddled with the responsibility of implementing Covid-19 regulations in Nigeria. Lending credence to this submission, the country’s National Human Rights Commission (NHRC) revealed that “law-enforcement agencies had killed 18 people in the first two weeks of the lockdown, by which time only 12 people had actually died of COVID-19.”<sup>94</sup> Further, the NHRC stated that there were 11 documented incidences of extra-judicial killing in addition to 34 incidences of torture due to the enforcement of Covid-19 containment measures in Nigeria.<sup>95</sup> This is in addition to other security challenges, such resource control agitation, political violence, crude oil theft, and political marginalisation, that prompt Nigerian youths to become pirates.<sup>96</sup>

Specifically, it was revealed that the Police Force was responsible for 59.6 percent of the total violations, closely “followed by non-state actors (mostly private individuals perpetrating sexual and gender-based violence), who accounted for 18.3% of the total.”<sup>97</sup> While different special task forces for the enforcement of Covid-19 containment measures across the states in Nigeria perpetrated 10.5 percent of the total cases, “the Nigerian Army and the Nigeria Security and Civil Defence Corps *were responsible for*<sup>98</sup> 7.7% and 1.9% respectively.”<sup>99</sup> Thus, the above statistics signify that the security implications of the implementation of Covid-19 regulations by security agencies in Nigeria could influence the youths, particularly in the Niger Delta region, to become pirates.

In concluding this section, this paper argues that Covid-19 is coterminous with the root causes of piracy in Nigeria. It must be noted that the emergence of

<sup>91</sup> Covid-19 in Nigeria and South Africa, supra note 87, p. vii.

<sup>92</sup> It has been observed that the lack of accountability by public institutions and political appointees led to the misappropriation of Covid-19 relief funds in Nigeria. See Nigeria, IMF and Covid-19. How Nigeria Could Avoid Waste and Corruption when Spending Billions in IMF Emergency Assistance During Covid-19. TRANSPARENCY INTERNATIONAL BLOG, 16 July 2020. Available at: <https://www.transparency.org/en/blog/nigeria-imf-covid-19>. Accessed on: 27 December 2020. Moreover, corruption risks in disbursing the pandemic relief funds “are identified at four stages: when funds allocated to and managed by recipient governments; when decisions are made on who will be the recipients; when funds are handled by the distributing agencies; and when the funds are given to the end users”. AMUNDSEN, Inge. Covid-19, Cash Transfers, and Corruption. Policy Guidance for Donors. CMI, U4 Brief 2020:9, 2020, p. 1-13.

<sup>93</sup> OBIEZU, Timothy. Nigerians Justify Massive Looting of Covid-19 Supplies. VOA, Washington, D.C., 27 October 2020. Available at: <https://www.voanews.com/covid-19-pandemic/nigerians-justify-massive-looting-covid-19-supplies>. Accessed on: 27 December 2020.

<sup>94</sup> Covid-19 in Nigeria and South Africa, supra note 87, p. viii.

<sup>95</sup> Ibid.

<sup>96</sup> LOCHERER, T, supra note 19.

<sup>97</sup> Covid-19 in Nigeria and South Africa, supra note 87, p. viii.

<sup>98</sup> The italicised words by this author.

<sup>99</sup> Covid-19 in Nigeria and South Africa, supra note 87, p. viii.



Covid-19 in Nigeria culminated to heightened poverty, unemployment, loss of jobs, and corruption, which are some of the chief causes of piracy in the country. This stems from the adverse implications of Covid-19 to shipping, which accounts for about 80 percent of world trade and “is thus vital to the supply chain”.<sup>100</sup> Perhaps, it could be argued that Tables 1-3 above may have revealed no increase in the number of piratical acts off the coast of Nigeria during the aeon of the pandemic in the country. However, this paper submits that due to the escalation of the causes of piracy due to the advent of the pandemic, the dearth of maritime domain awareness, and weak piracy institutional regime, the number of piratical attacks may increase post-Covid-19, especially when the measures to halt the spread of the pandemic have been fully removed and activities in the shipping sector restarted.

## 5 Dialectical analysis of the effect of Covid-19 on piracy off the Nigerian coast

Piracy incidents during Covid-19 have had different outcomes in different regions, especially when considered from available statistics. In light of that, according to the IMB Piracy Report for 2019, there was “a 25-year low in the number of piracy and armed robbery attacks. But the Covid-19 pandemic appears to have reversed that trend”<sup>101</sup> in the first half of 2020 in some regions. For example, while 98 incidents of piracy occurred in the first half of 2020, 78 took place in the same period in 2019.<sup>102</sup> This has been linked to the immobilisation of many vessels at sea, which prevented the seafarers from being replaced, resulting in the depletion of their resistance to piracy.<sup>103</sup> Further, the increase in global piracy was linked to “the freeze in activities on the docks due to quarantining, and a sharp decrease in incomes for already fragile shore populations.”<sup>104</sup> Thus, the spike in piracy has been linked to “the spread of the virus in January until the global deconfinement in June.”<sup>105</sup> It is

observed that this trend applies to some piracy hotspots, like the Gulf of Mexico<sup>106</sup> and Southeast Asia.<sup>107</sup> Using Southeast Asia as a case study, the number of piracy attacks off the coast of Indonesia in the third quarter (3Q) of 2020 was 23 unlike 20 reported in 2019.<sup>108</sup> Also, in the 1Q of 2019, there were 3 piracy attacks in Indonesia and 5 attacks in 2020.<sup>109</sup> Hastings has argued that the spike in the piratical attacks in Southeast Asia may be linked to the adaptation by pirates in terms of political space, time, geographical location, nature of attacks, and access to economic infrastructure.<sup>110</sup> Nonetheless, the number attacks off the coast of Indonesia further reduced in the Q1 of 2021 to 2,<sup>111</sup> which implies that the Covid-19 movement restrictions on the land and the sea may have kept the pirates at bay.

Similar to the situation in Southeast Asia, it has been reported that there has been an increase in piracy activities in the Gulf of Guinea in the first half of 2020.<sup>112</sup> However, data suggests that the number of piratical attacks off the coast of Nigeria has not increased as evidenced by Tables 1-3 above. Lending credence to the possible low piracy incidents during the pandemic in some piracy hotspots, Locherer opines that the low number of piratical attacks “correlates with how the ships are stranded due to quarantining.”<sup>113</sup> This indicates that due to docking of vessels whether as a result of quarantine, as many seafarers contracted the virus,<sup>114</sup> or to implement the movement restriction policy, there were fewer vessels to be hijacked. It is observed that piratical acts off the coast of Nigeria reduced because few vessels navigated through the country’s waters or called at the country’s ports or the attacks were not captured due to the absence maritime domain awareness, and weak piracy institutional framework. Moreover, pirates were restricted from moving freely from their onshore base to their vessels at the coast, while vessels that would have been the target of attack were docked. It could also be argued that the limited economic and

<sup>100</sup> DOUMBIA-HENRY, Cleopatra. Shipping and Covid-19: Protecting Seafarers as Frontline Workers. *WMU J. of MARIT. AFFAIRS*, p. 280, <https://doi.org/10.1007/s13437-02000217-9>, 2020.

<sup>101</sup> LOCHERER, T., *supra* note 19.

<sup>102</sup> *Ibid.*

<sup>103</sup> *Ibid.*

<sup>104</sup> *Ibid.*

<sup>105</sup> *Ibid.*

<sup>106</sup> *Ibid.*

<sup>107</sup> See ICC/IMB Piracy Report for the 1Q 2021, p. 6.

<sup>108</sup> ICC/IMB Piracy Report for the 3Q 2020), p. 6.

<sup>109</sup> See ICC/IMB Piracy Report for the 1Q 2021, p. 6.

<sup>110</sup> See generally HASTINGS, J., *supra* note 16, p. 5-30.

<sup>111</sup> See ICC/IMB Piracy Report for the 1Q 2021, p. 6.

<sup>112</sup> LOCHERER, T., *supra* note 19.

<sup>113</sup> *Ibid.*

<sup>114</sup> LI, Martina. Covid-19-infected Seafarers Surface in China, Singapore, and Vietnam. *SAFETY AT SEA*, 20 July 2020. Available at <https://safetyatsea.net/news/2020/covid-19-infected-seafarers-surface-in-china-singapore-and-vietnam/>. Accessed on: 12 January 2021.

shipping activities as a result of the pandemic culminated to a few vessels traversing international sea routes, such as the Gulf of Guinea. Thus, there were fewer vessels for the pirates to attack in the waters of Nigeria. Lending credence to this point, it has been noted that:

Restrictions introduced in response to the pandemic have caused disruptions affecting ports, shipping and supply chains. Various industries faced challenges along their supply chain such as raw material shortages, lead time issues, ocean blank sailings, port closures, reduced working hours at ports, equipment and labor shortages, as well as truck/transport capacity constraints. These obstacles undermine the smooth movement of trade flow and supply chain operations and can significantly erode the transport services trade liberalization and trade facilitation gains achieved over the years.<sup>115</sup>

In line with the argument of this paper, piratical acts may increase in the waters of Nigeria post-Covid-19 because the advent of the pandemic has increased poverty, unemployment, insecurity, corruption and engendered bad economic policies from the government of Nigeria. It must be stated that prior to the advent of Covid-19, the economy of Nigeria has remained below the pre-crisis level.<sup>116</sup> The recovery of the country's economy from the 2014 oil shock and the subsequent recession has taken a long time to occur. This could be because of "tight monetary policy, weak public finances and external accounts, and deteriorating bank balance sheets".<sup>117</sup> The import of this is that the Covid-19 challenges may exacerbate Nigeria's fledgeling economy. Alby is of the view that the authority's ability to tackle the underlying structural problems bedeviling the country's economy is questionable,<sup>118</sup> which implies that the Covid-19 regulations and bad economy would increase the causes of piracy in Nigeria, such as poverty. Thus, the only logical conclusion would be that the worsening economic condition that manifests in the heightened level of poverty and unemployment in Nigeria contributes to piracy in the country. Additionally, the lockdown imposed by the Nigerian government on account of Covid-19 magnifies the situation, which means that the number of prospective pirates would increase.

From the foregoing, it has been observed that poverty is one of the chief causes of piracy in Nigeria. Thus, there "tend to be significant upswings of piracy during times of economic downturn, and the economic devastation wrought by the Covid-19 pandemic is largely to blame for the resurgence of this global menace."<sup>119</sup> Poverty, as a reason to be a pirate, is common in Nigeria, particularly in the Niger Delta area.<sup>120</sup> Due to bad economic policies,<sup>121</sup> political unrest, terrorism, pollution of the riverine areas due to oil exploration, among others, poverty in Nigeria has become severe. According to Nigeria's National Bureau of Statistics poverty report for 2019, 40.1 percent of the total population of the country is poor, which means that "on average 4 out of 10 individuals in Nigeria has real per capita expenditures below 137,430 naira (*US\$ 362.186*)<sup>122</sup> per year".<sup>123</sup> The import of this situation is that about 82.9 million Nigerians are poor by the country's standard.<sup>124</sup> Aside from that, Olurumbi stated that the global pandemic could put an estimated 5 million people into poverty, which could be made worse by a near 14 percent inflation rate and an upcoming recession.<sup>125</sup> It should be noted that Nigeria was among the 10 countries that had the worst food crises in 2019<sup>126</sup> and the advent of the pandemic will heighten the already existing acute food scarcity in the country.<sup>127</sup> From the above statistical analysis of poverty in the era of Covid-19 in Nigeria, it

<sup>119</sup> LOCHERER, T., *supra* note 19.

<sup>120</sup> NWOKEDI, T. et al. *supra* note 4, p. 117-120.

<sup>121</sup> For example, the policy to close the land border by the Nigeria government led to the increase in the prices of staple foods. OGUNTOYE, Philip. Border Closure: Impact on the Nigerian. BUSINESSDAY, Lagos, 20 January 2020. Available at: <https://businessday.ng/opinion/article/border-closure-impact-on-the-nigerian-economy/>. Accessed on: 7 December 2020 and ABIA, Basil. Economic Implications of the Recent Border Closure. Centre for the Study of the Economies of Africa (CSEA), 21 January 2020. Available at: <http://cseaafrica.org/economic-implications-of-the-recent-border-closure/>. Accessed on: 7 December 2020.

<sup>122</sup> The italicised numbers by this author. Exchange rate as at 4 December 2020.

<sup>123</sup> 2019 Poverty and Inequality in Nigeria: Executive Summary, National Bureau of Statistics (NBS), May 2020, p. 6.

<sup>124</sup> *Ibid.*

<sup>125</sup> OLUROUNBI, Ruth. Nigeria: Pandemic to Poverty in the Post-Covid Future. THE AFRICA REPORT, Paris, 13 July 2020. Available at: <https://www.theafricareport.com/33300/pandemic-to-poverty-nigeria-in-the-post-covid-future/>. Accessed on: 4 December 2020.

<sup>126</sup> Global Report on Food Crisis: Joint Analysis for Better Decisions. Food Security Information Network (FSIN), 2020. Available at: <http://www.fao.org/3/ca8786en/CA8786EN.pdf>. Accessed on 4 December 2020.

<sup>127</sup> OLUROUNBI, R., *supra* note 125.

<sup>115</sup> Covid-19 and Maritime Transport: Impact and Responses, *supra* note 26, p. 10.

<sup>116</sup> ALBY, Stephane. Nigeria: Convalescent. CONJONCTURE, July 2019, p. 2.

<sup>117</sup> *Ibid.*

<sup>118</sup> *Ibid.*

could be argued that poverty as a result of the pandemic could increase the number of pirates in the country.

From the foregoing, it is submitted that unemployment is coterminous with poverty as the former leads to the latter. According to the Nigerian National Bureau of Statistics (NBS), youth unemployment rate in Nigeria increased from 21.7 percent, which is 47 percent of the proportion of youth unemployment in the labour force to 30.1 percent in 2020, representing 64 percent of the proportion of youth unemployment in labour force.<sup>128</sup> This clearly shows that youth unemployment, which has been aggravated by Covid-19,<sup>129</sup> has increased in Nigeria. Unemployment usually aggravates poverty and it implicates on piracy since most of the pirates in Nigeria are essentially people who do not have any kind of employment or those who have lost their jobs due to the degradation of the environment by the multinational oil companies in the Niger Delta region of Nigeria.<sup>130</sup> The activities in the oil sector affect farmers and fishermen in the oil-producing communities as farmlands are destroyed while rivers are polluted. The aftermath of the environmental destruction is that farmers and fishermen will be unemployed. It has been argued that pirates recruit people who are unemployed and who suffer from economic privation.<sup>131</sup> Given the derailment of the Nigerian economy on account of the fall in the global crude oil prices and the lockdown as a result of Covid-19, the rate of unemployment would continue to rise.<sup>132</sup> This situation would culminate to a spike in piracy activities off the coast of Nigeria.<sup>133</sup>

Another contributory factor that could lead to the spike in piracy acts is government misguided socio-economic policies that have continued to stifle development and job creation and other economic activities in the country. Take, for example, the Federal Ministry of Communications and Digital Economy's policy to suspend the sale, registration, and activation of SIM Cards has culminated in rendering over 2 million Nigerian

youths jobless.<sup>134</sup> This arises because "the income of the telecoms business partners, staff and the agents, majority of whom are within the age bracket between 20 to 40 years in the value chain is determined by the number of activations/SIM registration carried out within the month."<sup>135</sup> The concern is that due to unemployment and poverty arising from this singular policy by the government, there may be an increase in insecurity in the country, including piracy. Thus, this situation combined with the poverty and unemployment wreaked by Covid-19 will aggravate piracy off the coast of Nigeria.

Additionally, corruption is one of the causes of piracy in Nigeria, and according to the 2019 corruption index, Nigeria ranks 155 out of 183 countries.<sup>136</sup> This data shows that Nigeria is among the most corrupt countries in the world. In terms of corruption in the era of Covid-19 and its impact on piracy, this author observes that corruption is rife in Nigeria as relief funds designated for managing the spread of the virus and mitigating its consequences were syphoned<sup>137</sup> and the palliatives meant for the citizens were hoarded<sup>138</sup> by government officials both at the federal and state government levels in the country. While the Nigerian government purports to fight corruption, the officials of the

<sup>128</sup> OYEWObI, I. Adepimpe. et al. Covid 10 Pandemic Challenges: The Youth Unemployment in Nigeria. *JOURNAL OF CONTEMPORARY ISSUES IN BUSINESS AND GOVERNMENT*, v. 27, n. 1, p. 2007, 2021, citing the NBS.

<sup>129</sup> See Nigeria Economic Alert. September 2020. PWC. Available at: <https://www.pwc.com/ng/en/assets/pdf/economic-alert-september-2020.pdf>. Assessed on: 10 July 2021.

<sup>130</sup> See NWOKEDI, T. et al., supra note 4, p. 117-120.

<sup>131</sup> HASTINGS, V.J., supra note 16, p. 10-11.

<sup>132</sup> OLURONBI, R., supra note 125.

<sup>133</sup> LOCHERER, T., supra note 19.

<sup>134</sup> ALABELEWE, A. A., supra note 28.

<sup>135</sup> Ibid.

<sup>136</sup> Corruption Perceptions Index 2019: Global Scores, Transparency International. Available at: <https://www.transparency.org/en/cpi/2019/results>. Accessed on 4 December 2020.

<sup>137</sup> See ERANGA, Isaac. Covid-19 Pandemic in Nigeria: Palliatives Measures and the Politics of Vulnerability. *INTERNATIONAL JOURNAL OF MATERNAL AND CHILD HEALTH AND AIDS*, v. 9, n. 2, p. 1-3, DOI:10.21106/ijma.394, 2020 and DABANG, Percy & UKOMADU, Angela. In Nigeria, Looters Target Government Warehouses Stocked with Covid-19 Relief. *REUTERS*, London, 9 November 2020. Available at: <https://uk.reuters.com/article/uk-health-coronavirus-nigeria-food-idUKKBN27P0YZ>. Accessed on: 4 December 2020.

<sup>138</sup> See ERANGA, I., ibid and KOLO, Jesse, Nigeria: ANEEJ Condemns 'Palliatives Hoarding'. *DEVELOPMENT DIARIES*, Lagos, 26 October 2020. Available at: <https://www.developmentdiaries.com/2020/10/nigeria-aneej-condemns-palliative-hoarding/>. Accessed on: 4 December 2020.



executive,<sup>139</sup> the legislature<sup>140</sup> and the judiciary<sup>141</sup> are alleged to be culpable in corrupt practices in the country. Moreover, the officials of both maritime regulatory and security agencies in Nigeria are susceptible to corruption.<sup>142</sup> The implication is that it may aggravate the existing hardship faced by hapless Nigerians. This situation will lure more youths in the riverine areas, especially, in the Niger Delta region, to become pirates as they have no fighting chance to either bring corrupt government officials to book or survive under such corrupt milieu.

It is trite that insecurity leads to crime, particularly when innocent people are killed through extra-judicial means by security agencies who are saddled with the singular responsibility to protect the lives and properties of the citizens.<sup>143</sup> More pointedly, insecurity culminates to insurgency as witnessed in the Northeast (Boko Haram),<sup>144</sup> the Southeast (Indigenous People of Biafra: IPOB),<sup>145</sup> the Southwest (Ooduwa People's Congress: OPC)<sup>146</sup> and the Southsouth (the Niger Delta militant

groups)<sup>147</sup> of Nigeria. It has been argued that militancy of any ilk leads to insecurity and piracy.<sup>148</sup> This paper observes that due to insecurity in Nigeria facilitated by the actions of the various dissident groups, the wanton killing of innocent citizens by the security agencies, the absence of maritime domain awareness, and heightened poverty and unemployment due to bad economic policies, piracy has festered in the country's waters, even during Covid-19. It becomes imperative to introduce measures that would curb these factors to eliminate piracy post-Covid-19 in Nigeria.

It is noteworthy that despite the existence of the SPOMO Act, the suppression of piracy has been weak. This is because of the weak piracy institutional framework and the dearth of political will by the government to combat piracy. For instance, government officials and officials of maritime regulatory and security agencies aid and abet piracy in Nigeria without being prosecuted for piracy or related crimes, like corruption<sup>149</sup> and money laundering.<sup>150</sup> Though the government of Nigeria has initiated antipiracy projects (Deep Blue Project), enacted antipiracy legislation (the SPOMO Act), and provided surveillance and communication facilities to the maritime enforcement agencies in the country, piracy has continued unabated of the country's waters (see the Tables above). This is because of inadequate facilities and training of officials of maritime enforcement agencies and a dearth of prosecution of pirates and their enablers in Nigeria. Even in the first

<sup>139</sup> See AGUNYAI, C. Samuel & OLAWOYIN, W. Kayode. Legislative-Executive Corruption and Good Governance in Nigeria: Insights from Buhari's Administration in the Fourth Republic, in FAGBADEB, Omololu & RUFFIN, Fayth. Perspectives on the Legislative and the Prospects of Accountability in Nigeria and South Africa. (Springer 2019) p. 112-115 and KRECK, Vladimir. Nigeria's Hopeless Fight against Corruption, p. 43-51. Available at: <https://www.kas.de/documents/259121/7787920/Nigeria%E2%80%99s+Hopeless+Fight+Against+Corruption.pdf/bdf29e34-9eba-2a0a-f1d7-6728ee543f88?version=1.0&t=1575996323504>. Accessed on: 11 January 2021.

<sup>140</sup> See AGUNYAI, C. S. & OLAWOYIN W. K., *ibid* and UMARU, D. Usman. Corruption and Legislative Functions in Nigeria. *IOSR JOURNAL OF ECONOMICS AND FINANCE*, v. 8, n. 1, p. 01-08, DOI:10.9790/5933-0801010108, 2017.

<sup>141</sup> See ANELE, K. K. Harvest of Arrests but no Prosecution, *supra* note 1, p. 627.

<sup>142</sup> See ANELE, K. K. Addressing the Issues of Piracy off Indonesia and Nigeria, *supra* note 6, p. 262 and OSTENSEN G. A., et al, *supra* note 73, p. 1-29.

<sup>143</sup> See ABIODUN, F. Temitope, et al. Unlawful Killings of Civilians by Officers of the Special Anti-robbery Squad (SARS) Unit of the Nigerian Police in Southwest Nigeria: Implications for National Security. *African Journal of Law, Political Research And Administration* v. 3, n. 1, p. 49-64, 2020.

<sup>144</sup> For detailed analysis of terrorist groups in Nigeria, see generally IBRAHIM, Jibrin & BALA, Saleh. Civilian-led Governance and Security in Nigeria after Boko Haram. Special Report 438, United States Institute of Peace, December 2018, p. 1-10 and ABANG, O. Sunday. Boko Haram Insurgency: A Challenge on Nigerian National Security. *Public Policy And Administration Research*, v. 5, n. 11, p. 8-14, 2015.

<sup>145</sup> For further reading on IPOB, see generally Nigeria: Biafran Separatists. Country Policy and Information Note, Home Office, Version 1.0, April 2020. Available at: <https://www.justice.gov/eoir/page/file/1267611/download>. Accessed on: 12 January 2021.

<sup>146</sup> See generally GUICHAOUA, Yvan, Self-determination Group

or Extra-legal Governance Agency? The Multifaceted Nature of the Oodua People's Congress in Nigeria, *J. OF INT. DEV.*, p. 520-533, DOI: 10.1002/jid.1569, 2009 and AGBU, Osita, Ethnic Militias and the Threat to Democracy in Post-Transition Nigeria, Research Report No. 127, Nordiska Afrikainstitute Uppsala, 2004,

<sup>147</sup> See generally CHINWOKWU, C. Eke & MICHAEL, E. Christopher, Militancy and Violence as a Catalyst to Kidnapping in Nigeria. *INTERNATIONAL JOURNAL OF POLICE SCIENCE & MANAGEMENT*, v. 21, n. 1, p. 17-35 DOI: 10.1177/1461355719832619, 2019 and ALUMUNA, Steven, et al. Militancy and Kidnapping in the Niger Delta Region of Nigeria; A Recap. *ELIXIR SOCIAL STUDIES*, v. 112, p. 49425-49434, 2017.

<sup>148</sup> See NWALOZIE, J. C., *supra* note 2 and OGBONNAYA, Maurice. Nigeria's Anti-piracy Law Misses the Mark. Institute for Security Studies (ISS), 7 May 2020. Available at: <https://issafrica.org/iss-today/nigerias-anti-piracy-law-misses-the-mark>. Accessed on: 13 January 2021.

<sup>149</sup> See Economic and Financial Crimes Commission (Establishment, etc.) Act, 2004 and Independent Corrupt Practices and other Related Offences Commission Act No.5 Laws of the Federation of Nigeria 2004.

<sup>150</sup> See Money Laundering (Prohibition) Act, Harmonised Act No. 11, 2011 and Act No. 1, 2012 (Money Laundering Act).



piracy case in the country, the court ended up prescribing soft punishments for the pirates. Again, moneys allocated for the purchase of surveillance equipment are embezzled by both officials of government and officers of the maritime enforcement agencies.<sup>151</sup> According to Pichon, though “unemployment and poverty appear to be a key driver, it is important to point out that...[w]eak law enforcement and corruption are critical factors that allow maritime piracy to prosper.”<sup>152</sup> In the end, the significance of the SPOMO Act in suppressing piracy during and after the pandemic has been weakened.

The availability of vaccine and the need to restore Nigerian economy and the social lives of Nigerians, are significant developments that would lead to the removal of most of the measures introduced to curb the spread of the virus in Nigeria. It is important to note that the introduction of Covid-19 regulation by the government of Nigeria signals the attempt to return to normalcy in Nigeria,<sup>153</sup> particularly in terms of land-based movement of people, the commencement of international and domestic trade, and the regularisation of shipping activities. The implication is that pirates would be able to move from their shore base to their pirate vessels in Nigerian waters and resume the attacks on oil and gas tankers, fishing trawlers, bulk carries, and container vessels operating off the coast of Nigeria. The recent attack of a Turkish container ship, which led to the death of a sailor and kidnapping of 15 seafarers off the coast of Nigeria lend credence to the position of this paper that once most of the Covid-19 measures have been removed indicating a return to normal life, there will be a spike in piratical activities in Nigerian waters.<sup>154</sup>

<sup>151</sup> NWALOZIE, J. C., supra note 2, ANELE, K. K. Addressing the Issues of Piracy off Indonesia and Nigeria, supra note 6, p. 262 and OSTENSEN G. A., et al., supra note 73, p. 1-29.

<sup>152</sup> PICHON, Eric. Piracy and Armed Robbery off the Coast of Africa: EU and Global Impact. European Parliamentary Research Service, March 2019. p. 11. Available at [https://www.europarl.europa.eu/RegData/etudes/IDAN/2019/635590/EPRS\\_IDA\(2019\)635590\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2019/635590/EPRS_IDA(2019)635590_EN.pdf). Accessed on: 10 July 2021.

<sup>153</sup> See the Coronavirus Disease (Covid-19) Health Protection Regulations 2021, which was signed on the 26th January 2021 by the President of Nigeria.

<sup>154</sup> SPICER, Jonathan & KOCA, Irem. One Killed, 15 Kidnapped in Violent Pirate Attack Off Nigeria. GCAPTAIN, 24 January 2021. Available at: [https://gcaptain.com/pirates-attack-mozart/?subscriber=true&goal=0\\_f50174ef03-04d6fd1230-169940757&mc\\_cid=04d6fd1230&mc\\_eid=0d16777147&fbclid=IwAR2yqqYeOXt-Xd3yrILD0V8dTmVYsQniaN\\_AK5i0u1x-H54KdeJkunWkek2A](https://gcaptain.com/pirates-attack-mozart/?subscriber=true&goal=0_f50174ef03-04d6fd1230-169940757&mc_cid=04d6fd1230&mc_eid=0d16777147&fbclid=IwAR2yqqYeOXt-Xd3yrILD0V8dTmVYsQniaN_AK5i0u1x-H54KdeJkunWkek2A). Accessed on: 29 January 2021.

In concluding this subheading, this paper summarises the above onshore causes of piracy worsened by the pandemic using theories to bolster its hypothesis that due to aggravated land-based causes of piracy by Covid-19, piratical attacks will increase post-Covid-19. Hence, the paper reiterates that frustration-aggression,<sup>155</sup> grievance,<sup>156</sup> protestation,<sup>157</sup> greed,<sup>158</sup> marginalisation,<sup>159</sup> and enterprise<sup>160</sup> theories strengthen its theorem that piratical attacks will increase in the waters of Nigeria post-Covid-19 era as the pandemic has compounded the onshore causes of the crime in the country. In light of that, Balogun avers that the Nigerian coast “is the epicentre of illicit energy-maritime criminal activities with petro-pirates, oil thieves and illegal traders in fuel forming a trivet of energy crime in the region,”<sup>161</sup> while Rexer opines that “unequal distribution of rents, or excessive rent-seeking by predatory governments, can generate grievance-driven insurgency”<sup>162</sup> that could culminate to piracy. The implication is that the existence of the aggravated land-based causes of piracy, corrupt government, the volatility of the Nigeria coast, black market for the stolen vessel cargo (crude and refined oil), organised criminal enterprises, among others, will bolster piracy activities off the Nigerian coast post-Covid-19.

## 6 Measures to Reduce Piracy in Nigeria

Before delving into strengthening sustaining piracy legal framework and institutional regime in Nigeria, the

<sup>155</sup> See generally, BALOGUN A. Wasiu. Crude Oil Theft, Petro-piracy and Illegal Trade in Fuel: An Enterprise-Value Chain Perspective of Energy-Maritime Crime in the Gulf of Guinea. Ph.D Dissertation, Lancaster University, United Kingdom. Available at: [https://eprints.lancs.ac.uk/id/eprint/129813/1/APPROVED\\_PHD\\_THESIS.pdf](https://eprints.lancs.ac.uk/id/eprint/129813/1/APPROVED_PHD_THESIS.pdf). Accessed on: 12 July 2021 and NWOKEDI, T., et al., supra note 4.

<sup>156</sup> BALOGUN A. W., *ibid*.

<sup>157</sup> SCHNEIDER, P. supra note 1

<sup>158</sup> BALOGUN A. W. Crude Oil Theft, Petro-piracy and Illegal Trade in Fuel, supra note 155.

<sup>159</sup> See generally, ANELE K. K. Harvest of Arrests but no Prosecution, supra note 1

<sup>160</sup> See generally, BALOGUN, A. W. Why has the ‘Black’ Market in the Gulf of Guinea Endured?, supra note 41.

<sup>161</sup> *Ibid*, p. 1.

<sup>162</sup> REXER, Jonah. Black Market Crude: Organized Crime and Environmental Externalities in Nigeria’s Oil sector. KLEINMAN CENTER FOR ENERGY POLICY, UNIVERSITY OF PENNSYLVANIA, FEBRUARY 2019, p. 1.

government of Nigeria must tackle the socioeconomic and environmental factors that make piracy to thrive. For instance, since militancy, criminality, and political violence in the Niger Delta manifest in piracy and maritime insecurity in the country, it behooves the Nigerian government to introduce policies aimed at eliminating these challenges and reducing the ability of groups to operate at in the country's waters.<sup>163</sup> Thus, Affi opines that "onshore solutions are the long-term solutions; they are also more efficient and more sustainable than the offshore approaches."<sup>164</sup> Given the fact that Covid-19 has aggravated these onshore causes of piracy, it becomes necessary to introduce steps to curb the onshore causes of piracy. Thus, short-term response to piracy should be replaced with long-term initiatives through addressing the root causes of piracy in Nigeria.<sup>165</sup> Central to finding a lasting solution to land-based causes of piracy in Nigeria is the lingering issue of good governance. Research has shown that countries with piracy infested waters are mostly failed states and countries that practice anocracy with weak and corrupt institutions and marginalised ethnic minorities.<sup>166</sup> For example, while piracy off the coast of Somalia was as a result of the country's 'failed state status',<sup>167</sup> the Indonesian piracy is essentially linked to the separatist group Gerakan Aceh Merdeka (GEM).<sup>168</sup> In the case of Nigeria, the issue of failed state and secessionist groups abound, it could also be argued that Nigeria practices anocracy which create a fertile ground for piracy to thrive.<sup>169</sup> It is submitted that good governance would expurgate political violence and tribal schisms that exist and fuel the

<sup>163</sup> OGBONNAYA, M., supra note 148.

<sup>164</sup> AFFI, A. Ladan, et al. Avoiding Somalia: what prevents onshore solutions to piracy? *GLOBAL AFFAIRS*, v. 1, n. 3, DOI:10.1080/23340460.2015.1078576, p. 312, 2015.

<sup>165</sup> KYRYCHENKO, V., supra note 63, p. 55.

<sup>166</sup> See DENTON, L. Ginger & HARRIS, R. Jonathan. Maritime Piracy, Military Capacity, and Institutions in the Gulf of Guinea. *TERRORISM AND VIOLENCE*, p. 2, DOI:10.1080/09546553.2019.1659783, 2019 and HAMZA, R. Farah. Maritime Trade and Piracy in the Gulf of Aden and the Indian Ocean (1994-2017). *J. TRANSP. SECUR.* <https://doi.org/10.1007/s12198-018-0190-4>, 2018.

<sup>167</sup> See KAMOLA, Isaac. Pirate Capitalism, or the Primitive Accumulation of Capital itself. *MILLENNIUM: JOURNAL OF INTERNATIONAL STUDIES*, p. 16-18, DOI:10.1177/0305829818771525, 2018 and HAMZA, R. F., *ibid.*

<sup>168</sup> HASTINGS, V. J., supra note 16, p. 7 and KARAWITA, K. Amali. Piracy in Somalia: An Analysis of the Challenges Faced by the International Community. *JURNAL ILMU SOSIAL DAN ILMU POLITIK*, v. 23, n. 2, p. 104, doi:10.22146/jsp.37855, 2019.

<sup>169</sup> DENTON, L. G. & HARRIS, R. J. Maritime Piracy, Military Capacity, and Institutions in the Gulf of Guinea, supra note 164, p. 2.

violence in the Niger Delta region of Nigeria.<sup>170</sup> Thus, there is a need to entrench good governance in Nigeria.

As part of the measures to eliminate the land-based causes of piracy, it is imperative to introduce economic and fiscal policies that will engender economic boom to expurgate poverty and unemployment in the country. Nigeria needs to increase its capacity to produce items by introducing policies that will bolster the manufacturing sector. Also, it is important to use policies and programmes to strengthen the diversification of the economy from the over-reliance on natural resources to other sectors like agriculture, the blue economy, information technology and communication, among others. It is significant to note that the heightened level of poverty and unemployment in Nigeria has been worsened by the measures introduced by the government to curb the spread of Covid-19. A theory has been developed which suggests that piracy can be suppressed through the expansion of alternative economic activities that will improve "the social and political institutions that promote income-sharing."<sup>171</sup> More pointedly, investing in infrastructure development is a significant aspect of good governance and economic development. This implies that government should invest in the health sector of the country to be able to manage health issues, like the outbreak of Covid-19, and avoid unnecessary death of its citizens. Hence, by introducing policies that will create a friendly environment where: healthcare services are efficient, infrastructure development is enhanced, and factories are built so that the youths are gainfully employed and poverty is reduced;<sup>172</sup> piracy will be reduced during and after Covid-19.

One of the major causes of poverty, unemployment and ill-health in Nigeria, particularly in the Niger Delta region, is the pollution of the environment due to oil

<sup>170</sup> EBIEDE, M. T. *Instability in Nigeria's Niger Delta: The Post Amnesty Programme and Sustainable Peace-building* (Friedrich-Ebert-Stiftung, Dakar-Fann, 2017) p. 17-19.

<sup>171</sup> ACHARYA, Avidit, et al. Security in the absence of a state: traditional authority, livestock trading, and maritime piracy in northern Somalia. *Journal Of Theoretical Politics*, v. 32, n. 4, p. 520 DOI:10.1177/0951629820941110, 2020.

<sup>172</sup> Hasting argues that though economic privation leads to piracy, "an increase in labour and capital-intensive commodity prices can decrease the number of piracy attacks in an area, as individuals who would otherwise engage in piracy find it more profitable to go into other industries." HASTINGS, V. J., supra note 16, p. 11.

exploration. Both gas flaring<sup>173</sup> and oil spillage<sup>174</sup> due to oil exploration implicate on the health of members of the Niger Delta communities and pollute farmlands and the aquatic environment. This culminates to loss of jobs, unemployment, poverty, and ill-health. To put an end to self-help geared towards discouraging oil exploration in the Niger Delta in the form of piracy and oil theft, the government of Nigeria must introduce and effectively implement measures to cut oil spillage and gas flaring, and urgently clean up the affected farmlands and rivers. Regarding gas flaring, it has been suggested that the Nigerian government should strictly implement, monitor, and enforce existing gas flaring laws, regulations, and programmes; especially the Nigerian gas Flare Commercialisation Programme.<sup>175</sup> It is argued that the government of Nigeria, in collaboration with the state and local governments in the Niger Delta region, should establish modern hospitals in the region that can treat, among other ailments, people affected by pollution or gas flaring in the oil producing communities and engage in massive clean-up of the environment of these communities to persuade the youths of the region to refrain from criminal acts, like piracy.

Corruption by government officials and officials of the maritime regulatory and security agencies must be eliminated. First, government officials and officials

of maritime regulatory and security agencies need to eschew corruption and corrupt practices in their daily activities. One of the ways to discourage corruption by officials of government is by prosecuting them.<sup>176</sup> Hence, elected officials who are suspected of corruption should be voted out during the election and subsequently prosecuted for the crime.<sup>177</sup> Also, research has shown that both the elite and employees of shipping and clearing agencies provide information, for instance, the cargo manifest, to pirates which facilitate the attacks against vessels.<sup>178</sup> Thus, similar to the prosecution of the officials of government, these onshore facilitators of piracy should be arrested and prosecuted to discourage others from helping pirates to commit crimes. For example, the prosecution of pirates and their enablers as part of the global prosecution programme significantly contributed to the suppression of piracy off the coast of Somalia.<sup>179</sup>

The shipping industry also plays a significant role in curbing piracy post-Covid-19 in Nigeria by cooperating with Nigerian maritime enforcement agencies in combating the crime. Ship owners should always use well-equipped vessels, engage well-trained seafarers, regularly comply with IMO security regulations and guidelines, consistently utilise seaworthy vessels, regularly communicate and exchange information with NIMASA in its operations, and routinely support antipiracy law

<sup>173</sup> See generally GIWA, Solomon O., et al. Gas Flaring Attendant Impacts of Criteria and Particulate Pollutants: A Case of Niger Delta Region of Nigeria. *Journal Of King Saud University- Engineering Sciences*, v. 31, p. 209-217, [HTTP://DX.PR.G/10.1016/J.JKSUES.2017.04.003](http://dx.doi.org/10.1016/j.jksues.2017.04.003), 2019 and OSUOHA, A. Christopher & FAKUTIJU, A. Michael. Gas Flaring in Niger Delta Region of Nigeria: Cost, Ecological and Human Health Implications. *Environmental Management And Sustainable Development*, v. 6, n. 2, p. 390-410, doi:10.5296/emsd.v6i2.11662, 2017.

<sup>174</sup> See generally ALBERT, N. Oshienemen, et al. Evaluation of the Impacts of Oil Spill Disaster on Communities and its Influence on Restiveness in Nigeria Delta, Nigeria. *PROCEDIA ENGINEERING*, v. 212, p. 1054-1061, 2018, ENEGIDE, Chinedu & CHUKWUMA, C. Kelechukwu. Oil Spillage and Heavy Metals Toxicity Risk in the Niger Delta, Nigeria. *JOURNAL OF HEALTH & POLLUTION*, v. 8, n. 19, p. 1-8, 2018 and OSUAGWU, S. Eze. & OLAIFA, Eseghe. Effects of Oil Spills on Fish Production in the Niger Delta. *PLOS ONE*, v. 13, n. 10, p. 1-14, <https://doi.org/10.1371/journal.pone.0205114>, 2018.

<sup>175</sup> See generally OLUJOBI, J. Olusola. Analysis of the Legal Framework Governing Gas Flaring in Nigeria's Upstream Petroleum Sector and the Need for Overhauling. *SOCIAL SCIENCE*, v. 9, p. 1-19, doi:10.3390/socsci9080132, 2020. See also IJAIYA, Hakeem, et al. Institutional and Legal Control of Gas Flaring in the Niger Delta Region of Nigeria. *BRAWIJAYA LAW JOURNAL*, v. 5, n. 1, p. 29-42, DOI: <http://dx.doi.org/10.21776/ub.blj.2018.005.01.03>, 2018.

<sup>176</sup> Government officials that sponsor or support piracy should be prosecuted for related crimes, like money laundering. See JIN Jing & TECHERA Erika. Strengthening Universal Jurisdiction for Maritime Piracy Trials to Enhance a Sustainable Antipiracy Legal System for Community Interests. *Sustainability*, v. 13, p. 22, <https://doi.org/10.3390/su13137268>, 2021.

<sup>177</sup> For the prosecution of former Directors General of NIMASA, see ANELE, K. K. Addressing the Issues of Piracy off Indonesia and Nigeria, supra note 6, p. 262-263. For the prosecution of officer of the Nigerian Navy, see the case of *Rear Admiral Francis Echie Agbiti v The Nigerian Navy*. For detailed analysis of the case, see ARUGU, W. Obugheni; HALLIDAY, E. Chidi. Strengthening the legal and institutional framework for combating piracy and armed robbery against ships in Nigeria. 2018, 80. Available at: [https://www.academia.edu/39993652/STRENGTHENING\\_THE\\_LEGAL\\_AND\\_INSTITUTIONAL\\_FRAMEWORK\\_FOR\\_COMBATING\\_PIRACY\\_AND\\_ARMED\\_ROBBERY\\_AGAINST\\_SHIPS\\_IN\\_NIGERIA](https://www.academia.edu/39993652/STRENGTHENING_THE_LEGAL_AND_INSTITUTIONAL_FRAMEWORK_FOR_COMBATING_PIRACY_AND_ARMED_ROBBERY_AGAINST_SHIPS_IN_NIGERIA). Accessed on: 4 January 2021.

<sup>178</sup> Hastings observes that pirates that hijack oil tankers in the Gulf of Guinea rely on "access to formal economic infrastructure associated with the oil industry, and acquiescence or buy-in from elites with ties to that infrastructure." HASTINGS, V. J., supra note 16, p. 12. See also NWALOZIE, J. C., supra note 2.

<sup>179</sup> BUEGER, Christian. Learning from Piracy: Future Challenges of Maritime Security Governance. *Global Affairs*, v. 1, n. 1, p. 37, DOI:10.1080/23340460.2015.960170, 2015.



enforcement by maritime regulatory and security agencies in Nigeria.<sup>180</sup> Additionally, the formation of a Maritime Collaboration Forum to provide shared awareness and deconfliction of activities in the Gulf of Guinea (GOD-MCF/SHADE) by Nigeria and the International Coordination Centre for the Implementation of Regional Strategy for Maritime Safety in Central and West Africa is a step in the right direction.<sup>181</sup> This forum will not only have positive ramifications in the role of regional and international players in curbing post Covid-19 piracy in Nigeria but also facilitate maritime domain awareness of the country's waters.

In line with the argument that one of the most effective steps in suppressing piracy is through the elimination of onshore causes of piracy, it is imperative to introduce and build juridical capacity in Nigeria. This paper argues that the creation of a special maritime court is one of the ways to enhance proper and sustainable prosecution of pirates and their enablers in Nigeria. Again, to protect the rights of pirates, it is important to review the SPOMO Act, especially section 9, to reflect the provisions of Chapter IV of the Constitution of Nigeria on fundamental human rights: personal liberty. Besides, there is a need to enhance infrastructure in Nigerian courts, particularly in view of the nature of piracy and shipping which may require video conferencing as a means of testifying before a court. Moreover, the existence of the pandemic has made virtual hearing fashionable and it requires modern facilities and regular power supply to become sustainable. More pointedly, judicial officers must be trained regularly, especially the judges, in adjudicating piracy cases. This is important because of the lenient sentence prescribed by a Federal High Court in Port Harcourt, Rivers State, Nigeria, in the first piracy case in the country.<sup>182</sup> Consequently, the NIMASA – Nigerian Institute of Advanced Legal Studies (NIALS) annual Admiralty Law Seminar for Judges is a step in the right direction to build the capacity of the Nigerian courts in handling piracy and other maritime cases. Also, it has been argued that the antipiracy capacity building activities focusing on the military and

the judiciary in the Gulf of Guinea, which Nigeria is part of, play a significant role in tackling piracy.<sup>183</sup> These programmes contribute to strengthening sustainable piracy legal regime in Nigeria.

This paper further argues that in the absence of political will by the government of Nigeria to curb piracy, it will be difficult to combat the crime. Aside from good governance and the attendant dividend of democracy, it is important for the Nigerian government to, among other things, adequately fund maritime regulatory and security agencies, procure sufficient maritime surveillance and communication facilities, and prosecute government officials that aid and abet piracy in the country. Jacobsen and Nordby opine that the capacity to curb piracy is inadequate in the absence of the political will to do so.<sup>184</sup> Additionally, Bellish is of the view that introducing the political will to combat piracy captures the long-term interests of major parties involved in piracy suppression, and “engaging in a prosecutorial strategy that systematically targets pirate leaders over low-level pirates may help provide the political will needed to justify a sustained counter-piracy effort off the Nigerian<sup>185</sup> coast”.<sup>186</sup> This paper argues that the existence of the political will to suppress piracy is central to the elimination of the onshore causes of piracy in Nigeria, and political will to curb piracy entail both eliminating the land-based causes of piracy and strengthening sustainable piracy legal regime and institutional framework in the country.

## 7 Conclusion

This paper has shown that Covid-19 implicated piracy in Nigeria. However, it was discovered that though the pandemic affected the land-based causes of piracy,

<sup>180</sup> See generally, The Gulf of Guinea Declaration on Suppression of Piracy. Available at: <https://www.bimco.org/GoGDeclaration>. Accessed on: 19 May 2021.

<sup>181</sup> LARSEN, P. Jakob. Nigeria and ICC Announce Ground-breaking Antipiracy Forum. BIMCO. Denmark, 28 April 2021. Available at: <https://www.bimco.org/news/security/20210428---nigeria-and-icc-antipiracy-forum>. Accessed on: 12 July 2021.

<sup>182</sup> See the case of *Federal Republic of Nigeria v Binaebi Johnson & Co.*

<sup>183</sup> JACOBSEN, L. Katja. Maritime Security and Capacity Building in the Gulf of Guinea: On Comprehensiveness, Gaps, and Security Priorities. *African Security Review*, p. 13, DOI.10.1080/10246029.2017.1291441, 2017.

<sup>184</sup> JACOBSEN, L. Katja & NORDBY, R. Johannes. Maritime Security in the Gulf of Guinea (Royal Danish Defence College Publishing House: Copenhagen, 2015) p. 47.

<sup>185</sup> The italicised word by this author.

<sup>186</sup> BELLISH, Jonathan. The Systemic Prosecution of Somali Pirate Leadership and the Primacy of Multi-level Cooperation. The Ved Nanda Center for International & Comparative Law, Sturm College of Law, University of Denver, June 2014, 39. Available at: <https://www.law.du.edu/documents/ved-nanda-center/SystematicProsecutionPaperDU.pdf>. Accessed on: 25 January 2021.



like unemployment and poverty, data show that piratical attacks have not increased in Nigeria. The paper attempted to proffer reasons for this paradox. It was argued that the reason for the decreasing number of piracy attacks in Nigerian waters was because of the movement restrictions by the Nigeria government to prevent the spread of the pandemic. Moreover, the absence of maritime domain awareness and weak piracy institutional regime mean that attacks may have occurred without being captured. Further, the paper observed that though there is no spike in piracy in Nigeria despite the heightened level of onshore causes of piracy as a result of the pandemic, piratical acts will escalate post-Covid-19, starting from the removal of the Covid-19 measures, such as movement restrictions. It was also observed that weak piracy institutional framework and the dearth of political will by the government of Nigeria to curb piracy will contribute to the escalation of piracy post-Covid-19. The paper argued, among other things, that the escalation of piracy off the coast of Nigeria post-Covid-19 would be as a result of the aggravation of the onshore causes of piracy due to the suspension of the movement restriction measures imposed on individuals and vessels in Nigeria. It was further revealed that many theories support the hypothesis of this paper that the aggravated land-based causes of piracy by the Covid-19 countermeasures, the dearth of maritime domain awareness, and weak piracy institutional regime may lead to spike in piracy attacks in the waters of Nigeria post-Covid-19. In view of finding the solution to piracy during and post-Covid-19 in the country, this paper opines that contemporary scholarship supports the need to focus on eliminating the land-based causes of piracy<sup>187</sup> as “the heavy reliance on the use of navies is a short-term, inefficient and unsustainable way of ending piracy in ... Africa”.<sup>188</sup> Consequently, there must be a concerted effort by the Nigerian government to find lasting solutions to onshore causes of piracy, particularly the cultivation of the political will to curb piracy. It is also instructive to submit that good governance is central in eliminating most of the land-based causes of piracy as jobs are created and poverty is reduced. As Guilfoyle observed, a successful antipiracy “strategy has to acknowledge that suppressing piracy requires both

adequate law enforcement ashore and viable alternative livelihoods for those who might engage in it.”<sup>189</sup> Thus, cultivating the political will to curb piracy by the Nigerian government is central to the implementation of all counterpiracy measures in Nigeria. While this paper would strengthen the on-going attempt by the government of Nigeria to suppress piracy off its coast during and after Covid-19, it is important to engage in further research to determine the effect of offshore causes of piracy during covid-19 and the solutions thereto.

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<sup>187</sup> See KARAWITA, A. K. *supra* note 168, p. 22-23 and ELMI, A.; MOHAMMED, S. The Role of the GCC Countries in Ending Piracy in the Horn of Africa. Arab Center for Research & Policy Studies, p. 13, 2016.

<sup>188</sup> ELMI, A.; MOHAMMED, S., *ibid.*

<sup>189</sup> GUIFOYLE, Douglas. Policy Tensions and the Legal Regime Governing Piracy. In: GUIFOYLE, Douglas. (ed.) *Modern Piracy: Legal Challenges and responses* (Edward Elgar Publishing 2013) p. 329.

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