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Boundaries and Natural Resources in the Sea: Oil, Boundary Disputes and the Militarization of the Gulf of Guinea

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Structured Abstract

Article Type: Research Paper

Purpose—In spite of the globally accepted principle of *uti possidetis juris*, which defines the inviolability of international boundaries, boundary disputes continue to be. Marine boundary disputes are particularly complex and are usually exacerbated by the presence of economically viable natural resources, especially oil. Such disputes in many cases result in military buildup and in some cases international wars. This paper analyzes the interaction between the presence of oil and the emergence of boundary disputes as a driver of militarization in the Gulf of Guinea (GoG).

Design, Methodology and Approach—The design is analytically descriptive, depending essentially on descriptive statistics. Secondary sources, especially the publications of GoG countries and OPEC, including many other works which are cited, provided the required data. In order to provide a contextual background, three paradigms on maritime boundaries are analyzed. These are *mare liberum*, *mare clausum*, and regulated sea.

Findings—All maritime boundary disputes in GoG have been driven by the presence of oil and gas. Those between Ghana and Ivory Coast, São Tomé and Príncipe and Nigeria, and Equatorial Guinea and Nigeria are typical. The determi-

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nation of the various countries to protect their marine oil resources has resulted in an arms race in the GoG. In a few cases, such as the Cameroon-Nigeria dispute, armed conflict has resulted. Be this as it may, the countries often cooperate to fight criminal activities, such as robbery and kidnapping, in the GoG. The intervention by the U.S.A., the EU and China in protecting the oil resources of the area has complicated militarization.

Practical Implications—The paper articulates the threat of marine boundary/dispute-driven militarization in GoG and the need for regional bodies, such as Gulf of Guinea Commission, to intervene to avert disaster.

Originality/Value—Studies on maritime boundary disputes, particularly in the GoG, have neglected the generation of militarization and its consequences. This paper addresses this gap through an analysis of the interplay of oil, boundary disputes and militarization.

Keywords: boundary disputes, Gulf of Guinea,
marine security, militarization, oil

I. Introduction

Uti Possidetis Juris, a principle which connotes the inviolability of international boundaries,¹ has emerged as a globally accepted ideal² and is embedded in the Charter of the United Nations. This principle guided the determination of post-colonial boundaries of Africa, Asia and Latin America³ and has continued to be emphasized by the International Court of Justice in its adjudication in international boundary disputes.

Be this as it may, inter-empire and international boundary disputes have characterized international relations since ancient times.⁴ Marine boundary disputes are much more complex than onshore ones. This complexity is largely because marine boundary markers, particularly hydrographic baselines, could readily change due to coastal processes of deposition and erosion which have been heightened by climate change. All over the world, marine boundary disputes pose tremendous challenge to the existing order. No continent has been free of such disputes.⁵ From the perspective of the number of countries involved and the interest shown by the major world powers, the disputes in the South China and East China seas have emerged as the most significant. Understandably, these disputes have received considerable research attention.⁶

Experience has shown that the existence of natural resources, particularly oil, aggravates such disputes.⁷ The South China and East China Seas disputes are good examples.⁸ The race for oil in the South China Sea, which complicated the situation, emerged in 1969/1970 when an international report revealed the oil potential of the area.⁹ The dispute over the Spratly Islands, a group of more than 100 widely scattered islands in the South China Sea, provides one of the best examples of the role of natural resources in marine boundary disputes.¹⁰ These were largely ignored islands

until the discovery of oil in their marine territories. They were ignored because they were largely barren, uninhabitable and had little land resources. Indeed, for a long time they were called “Dangerous Ground” by navigators due to their dangerous seas. China, Taiwan, and Vietnam, each now claims the entire island group while others, such as Malaysia and the Philippines, each claim some of the islands.

Such international boundary disputes in most cases lead to an arms race and often degenerate into armed conflict. For example, all parties involved in the South China and East China Seas disputes have pursued an aggressive policy of armament. Indeed, China, Taiwan, Philippines, Vietnam and Malaysia have not only occupied some of the islands but have also installed military facilities on them.¹¹

The possibility of war emerging from boundary disputes has been conclusively established. Studies¹² have shown that a boundary dispute is one of the common, if not the most common, drivers of international wars. Indeed, 79 percent of all wars between 1648 and 1989 were consequent on boundary disputes.¹³ Similarly, every South American country was involved in at least one war with one or more of its neighbors during the 19th century because of the same reason.¹⁴ Between 2000 and 2003, 10 of the 19 independent countries in South and Central America were involved in such wars.¹⁵

This paper analyzes oil and boundary disputes as drivers of militarization in the Gulf of Guinea (GoG). The following issues are addressed:

- i. What is the pattern of militarization in the GoG?;
- ii. What is the role of oil vis-à-vis boundary disputes in the militarization?; and
- iii. How are criminal activities in the GoG a factor in the militarization?

Diverse types and sources of data are required to address the issues. Data on the pattern of militarization, oil resources of the various countries, the character of marine boundary disputes, and crime in the GoG are needed. Time series data on each of these variables are needed. If primary data are to be employed, this will require fieldwork in each of the GoG countries and even beyond, given the interest in the region by such countries as the U.S.A., China and European Union countries. This would involve prohibitively large sums of money and a very long period of time. Given this scenario, as in similar circumstances, there must be a resort to secondary data sources, where these are available. Thus, the data for this paper were obtained from secondary sources. These sources include publications of various GoG countries, the U.S.A., the EU, the Organization of Petroleum Exporting Countries and several other works which are duly cited. The next section, a contextual analysis, provides a framework for this paper.

II. Oil, Maritime Boundaries and Militarization: A Contextual Underpinning

Three paradigms on marine boundaries, with implications for militarization, have emerged over time. These are the principles of a “Free Sea,” of an “Owned Sea”

and of a “Regulated Sea.” The principles of a “Free Sea”/“Open Sea” or *Mare Liberum*, as it is commonly christened, and that of an “Owned Sea”/“Closed Sea” or *Mare Clausum* are the earliest counterpoints of the debate and the operationalization of maritime boundaries.¹⁶ The principle of *Mare Liberum* has its origins in Roman law which emphasized justice. The sea was seen as a *commune omnium*, that is, the common property of all, and therefore a *usus publicus*, that is, a public utility which can not belong exclusively to any one or any group.¹⁷

The philosophical foundation of “Free Sea” was explicitly defined in 1609 by Grotius. He asserted, in his *Mare Liberum*, “the open sea cannot be subject to the sovereignty of any State, access to all nations is open to all, not merely by the permission but by the command of the Law of Nations.”¹⁸ The treatise of Grotius, though influenced by the policies of some countries, such as Great Britain, subsequently guided the attitude of several countries. The position of Great Britain was obvious from the several treaties it had with its neighbors, particularly France in the 14th and 15th centuries, allowing the freedom to fish in the seas around it. This policy of free seas for fishing and navigation was particularly emphasized in a proclamation by Queen Elizabeth I (1558–1603) of Britain. The proclamation declared, “The use of the sea and air is common to all; neither can any title to the ocean belong to any people or private persons forasmuch as neither nature nor regard of the public use and custom permit any possession thereof.”¹⁹

It is this philosophy of a free sea that informed the Berlin Conference of 1884 in its enunciation of a policy to guide the use of the maritime territory of the GoG. The conference included twelve European countries, the U.S.A., Russia and Turkey, and formalized the “scramble for Africa” in its “General Act of the Conference,” signed at Berlin on February 26, 1885, defined in addition to others, two broad related policies of navigation and of trade, which were clearly based on the principle of a free sea.²⁰ Indeed, as indicated in the preamble to the “General Act,” the need for free navigation and unhindered commerce was one of the reasons for the conference.

The “General Act” did not directly refer to the GoG but through its definition of the territory as rivers Congo and Niger, their tributaries and their marine spaces. Several “Articles” of the “General Act” emphasized that there must be unhindered movement of merchandise through the free passage of ships and smaller crafts in the GoG. The significance of marine transportation and of commerce at the time was responsible for this emphasis. Given the fact that there cannot be free trade unless the navigation routes are free, there was more emphasis on the latter. The need for a free sea was asserted in Article 2 thus: “All flags, without distinction of nationality, shall have free access to all the littoral of the territories.... They may undertake every kind of transport and exercise the coastwise navigation by sea and river as also small boat transportation.”

The conviction of no discrimination in the use of the GoG was further emphasized in Article 3 that “all differential treatment is prohibited in respect of ships as well as merchandise.” This determination was also reflected in the banning of all monetary measures that impeded free transportation and free commerce. For

instance, Article 14 declared that “There shall not be established any maritime or river transit tax based upon the simple fact of navigation, nor any dues upon the merchandise which is found on board the ships. Only taxes or dues can be collected which shall have the character of compensation for services rendered to navigation itself...” It is remarkable that Article 24 stipulated that the freedom of navigation in the GoG shall not be affected even in times of war, while the freedom of the movement of merchandise even during war was enshrined in Article 25.

In spite of the fact that Hugo Grotius’ apparently convincing treatise that “[e]very nation is free to travel to every other nation, and to trade with it”²¹ guided the actions of many nations (e.g., Denmark and Sweden), the notion of *Mare Clausum* (closed sea) was much more attractive to many nations in the Middle Ages. It is remarkable that it was Great Britain, which at a time championed the principle of a free sea, that promoted the counter-principle of *Mare Clausum*. The real interest of Great Britain had always been to be “the lords of the seas.” It was King James I (of Britain) that sponsored the writing of the book *Mare Clausum* by John Selden to counter Grotius’ treatise of a free sea. The book, presented to the king in 1618 but published in 1635,²² declared:

It is certainly true, according to the mass of evidence..., that the very shores or ports of the neighboring sovereigns on the other side of the sea are bounds of the maritime dominion of Britain, to the southward and the eastward, but in the open and vast ocean to the north and west they are to be placed at the farthest extent of the most spacious seas which are possessed by the English, Scots and Irish.²³

The policy change by Great Britain from *Mare Liberum* during the reign of Queen Elizabeth I to the propagation of *Mare Clausum* by King James I not only reflected the king’s push to ensure that the country really became “the Lords of the Seas” but also the king’s confidence that the country’s navy was strong enough to defend its seas. The popularity of the *Mare Clausum* principle was such that it was not only promoted by the pope but also by several countries. Although Selden’s principle of a closed sea provided a rationale for Britain’s actions, most of the very fundamental claims based on *Mare Clausum* predated the publication of the book. For instance, during the Middle Ages, the “Papal Sea” in the Mediterranean, extending from Monte Argentino to Terracina, was one where only people in the Church State and those in Rome were allowed to fish. Much more fundamental was a bull by Pope Alexander VI which divided the Atlantic Ocean between Portugal and Spain. The boundary was drawn from the North Pole to the South Pole and passed to the west of Cape Verde and the Azores Islands. All parts of the ocean, including the islands, to the west of the boundary were given to Spain and all to the east to Portugal. The bull also specified that no nation could fish or trade in these respective areas without the permission of the kings of Spain and Portugal. Trespassers were punished by death and the confiscation of goods.²⁴

The closed sea principle was so attractive that virtually all nations appropriated the seas around them and in some cases even those not around them. For instance,

the North Sea was claimed by Norway, Venice had sovereignty over the Adriatic, the Republic of Genoa over the Ligurian Sea and Britain had sovereignty over all the seas around it. Such sovereignty was usually enforced through the use of force.²⁵ The appropriation of the seas by various nations and its enforcement, usually through the sinking of ships and the seizure of goods, resulted in considerable resistance. This resistance was often characterized by skirmishes and, in some cases, by full-scale war between countries. Thus, the clash between the principle of *Mare Liberum* and that of *Mare Clauseum* resulted in disorder in the seas.

The attempts to impose order on maritime boundaries ultimately resulted in the “Law of the Sea.” The “Law of the Sea” emerged through an evolutionary process. The antecedents included actions taken by individual countries and those by the United Nations. For instance, U.S. President Harry Truman’s proclamation of 1945 on the continental shelf is a noteworthy action by an individual country,²⁶ while The Hague Codification Conference of 1930 and the 1958 Convention on the Territorial Sea and the Contiguous Zone are significant United Nation’s actions.²⁷ The Truman Proclamation argued that it was just and equitable for a coastal nation to take possession of its continental shelf, particularly, where the shelf has mineral resources, such as oil. Truman declared: “Having concern for the urgency of conserving and prudently utilizing its natural resources of the subsoil and seabed of the continental shelf beneath the high seas but contiguous to the coasts of the United States, as appertaining to the United States, subject to its jurisdiction and control.”²⁸ This action by the president of the U.S generated a reaction that culminated in several other countries taking the same action.

Whereas such individual action may have catalyzed the action by the international community through the United Nations, there is no doubt that the Hague Codification, which specified a three-mile territorial zone for coastal states, was a significant beginning. Be this as it may, it was the Convention of 1958 that provided a foundation for the United Nations Law of the Sea of 1982. The convention, signed in Geneva on April 29, 1958, and made up of 32 Articles, provided in Article 1 that “the sovereignty of a state extends beyond its land territory and its internal waters to a belt of sea adjacent to its coast, described as the territorial sea.” Although the width of the belt was not explicitly indicated, Article 5, dealing with the peculiarity of bays, suggested a distance of 24 nautical miles. In order to address the issue of natural resources in the sea, Article 4 provided that “account may be taken in determining particular baselines of economic interests....”

In spite of the fact that the 1958 Convention provided a basis for international boundaries, it was the United Nations Convention on the Law of the Sea (UNCLOS), that provided a much more comprehensive basis for determining such boundaries. UNCLOS,²⁹ apart from identifying the territorial sea of a coastal state, recognized three marine zones over which a state has jurisdiction. These are, from the coast outwards, the Contiguous Zone, Exclusive Economic Zone and the Continental Shelf. The 1982 UNCLOS, which came into effect in 1994, defined the territorial sea of a coastal State, over which a country has sovereignty, as the coastal waters extending 12 nautical miles from the coastline. The Contiguous Zone, Exclusive Economic

Zone and the Continental Shelf, over which a coastal country has varying rights, extends 24 nautical miles, 200 nautical miles and 350 nautical miles respectively.

In the context of this paper, the most significant provision is that of Article 15 on “delimitation of the territorial sea between States with opposite or adjacent coasts.” It provides:

Where the coasts of two states are opposite or adjacent to each other, neither of the two states is entitled, failing agreement between them, to the contrary, to extend its territorial; sea beyond the median line every point of which is equidistant from the barest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The above provision does not apply, however, where it is necessary by reason of historical title or other special circumstances to delimit the territorial seas of the two states in a way which is at variance therewith.³⁰

In spite of the determined efforts by the United Nations to delimit the maritime boundaries of States, disputes continue to occur. As mentioned earlier, the East China and South China Seas disputes indicate that the presence of, or even a perceived possibility of, abundant natural resources, especially oil and gas in the seas, could drive and escalate disputes. Such disputes could be between a militarily weak country and a strong one. For instance, in the Spratly Islands (South China Sea) dispute, weaker countries, such as Malaysia, Philippines, Taiwan and Vietnam, in challenge to China, an emergent world power, have established garrisons and military installations in the islands they claim. It could be argued that such actions by relatively weaker countries may be informed by a realization that they may benefit rather than lose in such disputes. It is a situation where the cost is perceived to be less than the benefit. In other words, the opportunity cost of pursuing the conflict is perceived as being less than that of non-involvement in the dispute. Given this contextual framework, the next two sections analyze the setting in the GoG.

III. The Struggle for Oil and Militarization

The GoG, extending from Senegal to Angola, has been the scene of several maritime boundary disputes.³¹ Table 1 shows the pattern of maritime boundary disputes. All parts of the region (northern, central and southern sections) have had one or more disputes. There are many more disputes in the central area from Nigeria to Gabon. Sixty percent of the disputes emerged in the 1970s, while two, that is 20 percent, are as recent as the 2000s.

It is evident that natural resources, and particularly oil, have been at the center of these disputes. For instance, the dispute between Ghana and Ivory Coast has been over the oil fields off the coast of western Ghana while that between Cameroon and Nigeria has been the oil fields off the coast of the Bakassi Peninsula. Similarly, the dispute between Equatorial Guinea and Nigeria was over the Zafiro and Ekanga oil fields. The significance of the oil factor was succinctly described by Ghana’s Lands and Natural Resources Minister: “All of a sudden, with the oil find (in Ghana), Ivory

Coast is making a claim that is disrespecting this median line we have all respected. In which case, we would be affected, or the oil find will be affected.”³²

Table 1: Marine Boundary Disputes in Gulf of Guinea

COUNTRY-PAIR	YEAR OF EMERGENCE	DRIVER OF DISPUTE	STATUS OF DISPUTE
Senegal and Guinea Bissau	Late 1970s. Filed in ICJ. March 1991	Biological and mineral resources (oil).	Joint Exploitation and Management Agreement, October 1993. Catalyzed by ICJ
Guinea and Guinea Bissau	Late 1970s	Biological and mineral resources (oil).	1985 Judgment of arbitration accepted by both parties
Ghana and Ivory Coast	2007. Filed before ITLOS in September 2014	Oil resources	2017 Judgment by ITLOS accepted by both parties
Cameroon and Nigeria	Early 1970s. Filed in ICJ in March 1994	Oil resources	2002 Ruling of ICJ accepted by both parties
Nigeria and Equatorial Guinea	Early 1980s	Oil resources	Treaty in 2000. Joint Development Zone Created
Nigeria and São Tomé and Príncipe	Late 1970s	Oil resources	Exploitation Arrangement Joint Development Zone signed Feb. 2001. Came into force 2003
Cameroon and Equatorial Guinea	Early 1980s	Oil resources	MOU in August 1993 establishing a Median Line
Gabon and Equatorial Guinea	Early 1970s Filed in ICJ 2017	Oil resources	Signed Agreement in 2016 to Refer to ICJ. Before then agreed to joint exploitation
Gabon and São Tomé and Príncipe	Late 1970s	Oil resources	Settle through treaty of April 2001 delimiting boundary
Angola and Dr. Congo	Early 2000s	Oil resources	Joint Exploitation Zone established in January 2015

Note: ICJ: International Court of Justice; ITLOS: The International Tribunal of the Law of the Sea.

Source: Compiled by the author.

The struggle for oil-space has been encouraged by a number of factors. One of these is the fact that most marine boundaries were not precisely delimited before the emergence of offshore oil. The marine space was perceived as not as significant as the land areas. It is noteworthy that some of the boundaries remain undelimited. In some cases, as in the “Golden Rectangle” area of Nigeria, Cameroon, São Tomé and Príncipe, Equatorial Guinea and Gabon (Figure 1), because of the closeness of the countries, the Exclusive Economic Zones overlap.

This state of affairs informed Equatorial Guinea’s intervention in the Cameroon-Nigeria dispute before the International Court of Justice. Equatorial Guinea appealed thus: “it is the purpose of Equatorial Guinea’s intervention to inform the Court of Equatorial Guinea’s legal rights and interests, so that these may remain unaffected as the Court proceeds to address the question of the maritime boundary between Cameroon and Nigeria.”³³ Equatorial Guinea also indicated “that the claim presented by Cameroon in its Memorial which ignores the median line, was never notified to Equatorial Guinea.”

Even if the boundaries were precise, the fact that oil fields could cut across international boundaries complicates the situation. In such a setting conflicting claims could emerge. There are such trans-boundary oil fields in the “Golden Rectangle.” For instance, the Zafiro and the Ekanga oil fields are adjacent and were claimed by Equatorial Guinea and Nigeria. The concentration of oil and natural gas fields around boundary areas, as shown in Figure 1, is also a complicating factor. Although, this is particularly obvious in the case of the “Golden Rectangle,” the location of Ghana’s oil fields near its border with Côte d’Ivoire is also an example.

Given the contribution of oil to the economies of the countries and the overwhelming dependence on offshore oil in most of them, the producing countries understandably resist attempts by their neighbors to take over their resources. The contending neighboring countries are usually influenced by the effects the riches oil had bestowed on the producing countries and therefore struggle to take over the oil spaces of their neighbors. Table 2 indicates that oil accounts for a significant proportion of government revenue in most of the countries. For instance, the governments of Equatorial Guinea, the Republic of the Congo and Angola depend so much on revenue from oil. Indeed, Equatorial Guinea is almost entirely dependent on oil; this mineral accounts for about 98 percent of the revenue. Equatorial Guinea, which depended largely on its forestry resources, and having one of the lowest per capita GDPs, emerged as one of high per capita income when it became an oil exporting country. It now has one of the highest per capita oil production rates globally.³⁴

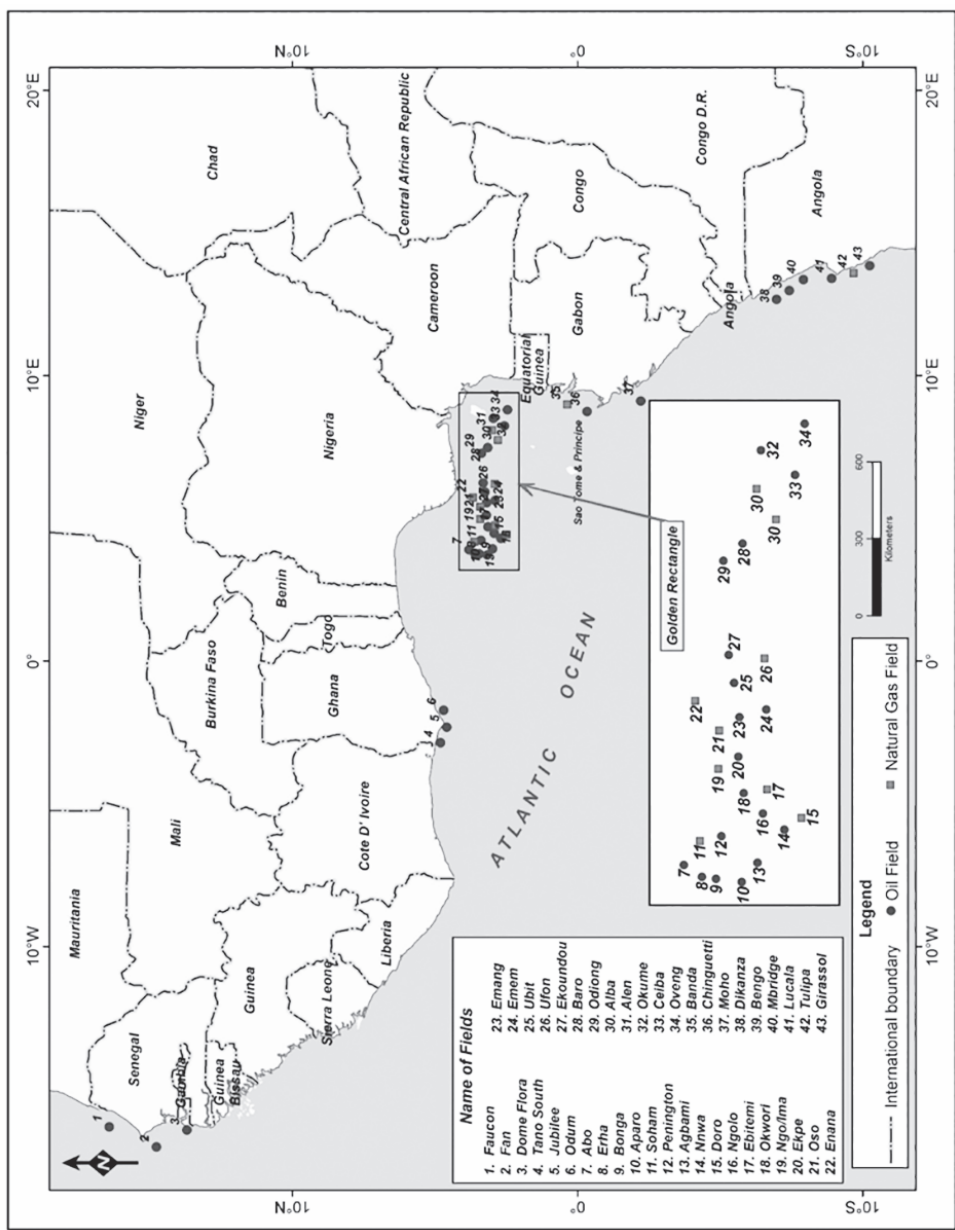


Fig. 1. Major oil and gas fields in the Gulf of Guinea (author's creation).

Table 2: Contribution of Oil to GDP and Government Revenue in Gulf of Guinea Countries, 2017

COUNTRY	PERCENTAGE GDP	CONTRIBUTION TO GOVERNMENT REVENUE
Angola	50	80
Cameroon	6.0	40
Democratic Republic of the Congo	0.4*	N/A
Republic of the Congo	65	85
Equatorial Guinea	54	98
Gabon	45	60
Ghana	5.6	10
Nigeria	9.1	53

*2016 data; N/A= Not Available

Source: Compiled by the author.

The driving force of oil in maritime boundary disputes is particularly remarkable because in most of the countries, the offshore oil fields are the most significant. All of Ghana’s, Equatorial Guinea’s and São Tomé and Príncipe’s oil production is from offshore. About 90 percent of the production in Cameroon is offshore. A dominance of offshore oil fields in Angola is obvious from Figure 2. Since 1970, the offshore fields have dominated. Indeed, since 1994 virtually all the production has been from offshore. It is only in Nigeria that onshore production is significant.

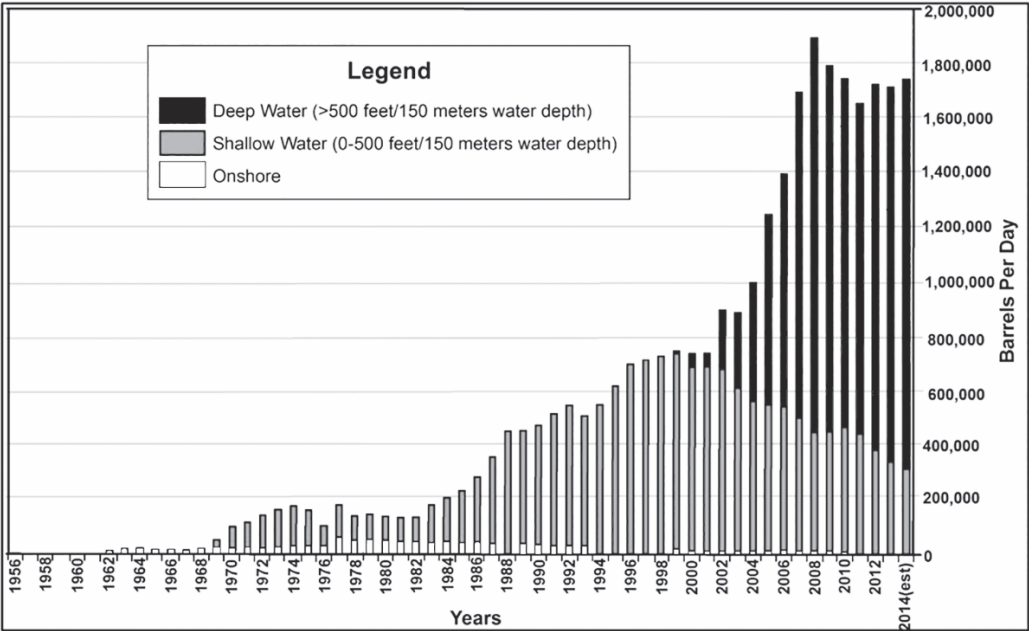


Fig. 2. The significance of offshore oil fields in Angola. Source: Koning, 2014.

Given the significance of offshore oil fields, the producing countries have been determined in ensuring that they continue to have exclusive rights over them. This is apparent not only from their policy statements but also from their attempts to develop their armed forces, particularly the navy. For instance, in Item 3 of its 1996 constitution, Equatorial Guinea defined its territory, and declared: "The State shall fully exercise its sovereignty and shall be vested with the exclusive right to explore and exploit all mineral resources and hydrocarbons. The national territory shall be inalienable and invincible."

Similarly, Ghana in revising its defense policy, asserted: "The revision became necessary as a result of the changing face of security through ... the discovery of oil and gas in commercial quantities.... The Ghana Navy has made a lot of progress in its quest toward achieving total surveillance coverage of the maritime domain in the country...."³⁵ In the same vein, the minister of defense stated elsewhere that "work is underway to upgrade equipment needed by the Ghana Navy to improve the security of Tullow Ghana Limited oil and gas fields.... I think the Navy will have to be equipped to be able to do their protection (of oil installations)."³⁶

The Minister of Defense of Nigeria made the same point about the defense of oil installations when a naval reinforcement was being sent to the Bakassi Peninsula in December 1999. He urged, "You must endeavor to provide security to all oil companies prospecting for oil and gas in the area."³⁷ More recently, in September 2018, while inaugurating 16 patrol vessels to protect oil installations, the Minister of Defense of Nigeria asserted: "For a littoral State with a huge dependence on her offshore resources, maritime security is vital to the nation wellbeing. Against this background of threat, the entire nation would invariably be at a risky situation if we do not insist on a motivated and virile navy like ours."³⁸

One consequence of this determination by the various countries to protect their marine oil resources is that there is an arms race in the GoG. An American financial and business news website, Business Insider, in a post from April 2, 2010 dramatically described the setting in the headline: "In Battle for Resources, There is a New Gulf War." A similar website (Oil Price.com) put it differently: "Tension Builds in the GoG as Competition for Economic Resources Increases." The Equatorial Guinea's 250-million-dollar "Marine Security Programme," announced on February 24, 2010, is meant to build up an integrated naval and air force capability. The various countries have acquired several types of equipment and facilities for their naval forces over the years.

The militarization consequent on marine boundary disputes has the potential of encouraging war. The Cameroon-Nigeria maritime boundary dispute³⁹ over the Bakassi Peninsula is a good example. Table 3 shows that the dispute was characterized by several skirmishes resulting in loss of lives. The 1990s marked the peak of the skirmishes. Indeed, in 1994, the escalation was such that Cameroon requested for assistance from France, based on a defense agreement between the two countries at Cameroon's independence. On February 27, 1994, France sent 2 helicopters and 30 soldiers to assist Cameroon.⁴⁰

**Table 3: Cameroon-Nigeria Skirmishes
Over Boundary Dispute in Gulf of Guinea**

SERIAL NUMBER	DATE	IMMEDIATE TRIGGER
1	May 1981	Attempt by Cameroon to occupy disputed area
2	October 1989	Attempt by Cameroon to occupy disputed area
3	December 1993	Attempt by Nigeria to occupy disputed area
4	January 1994	Attempt by Nigeria to occupy disputed area. Occupies Islands of Diamond and Djabane
5	February 1994	Attempt by Cameroon and Nigeria to occupy disputed area
6	September 1994	Attempt by Cameroon and Nigeria to occupy disputed area
7	December 1994	Movement of Nigerian military to occupy disputed area
8	February 1996	Attempt by Cameroon to occupy disputed area
9	February/March 1996	Attempt by Cameroon to occupy disputed area
10	April/May 1996	Attempt by Cameroon to push Nigerian military out of disputed area, particularly from Abana and Atabong West
11	June 2005	Nigerian soldiers attacked Cameroonian positions

Source: Compiled by the author.

Most of the disputes, as indicated in Table 1, have apparently been settled; many of them through agreements based on Joint Development Zones (JDZ). The JDZ approach is a commonly used strategy globally; such as in the cases of Japan/South Korea, Bahrain/Saudi Arabia, France/Spain, Iceland/Norway, Libya/Tunisia, Colombia/Jamaica and Barbados/Guyana.⁴¹ However, it is only an interim arrangement, usually employed where parties have difficulty in arriving at a permanent boundary delimitation.⁴² The implication is that as the countries continue to develop their armed forces, especially the navy, conflicts may emerge.

IV. Militarizing in the Name of Fighting Crime

The significance of oil in the generation and sustenance of maritime boundary disputes and the consequent propensity for militarization were analyzed in the preceding sections. This section examines a related dimension of militarization which compounds and blurs the boundary dispute dimension. The GoG, given its petroleum and fishery resources, together with its geographical location as an important trade route, has attracted a lot of criminal activity.⁴³ The consequent militarization, meant to check criminality, is analyzed in this section. However, in order to provide an appropriate background for the analysis, it is necessary to examine various dimensions of the criminality challenge.

The GoG has emerged as one of the maritime areas with the highest rates of criminal activity. For instance, in 2016 there were 53 piracy attacks, 28 percent of

the global figure. Similarly, of the 62 maritime kidnapping cases worldwide, the GoG accounted for more than 50 percent.⁴⁴ According to the Annual Reports of the International Maritime Bureau, in 2017 the area recorded 45 of the 180 global pirate attacks—25 percent. Of the 107 incidents in the first half of 2018, 46 (about 43 percent) occurred in the GoG. Figure 3 displays the pattern of the different types of crimes over the years. Generally speaking, there has been a gradual decline over the years. There was a sharp decline from 2008 to 2012 and a gradual increase thereafter; although the trend was more or less stable after 2012. Table 4, showing the crime rate in the various countries, indicates that Nigeria is overwhelmingly the leading country, accounting for about 54 percent of all incidents in the 15-year period; its contribution is more than 60 percent in 5 of the years examined. Indeed, its contribution in 2007 and 2008 was about 81 percent and about 77 percent, respectively. There is also a lot of illegal fishing by companies from other countries and thefts of oil.

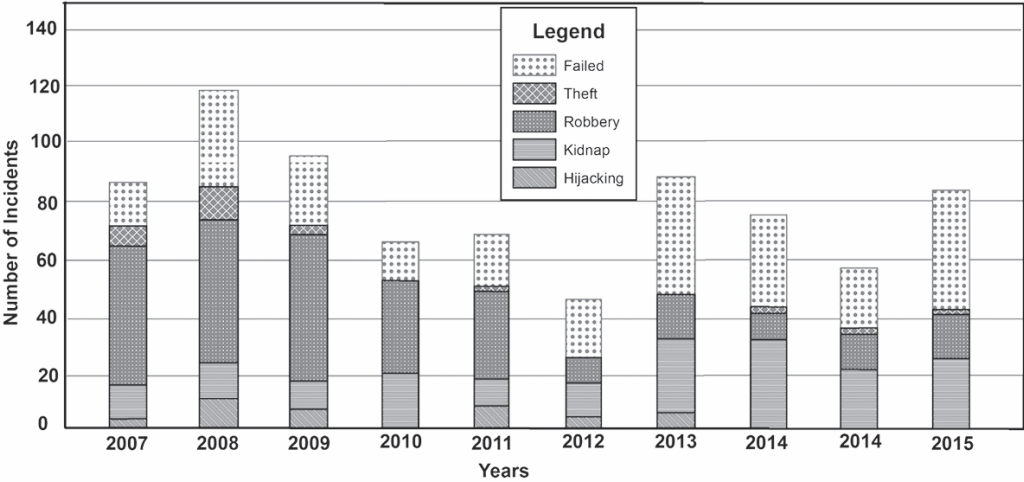


Fig. 3. Pattern of security threats in the Gulf of Guinea. Source: Steffen, 2017.

The emergent tripartite driving forces of militarization in the GoG, namely, oil, security (fighting crime), and free navigation, are intertwined and intricately related. Thus, it is sometimes difficult to clearly decipher the fundamental interest of players in the GoG scene. For instance, most of the external players place an emphasis on security; more or less de-emphasizing the fact that security is simply a means to an end. In some cases, the impression is created that altruism is a fundamental driving force. These security and altruism considerations are very prominent in the objectives of the U.S. Africa Command (AFRICOM), a military intervention outfit that operates in Africa including in the GoG.

This orientation has also been evident in statements by AFRICOM. For instance, even in a rather explicit statement about the interest of the U.S. by the commander of AFRICOM, General Thomas Waldhauser, to the Senate Committee on Armed

**Table 4: The Pattern of Piracy
in the Gulf of Guinea Countries, 2002–2015**

STATES	PERCENTAGE OF INCIDENTS EACH YEAR														TOTAL INCIDENTS
	2001	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	
Angola		4.7			12.5	1.9	3.2			1.9			3.1		12
Benin		2.0						16.3		38.4	4.0				32
Republic															
Cameroon	13.2	3.1	7.1	8	3.1		3.2	5.4	13.2		2.0		3.1		26
Democratic					12.5	5.7	6.4	1.8	5.3	5.7	4.0		3.1	8.7	22
Republic															
of the															
Congo															
Equatorial							1.9								1
Guinea															
Ghana	13.2	4.7	8.9	12	9.4	1.9	13.4	5.4		3.8	4.0		12.5	8.7	40
Guinea	5.3	6.2	8.9	4	12.5	3.8		9.0	15.7	10.0	4.0	2.2		13.0	40
Guinea	5.3							1.8							3
Bissau															
Ivory Coast	13.2	3.1	7.1	12	3.1		5.7	3.6	10.5	1.9	6.1	9.0	6.3	4.3	35
Liberia			3.5			1.9	1.9		2.6				3.1	4.3	8
Nigeria	37.0	61.0	50	64	37.5	80.7	76.9	52.7	50	19.2	42.8	66.0	41.0	52.1	324
Senegal	7.8	12.5	8.9												16
Sierra	2.6		5.3		6.2	3.8				1.9	2.0	2.2	3.1		12
Leone															
Republic							1.9		2.6	5.7	8.1	4.5	19.1	8.7	19
of the															
Congo															
Togo	2.6	2.0			3.1		1.9	3.6		11.5	22.4	16.0	6.3		32
Total Incidents	38	64	56	25	32	52	62	55	38	52	49	44	32	23	622

Source: Modification of Nnadi et al. 2016, p. 279.

Services on February 7, 2019, the altruistic perspective was emphasized. The General stated in part:

In the Gulf of Guinea, maritime security remains a strategic priority due to its role in global oil markets, trade routes, and the residence of approximately 75,000 U.S. citizens. *Piracy and other illicit maritime activities threaten development efforts, weaken State security, and rob States of precious resources required for greater economic growth and effective governance* [emphasis mine].

The perspective that a fundamental driver is altruism is much more glaring in China's position. For instance, China's permanent representative in the U.N., Ambassador Liu Jieyi, stated at a Security Council Debate on Piracy and Armed Robbery at Sea on April 25, 2016, that

China and Africa make up a community of common destiny and interest.... China has taken an active part in Africa's effort to strengthen capacity building for the maintenance of peace and security. China has actively participated in international cooperation against piracy in the Gulf of Guinea and has provided assistance to the coastal States for capacity-building in the areas of infrastructure. China's naval escort fleet has been invited to participate in joint counter-piracy

drills with the navies of Nigeria and Cameroon respectively. China has provided the coastal States with material and equipment for counter-piracy purposes.

Be this altruism and security orientation as it may, there is overwhelming evidence that the oil factor is much more fundamental than any other.⁴⁵ Until the GoG became a major source of oil, it was of little or no interest to the current major players in the region. The GoG assumed more significance when there was increased concern about the security of the Gulf of Persia oil sources. Oil, as earlier analysis has shown, is of fundamental interest to the GoG States themselves.

Given the drivers of militarization, what has been the militarization pattern? The next section addresses this issue.

V. The Pattern of Militarization

The consequent militarization may be broadly divided into two dimensions. These are:

- i. Internally generated militarization; and
- ii. Externally generated militarization

5.1 Internally Generated Militarization

Internally generated militarization involves the action of individual countries and that of the GoG countries as a group. The increasing awareness of the significance of the sea and its living and non-living resources has led to actions by various countries to enforce sovereignty over their maritime territories largely through the development and modernization of their naval forces. Ghana is one good example of this link between oil and sovereignty on the one hand and militarization on the other. The situation is aptly expressed by a naval officer of the U.S.:

The discovery of oil and gas reserves in Ghana's Exclusive Economic Zone (EEZ) has raised concern that increased criminal activity might trail the expected surge in maritime traffic.... The late Ghanaian president John Atta Mills' determination to protect his nation's diverse marine natural resources-especially fisheries, crude oil and natural gas reserves ... led to the purchase of four new navy fast patrol vessels for the first time in 32 years. The Snake-class vessels procured from China, were ... named after various snakes to portray their lethal capacity.⁴⁶

In addition to these patrol boats, other naval vessels were procured from Germany.

A similar trend has also been evident in Angola, Nigeria, Cameroon, Gabon and Equatorial Guinea. For instance, Angola has a "Naval Power Development Programme" involving major investments in warships and a "National Maritime Surveillance System."⁴⁷ Similarly, in a press conference in mid-May 2018 to mark the 62nd anniversary of the Nigerian Navy, it was revealed that 173 patrol boats in addition to some warships, apart from the refitting locally of defective ships, were commissioned in the last one year. There were also naval exercises, such as operation

“Tsare Teku V.” Six more specialized vessels were also acquired from France. Forty-two vessels were arrested for criminal activities. The Nigerian Navy, it was indicated, has nine Regional Maritime Awareness Capability sites with a plan to increase this to twelve as soon as possible.

Appreciating the limitation of the navies of the various GoG countries and the non-existence of precise maritime boundaries, joint effort has also characterized the attempt to police the maritime domain. The bases of such joint action are the provisions of the Maritime Organization for West Africa and Central Africa, Economic Community of West African States, Economic Community of Central African States, Gulf of Guinea Commission and the June 2013 Yaounde Summit of Heads of State and Government of West and Central Africa.⁴⁸ The arrangement involves the sharing and communication of information, intercepting and arresting criminals, and prosecuting offenders. Thus, although it does not involve the joint development of military infrastructure, there have been cases where the sharing and communication of information by various countries have resulted in the successful arrest of offenders.

5.2 Externally Generated Militarization

External intervention adds another dimension to militarization. The GoG has attracted a lot of attention, particularly from developed economies, consequent on its geostrategic significance. Among the developed countries, China, the European Union (EU) and the United States of America (U.S.A.) are outstanding. The GoG countries account for a significant proportion of the oil imports of these economies. In 2013, for instance, they accounted for about 18.5 percent of China’s imports, with Angola contributing 14 percent of that total. In the case of the EU, the percentage was 10 for oil and 4 for natural gas. As Table 5 indicates, the percentage for the U.S.A. is also very significant. The amount increased from less than 9 percent in 2012 to 18.6 percent and 18.3 percent in 2016 and 2017, respectively. This oil factor largely underlies the policies and activities of these major economies.⁴⁹

Table 5: Percentage Contributions of Gulf of Guinea Countries to U.S. Imports of Oil, 2012–2017

COUNTRY	2012	2013	2014	2015	2016	2017
Angola	2.6	2.6	2.0	1.8	2.2	1.9
Cameroon	0.3	0.0	0.0	0.0	0.0	0.0
Congo DR	0.0	0.0	0.0	0.0	0.0	0.0
Congo Republic	0.3	0.2	5.7	0.1	4.1	5.8
Equatorial Guinea	0.4	0.2	5.7	7.2	8.2	0.1
Gabon	0.5	0.3	0.2	0.1	1.3	5.8
Ghana	0.0	4.0	0.0	0.0	0.0	0.2
Nigeria	4.7	3.1	0.8	0.7	2.8	4.5
Total	8.8	10.4	14.4	9.9	18.6	18.3

Source: Computed by the author from U.S. Energy Information Administration Data.

An analysis of the policies and activities of China, the EU and the U.S.A. suggests that, whereas the first two encourage militarization, the last is directly involved in the militarization process. The activities of China and the EU primarily involve the training of personnel of GoG countries' naval forces and the provision of equipment. China has, over the years, expressed its anxiety over the increasing presence of the U.S.A. and the EU in the GoG and other parts of Africa.⁵⁰ It subsequently pursued a policy of military influence in the GoG and other parts of Africa. In 2000, for instance, its military trainers spent three months training the Equatorial Guinea armed forces on the use of heavy weapons. Many observers argued then that China was likely to sell heavy weapons to Equatorial Guinea since the latter did not have such weapons.⁵¹ Similarly, as part of an agreement in early 2000s, twelve Nigerian pilots were trained in China.⁵² As part of the training, China has been involved in naval exercises in the region. In May and June 2014, China's navy made port-calls at Angola, Cameroon, Côte d'Ivoire and Nigeria for the first time, and had joint anti-piracy drills with the navies of Cameroon and Nigeria.⁵³ Also in May/June 2018, China was involved in a naval exercise code-named "Exercise ECU KUGBE." It involved 12 Nigerian Navy combat ships and one each from Cameroon, Ghana, Togo, France, Portugal and China. Furthermore, China has been very active in the supply of military equipment to GoG countries since the 1990s. It has donated or sold patrol vessels to several countries. For example, of the 20 countries in Africa that received China's vessels between 2000 and 2013, 5 (Cameroon, Equatorial Guinea, Ghana, Nigeria and Sierra Leone) were GoG countries.⁵⁴ The provision of grants and soft-loans has characterized China's arms-supply strategy. In 2001, it granted 1 million dollars to Nigeria to upgrade its military facilities and in 2007, a 1.7-million-dollar grant was given to Ghana for the same purpose. Similarly, a 3.8-million-dollar interest-free loan was given to Ghana to develop barracks while a 251-million-dollar contract for the supply of military aircraft to Nigeria was also concluded.⁵⁵

The EU has a more defined policy and programs. The basic objectives of the EU⁵⁶ include:

- i. Building a common understanding of the threat (in GoG) and the need to address it;
- ii. Helping the GoG countries to put in place institutions and capacities for security and good governance;
- iii. Supporting the development of prosperous economies in the countries; and
- iv. Strengthening cooperation among the countries for effective action.

The perspective of the EU is that the issue of security in the GoG cannot be addressed in isolation. The related issues of development and good governance are fundamental.

The EU's Critical Maritime Routes program, established in 2009, is meant to ensure security in some major maritime routes in the world,⁵⁷ with a GoG component. The GoG version, Critical Maritime Routes in the Gulf of Guinea (CRIMGO) emphasizes capacity building. This program has organized a number of capacity-

building trainings for both the military and the civilian population of GoG countries. In addition to such capacity-building, EU countries have participated in several naval exercises. The annual “Exercise Obangame Express” is a good example. Although, the EU is usually reluctant to employ approaches, such as naval operations, this cannot be said of individual countries, especially Britain and France. Furthermore, given the political links between Britain and France on the one hand and their former colonies on the other hand, the former continue to be major suppliers of arms to many GoG countries.

Among the external actors, it is only the U.S.A. that has a standing armed force devoted to the security of the GoG. The U.S. Africa Command (AFRICOM) operates in all parts of Africa, including the GoG. The main focus of AFRICOM⁵⁸ includes:

- i. Counter terrorism and violent extremist organizations;
- ii. Partner in order to strengthen the defense capacities of African countries;
- iii. Counter piracy and illicit trafficking; and
- iv. Prepare for, and respond to, a stable and secure Africa.

The central concern, according to a commander of AFRICOM, General William Ward, is building African Security capability, and capacity.⁵⁹

In spite of the argument of a former commander of AFRICOM, General Ward, that it is not meant to militarize Africa,⁶⁰ its activities, (even if altruistic) have encouraged the militarization of the GoG and other parts of Africa. The U.S. has been actively involved in the training of the military of several countries. As General Ward indicated in his testimony before the U.S. Senate in 2017, AFRICOM had at the time trained not less than 68,000 African soldiers.⁶¹

One of the U.S.A.’s channels for training the continent’s soldiers/naval personnel is the organization of military/naval exercises. In the GoG, “Exercise Obangame Express,” which it sponsors, is a good example. Several African and non-African countries participate in this training exercise. In the 2018 exercise, 17 GoG countries were involved. Each year, this exercise, which commenced in 2011, emphasizes aspects of naval training. The 2018 exercise focused on training in boarding techniques, search and rescue operations, radio communication, information management techniques and medical/casualty response.⁶² Apart from such training, AFRICOM maintains naval patrols in the GoG, while the U.S. also supplies arms to a number of GoG countries, although China is a much more significant supplier.

VI. Conclusion

The GoG has emerged as a major center of the oil and gas industry. Apart from the attention it is receiving from multinational oil companies and major oil importing countries, the governments of the region have faced the dilemma of being good neighbors, a principle enshrined in the various intergovernmental treaties and agreements, such as those of the African Union, Economic Community of West African

States, Economic Community of Central African States and the Gulf of Guinea Commission, while at the same time protecting their economic sovereignty—a sovereignty threatened by marine boundary disputes.

Indeed, it is such a contradiction that has informed and guided the provisions of the GoG Commission Treaty. This is why there is so much emphasis on cooperation, consultation, security, inviolability of borders and non-aggression (Articles 3, 4 and 5) in the exploitation of the natural resources of the region. Be this, as it may, before and even after the creation of the commission, marine boundary disputes, which have been difficult to resolve, have characterized the geopolitics of oil in the region. Although, not explicitly stated, such disputes have encouraged arms-buildup in the region. The emergence of various acts of criminality, particularly piracy, has encouraged the militarization of the Gulf which has tended to conceal the militarization generated by boundary disputes. The need to protect the trade routes and natural resources of the region has resulted in a spate of militarization by both the GoG countries and external actors, particularly the U.S., EU and China.

In spite of the boundary disputes, all actors, in their resolve to protect the GoG trade routes, have supported and pursued a policy of a free sea in line with the paradigm discussed earlier. The position of Denmark, an EU country, typifies the setting. The policy of Denmark in the GoG is centered around the protection of the shipping routes. This orientation was succinctly put by the country's Institute of International Studies: "The Danish Shipping Line Maersk alone pays between 600–700 port calls annually to Nigerian ports. It is therefore critical to large parts of the world that the waters in the Gulf of Guinea are safe for passage."⁶³ Apart from its oil resources, this militarization has given credence to the emergent epithet of the GoG as the "New Persian Gulf." A determined action to address the yet-to-be-resolved boundary disputes is necessary.

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