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# **Private Maritime Security Companies in Nigeria: A tale of public-private relationships in the fight against piracy**

Marie Tetenborg

Masters of Science in International Relations

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Noragric Department of International Environment and Development Studies

The Faculty of Landscape and Society

P.O. Box 5003 N-1432 Ås Norway

Tel.: +47 67 23 00 00 Internet: <https://www.nmbu.no/fakultet/landsam/institutt/noragric>

## Declaration

I, Marie Tetenborg, declare that this thesis is a result of my research investigations and findings. Sources of information other than my own have been acknowledged and a reference list has been appended. This work has not been previously submitted to any other university for award of any type of academic degree.

Signature.....*Marie Tetenborg*

Date 16.08.2021

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Any errors are mine alone.

## Acronyms and abbreviations

<b>Acronym</b>	<b>Definition</b>
AIM	African Unions 2050 Integrated Maritime Strategy
BIMCO	Baltic and International Maritime Council
BMP	Best Management Practice
BMP WA	Best Management Practice West Africa
CRIMSON	Critical Maritime Routes Programme Monitoring, Support and Evaluation Mechanism
DPR	Department of Petroleum Resources
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EEZ	Exclusive economic zone
EIMS	ECOWAS Integrated Maritime Strategy
EU	European Union
G7++FOGG	G7++ Friends of the Gulf of Guinea
GGC	Gulf of Guinea Commission
GMCP	Global Maritime Crime Programme
GoG	Gulf of Guinea
GoGIN	Gulf of Guinea Inter-regional Network
ICC CCS	International Chamber of Commerce Commercial Crime Service
ICC	International Chamber of Commerce
ICC	Inter-regional Coordination Centre
IMB	International Maritime Bureau
IMO	International Maritime Organization
INTERPOL	The International Criminal Police Organization
IOC	International Oil Companies
ISPS	International Ship and Port Facility Security
IUU fishing	illegal, unreported and unregulated fishing
MEND	Movement for the Emancipation of the Niger Delta
MoU	Memorandum of Understanding
MOWCA	Maritime Organisation for the West and Central Africa
NGO	Non-Governmental Organization
NIMASA	Nigerian Maritime Administration and Safety Agency
NM	Neutical Miles
NSCDC	Nigeria Security and Civil Defence Corps
NSD	Norsk Senter for Forskningsdata
OBP	Oceans Beyond Piracy
PESCAO	Improved regional fisheries governance in western Africa
PMSC	Private Maritime Security Company
PMSC	Private Military Security Company
PMSLC	Private Maritime Logistics Support Company
POMO act	Piracy and Other Maritime Offences Act
UN	United Nations
UNCLOS	United Nations Law of the Sea
UNODC	United Nations Office of Drugs and Crime
VPD	Vessel Protection Detachments

## **Abstract**

This thesis examines the regulations governing Private Maritime Security Companies in Nigeria. The piracy in the Gulf of Guinea has become a larger focus in the recent years. Countermeasures to piracy have to be taken from various actors to suppress piracy in the region. Private Military Security Companies have been one way to deter piracy in Somalia, the same model can however not be used in Nigeria as the Nigerian state prohibits the use of Private Maritime Security Companies. This thesis made use of participant interviews for this qualitative study to gain insights into the regulation process and gain insight to whether they are part of a future solution to piracy in Nigeria. This thesis has made use of local Nigerian voices and other international stakeholders to voice their opinion. This thesis will primarily highlight the regulation process that these private companies have to go through operate as a legal company. With that its challenges will be explored.



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## 1. Introduction

Most of the world trade today are transported by ship each year, approximately 11 billion tons of goods. This makes up to 1.5 tons per person based on today's population. The total value of annual world shipping trade had as of 2019 reached more than 14 trillion US Dollars. Some shipments would nearly be impossible to ship by road, rail or air (ICS, 2021). The sheer amount of value of goods that are being moved over the global seas are breeding grounds for criminals and pirates to take advantage of vulnerable seafarers. According to the annual report on piracy and armed robbery by the International Maritime Bureau (IMB) of the International Chamber of Commerce (ICC-CCS) there were 195 incidents of piracy and armed robbery against ships worldwide in 2020. The rise in incidents can partly be explained by the increase of piracy and armed robbery reported within the Gulf of Guinea (GoG) (ICC-CCS, 2021). Globally, 135 crew were kidnapped from their vessel in 2020, 95% of these were kidnapped in the GoG. The GoG region is a dangerous area for seafarers and the attackers are known to be heavily armed with guns according to IMB figures (ICC-CCS, 2021).

In comparison to the piracy problem in the Gulf of Aden, the mode of piracy in GoG is more complex. The pirate groups of the Niger Delta are largely responsible for the insecurity of the wider GoG waters (Okafor-Yarwood et.al, 2020, p. 39). Armed robbery at sea, theft of oil and other cargo, trafficking of narcotics, people and arms as well as illegal unreported fishing are among the largest threats (Anyimadu, 2013, p.4). Although the region is considered dangerous for seafarers and there seemingly is a need for security to crew and vessels, the region restricts the use of private military and security companies (PMSC) – especially the use of private armed guards and carrying weapons into territorial waters (Norges Rederiforbund, 2016, p. 3)

Due to high levels of piracy with large numbers of hijacking in the Arabian Peninsula and the Gulf of Aden, particularly between 2005 and 2011, PMSCs were employed to protect commercial vessels transiting pirate “hotspots” (Chalk, 2012, p. 81). PMSCs have been used as a measure of protection for seafarers crossing waters exposed to piracy and armed robbery. This approach to security has been welcomed by different actors in the maritime industry. The advantage that PMSCs have is that they provide a one-on-one protection, a service that many navies cannot provide. They are also considered a definite deterrence against pirates who are looking to hijack vessels (Chalk, 2012, p. 82).

Because it has become widely used in the maritime industry it would seem natural that such practices would apply to the GoG given the issue of piracy in the Niger Delta. Nigeria however does not permit the use of every PMSC to work within its territory. In Nigeria it is prohibited to have any armed guards on board a vessel carrying a firearm whether from the Navy, police or any other agency (IRI, 2017). The Nigerian authorities only permit certain PMSCs to operate offshore and there are certain criteria that they have to fulfil. A security vessel with naval personnel on board could be provided if a company wanted to contract private security services. Companies that would use PMSCs to escort supply vessels to and from offshore assets to secure oil fields, or to assist commercial vessels transiting within Nigerian Waters are the main clients of Nigerian PMSCs (Jacobsen, 2021, p. 81). Nigeria has chosen a different approach to PMSCs in comparison to the models of PMSCs that emerged as a response to Somali piracy.

This shows that piracy and the way Nigeria has chosen to regulate PMSCs is an important and very current topic to study. This thesis aims to reveal how Nigeria currently regulates PMSCs and whether PMSCs are a part of the long-term solution to piracy in the region. Because PMSCs have been widely adopted in the “pirate hotspots”, for some within the shipping industry it may seem as a given to make use of PMSCs in West African waters as well without further knowing the regulations set in place by the territorial states they are entering. Therefore it is important to explore the Nigerian regulations and to look at how work in practice.

### 1.1. Research questions

This thesis seeks to answer the following research questions:

- 1) *How are private maritime security companies regulated in Nigeria and how does it work in practice?*
- 2) *Are private maritime security companies part of a long-term solution to piracy in Nigeria?*

## 1.2. Definitions

To be able to answer the research question, clarifications surrounding the research have to be made. The study aims to reveal how Nigeria currently regulates PMSCs in Nigeria and whether PMSCs are a part of the long-term solution to piracy in the region. The purpose of this research is to reveal how the current regulations are working in accordance to their regulation, under what circumstances they are operating and if PMSC as a counter piracy effort has a long term outlook.

Clarifications of the terms maritime security, piracy and PMSCs have to be established in order to understand what the thesis aims to answer. There is no definition of maritime security that is used systematically in academic literature. It could simply be one dimension of security that could be applied into the maritime domain (Siebels, 2020, p. 35). Christian Bueger calls maritime security a “buzzword” with no definite meaning. Its meaning is achieved by actors relating the concept to others, attempting to fill it with various issues and by acting in the name of it (Bueger, 2015, p. 163). Bueger further states that asking “what is maritime security?” can lead to a prospective research agenda that could map the meaning of the concept further. Such a study will have direct policy implications on national and international level as the studies would reveal when and how actors agree and disagree and foster mutual understanding (Bueger, 2015, p. 163).

When talking about piracy I am using the definition by the United Nations Law of the Sea (UNCLOS), UNCLOS (1982) Article 101 refers to piracy as the following:

*(a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:*

*(i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;*

*(ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;*

UNCLOS provides many definitions, the above definition outlines what piracy is according to international law. It helps this thesis to recognise where piracy takes place and how piracy affects seafarers.

Non-state actors such as Non-Governmental Organisations (NGOs) and PMSC that are addressing current security threats on land has gained more acknowledged by scholars and the media (Liss, 2013, p. 144), (Avant & Sigelman, 2010), (Singer, 2011) (Struwe, 2012).

Whereas in the maritime domain there is paid less attention. Carolin Liss argues that the activities of these actors addressing threats at sea differ from those on land, as jurisdictions overlap as well as the incidents take place outside the sight of observers (Liss, 2013, p. 144). Scholars are facing difficulties defining and labelling companies that provide antipiracy measures at sea. For the land-based companies, the terms Private Military Companies or Private Security Companies has been used most commonly. Their services can both be different from each other, but many also provide the same services and therefor a combination of the term has been coined with Private Military and Security Companies (PMSC) (Liss & Schneider, 2015, p. 82).

As the attention towards these companies operating at sea began to shift in response to Somali piracy, the term Private Maritime Security Company (also PMSC) became frequently used. A clear distinction between land based and sea based private security companies was drawn (Liss & Schneider, 2015, p. 82). This thesis is making use of interviews conducted with companies falling under both of these terms; a company that provides land-based and sea-based operations, as well as a clear sea-based company. This paper will be using the term PMSCs referring to the companies in Nigeria that work in the maritime domain only.

### 1.3. Outline

This thesis is divided into five main chapters. Chapter 1 is an introductory chapter to the thesis. Chapter 2 provides this thesis with a background to the Nigerian maritime domain. This will provide a deeper understanding for the complex maritime situation in Nigeria and the factors that play into the creation of insecurity. As this thesis focuses on the use of PMSC in the maritime domain I will be discussing the international regulations of maritime zones in this chapter as well to establish grounds for discussion at latter discussions. Chapter 3 discusses the theoretical framework of PMSC and a knowledge gap in the current literature surrounding PMSC. In chapter 4 the research method will be explained, research design, data collection, sampling strategy, analysis and criteria are established in this chapter. Chapter 5

will discuss key findings and analysis. Chapter 6 will conclude the thesis and reflect on findings.

## 2. Background – Maritime security in Nigeria

In west Africa the maritime security situation is fairly complex. Due to Africa's colonial legacy the states on the continent have been forced to look inwards, leading to the neglect of their coastlines. Overall, there is sea blindness among many African states which results in many missed opportunities for the continent (Walker, 2015). There is a large economic potential of sub-Saharan Africa within the maritime domain, which often is neglected as maritime political issues are not a political priority as the resources that many of these states possess are scarce and are most likely spent on land-based security (Siebels, 2020, p. 36).

The blue economy has many potentials. The domestic production of oil and gas provides direct revenue for national governments and can have a great impact on their economic development. Although hydrocarbons are essential for national GDP's, focusing on hydrocarbons only as a source of revenue led to the lack of economic diversification (Siebels, 2020, p. 36). The coastal communities and regional economies depend on fisheries for income and food security. This is being threatened by climate change, overfishing and marine pollution. Additionally, an estimate of 40 to 65% of West Africa's fish is caught illegally, further contributing to insecurity (Moss, 2020, p. 5). One of the land-based issues contributing to insecurity is the rule of law in the GoG, with the lack of well-defined legislative and judicial infrastructure, which makes enforcing of the rule of law at sea close to impossible (Moss, 2020, p. 8). The other aspect is the welfare of coastal communities that are under threat from economic insecurity, climate change and industrial growth (Moss, 2020, p.6).

Situated in the GoG and affected by maritime insecurity is Nigeria. Nigeria is the largest economy in the GoG accounting 65 % of the cargo generated from the region (Okafor-Yarwood et.al, 2020, p. 10). Being West Africa's largest oil exporter, Nigeria is a regional key player. Nigeria is facing security issues inland with the war against Boko Haram in the norther territory. In the Niger Delta the insecurity remains with non-state armed groups attacking oil companies and state-owned pipelines (World Bank, 2021). This illustrates that Nigeria's security resources are being pulled in both directions. With regards to its socioeconomic challenges, Nigeria has made progress in recent years but continues to face development challenges due to underinvestment. Nigeria needs to diversify its economy, build strong institutions, address its infrastructure, and address its governance issues (World Bank, 2020).

The offshore oil and gas industry overall has a large impact on maritime security. The oil and gas industry lacks defined environmental assessments, contributing to pollution of fisheries, general competition for scarce resources and uninhabitable coastal environments (Moss, 2020, p.6) Further the oil and gas industry has negative effects on the socioeconomic development in the region, as oil wealth is not distributed to the people but rather foreign oil majors and regional political elites. This has been a motivation for militant groups to operate in the region, among them Movement for the Emancipation of the Niger Delta (MEND) (Jacobsen, 2021, p. 8). Between 2005 and 2009, MEND was the largest and most known arrangement of militant groups based in the Niger Delta. They targeted oil production infrastructures and legitimized the attacks by referencing the people of the Niger Delta being exploitation and their natural habitat being devastated, putting the blame for the factors on the oil industry and the Federal Government of Nigeria (Jacobsen, 2021, p. 17).

In 2009 the militant groups of the Niger Delta agreed to hand in their weapons for cash, the so-called Amnesty deal by the Nigerian government for the militant groups of the Niger Delta. The intention was to reduce the unrest in the oil industry (Rice, 2009). Because of these insurgencies the international oil companies in Nigeria wanted to secure their offshore installations further. Between 2008 and 2010 a hybrid model of security was created where specific vessels were chartered by oil companies, partly manned by Nigerian Navy personnel (Siebels, 2020, b, Chapter 6, p.107). Security has become a large business in Nigeria with many visible private security personnel in the country working to guard businesses, neighbourhoods and homes, and advising embassies and transnational companies on risks and dangers (Abrahamsen & Williams, 2005, p.3)

Although there are many factors that contribute to maritime insecurity much of the focus falls onto piracy alone. The focus on piracy according to Siebels is largely caused by lobbying efforts from the shipping industry and amplified by international organisations. He states that Piracy attacks are a symptom of existing instability on land or the lack of law enforcement (Siebels, 2020, p. 43). However, it is often angled that piracy is a Nigerian problem as most pirates are operating out of the Niger Delta. In December 2019, four armed robberies took place in Nigerian waters. On 2 January 2020, three seafarers were kidnapped and four security personnel killed on a dredger off Forcados Terminal in Nigeria (Ogbonnaya, 2020). In February of 2020 the Baltic and International Maritime Council (BIMCO), and the International Association of Independent Tanker Owners, threatened to report Nigeria to the

United Nations (UN). The groups demanded clear action to be taken in order to stop pirate attacks against vessels and crew (Ogbonnaya, 2020).

Nigeria has taken several steps to improve their maritime security. In 2019 Nigeria passed an anti-piracy law, Nigeria's Suppression of Piracy and Other Maritime Offences Act (POMO act). Nigeria is the first state in the region to pass such a law and its strength lies in the use of piracy definitions in line with UNCLOS and its specific punishments for violations (Ogbonnaya, 2020). Another initiative is the Depp Blue Project that Nigeria has launched. This is a program with large investments in military and law enforcement infrastructure to secure Nigeria's maritime domain as part of addressing the persistent piracy issue in the GoG (ICS, b, 2021). Also port security is said to have improved over recent years due to better security measures being in place, with strictly controlled access to terminal only by authorized personnel and officials (Standard Club, 2020).

The concern from the shipping industry falls on the safety of their crew, vessel and cargo. PMSCs were hired to protect shipping in the wider Gulf of Aden. Some PMSCs provide active security services and to protect a vessel they have to be embarked (Liss, 2012, p. 88). In 2017 the embarkation of armed PMSCs and Navy personnel was strictly prohibited by the Nigerian Navy. To provide security within its waters, the Nigerian Navy has entered into a contractual relationship with PMSCs to supply armed escort vessels (IRI, 2017). This arrangement is seen by some as only to be beneficial to Nigeria, and it must find a balance between the security services provided by the Nigerian Navy and third-party security providers that would complement Nigerian efforts (Goldman, 2021, p.14).



### 3. Theoretical framework

There is a need to fill some research gaps on more levels to gain greater understanding of how state and privatized force function in the maritime domain. In order to do so existing literature of PMSC has to be explored and adapted to this paper, even if the maritime domain differs fundamentally from the land-based operations that most PMSC theory is based on. Before exploring existing literature that weigh for the regulation of PMSC and the effects of lacking regulation, the following section will identify some knowledge gaps in the literature surrounding PMSC.

The first knowledge gap surrounds the lack of study on PMSC in the Gulf of Guinea. If there is literature on PMSC from African, it is focused on Somalia (See examples Chalk, 2012, Petrig, 2013, Kinsey et.al, 2009, Onuoha, 2009). That examples from the Indian Ocean are much researched is no surprise given the history of piracy and armed robbery at sea off the coast of Somalia. When piracy in Somalia surged in the beginning of 2008 the shipping industry suffered severe losses from hijacking and kidnapping for ransom which extended into the Indian Ocean and the Red Sea (OBP, 2017, p. 1). Several solutions were the deployment of navies, best management practices and enforcement of law in the region. The need was however an immediate response, which resulted in the introduction of embarked armed security personnel or PMSCs on board commercial vessels to deter and fight pirates. PMSCs are private companies usually registered and controlled from countries away from the area where they operate (OBP, 2017, p.1-2).

Even the issue paper by Oceans Beyond Piracy (OBP) on PMSCs does not look to West Africa. The single focus is on the Gulf of Aden, Indian Ocean, Red Sea, Gulf of Oman and briefly covers Southeast Asia (OBP, 2017). The lack of emphasis on the GoG is a cause for concern given the high number of attacks on the maritime industry. Also the shipping industry simply seems to think that the model used in the Indian Ocean for PMSCs is a one size fits all, wanting to transfer the same model to the other side of Africa (Siebels, b, 2020, chapter 6, p. 108-109). This is however not possible as most countries in the region prohibit international navies or armed private security staff entering their waters (George, 2021).

There are fundamental differences between West and East Africa between the modes of piracy, maritime security issues and onshore conditions. Previous experience from the maritime industry cannot be expected to be applicable in West Africa, most notably the use of

private security companies (Jacobsen & Nordby, 2015, p. 12-13). Due to the differences in the use of PMSCs new knowledge has to be generated. This thesis will look at Nigeria's approach to PMSCs; how they are regulated and how they operate under their regulations. The way that Nigeria has chosen to make use of PMSCs has challenges and opportunities that will bring greater understanding to this knowledge gap. This paper will fill some of the blanks for the Nigerian context by applying data conducted through participant interviews with relevant actors from the maritime industry working with the Nigerian context.

The second knowledge gap that has been identified during the research stage is on the matter of security structures between private and public sectors, they can be called hybrid structures. The demands made by the shipping industry for armed guards together with declines in defence budgets, some governments are privately hiring out their soldiers (Brown, 2012, p. 9). Italy, France and Belgium for instance have adopted a hybrid model of armed teams board their country's flagged vessels: Vessel Protection Detachments (VPD) provided by the respected countries navy, should the navy be unavailable the shipowners are permitted to seek help by other PMSCs (Cusumano & Ruzza, 2015, p. 111). PMSCs can only be an addition to the layer of security provided, if the Navy is not capable to dispatch a VPD (Cusumano & Ruzza, 2015, p. 115). The shipping industry has voiced their opinion that the use of VPD are preferable to PMSC contractors armed with weapons, much of it having to do with the logistics of militaries carrying weapons and personnel through transit ports more easily and the legal status in comparison to private contractors (Brown, 2012, p. 9). This is a hybrid model of security that entail both private and public sources of security, some of these traits can be found in the Nigerian model of PMSCs but the hybrid model by Italy, France and Belgium cannot be fully applied to this study.

Brown writes that the use of VPDs is commonly offered service by African nations to assist the companies operating in their territorial waters (Brown, 2012, p. 9). Also to be considered is that West Africa is a region known for its oil and gas industry, these oil and gas facilities are deemed as strategic assets for governments across the region. The facilities are often protected by military forces as they have been targets by criminal groups. Due to the threats in the region has seen a unique type of cooperation between private security companies, international oil majors and national security forces (Siebels, 2020, p. 38).

If African states provide their own military together with PMSCs and this is common, the existing research gap has to be closed to gain knowledge. Understanding of how different states regulate PMSCs and provide security to seafarers is essential to the global maritime

industry. This knowledge should also not be a commodity that a shipping company should have to pay for. More research and free literature could help the less economically wealthy mariners to stay competent and updated on how the state territory they operate in regulate armed security, whether by private entities, the state, or a hybrid approach. As for the case of Nigeria, it is the state who provides armed guards and ammunition while the PMSC provides the security vessel with operational crew. The Nigerian Navy equips and operate the weapon systems (Eruaga & Q. Mejia Jr, 2020, p. 92).

When new security structures and hybrid models of public-private relationships are discussed, they are focused on western states. Brown writes around western national militaries that have played a role as VPDs in the Indian Ocean. He gives an example of Italy, France, Spain, Belgium and the Netherlands of states that allow private shipping companies to hire VPDs. He also lists Indonesia briefly, a state with many citizens working as crew at sea, who also considered VPDs during Browns writings (Brown, 2012, p.9). There seems to be an awareness around western states, their regulations on armed guards on ships flying their flags and information on the hybrid model in the states mentioned who operate on the Indian Ocean. This leaves questions that the maritime industry has to seeks answers to themselves and new legal and regulatory issues arise that have to be addressed more broadly when they operate in areas not covered by extensive information.

There is a large private public discussion to be had as there are new security structures being created. Rita Abrahamsen and Michael C Williams call these complex hybrid structures of actors, knowledge, technologies, norms and values that stretch over national boundaries but operate internationally as “security assemblages” (Abrahamsen & Williams, 2011, p. 171). The idea is to look at how different security agents interact, cooperate, and compete to create new practices and structures of security governance. Sometimes private and public structures overlap (Abrahamsen & Williams, 2011, p. 175). This way new hybrid models that are both private and public, local and global are created (Abrahamsen & Williams, 2011, p. 176). As already mentioned, there has been created a public private relationship between PSMCs and the Nigerian Navy and structures like these are valuable to study as they are affected by national, international, public and private changes in the security landscape. Chapter 3.3.3 Hybrid approaches to regulation of PMSCs will cover security assemblages and theorize the private public discussion further.

The focus in general has to explore new research areas and apply existing knowledge to new contexts. The creation of new security structures and hybrid approaches consisting of private

public relationships must be researched from various perspectives. This research paper aims to do exactly that by looking into existing literature on regulation of PMSCs and apply that to the Nigerian context to see if there are similarities or valuable findings that add to the broader conversation of maritime security.

### 3.1. Perspectives on why PMSCs should be regulated

There are several questions that need to be answered in the debate surrounding PMSC regulation. Should a state decide if PMSCs from other countries or only companies that are based and or registered in their own country can be contracted? There are also questions to whether it is sufficient to give the entire company a license or if every individual in the company has to have a license to operate (Liss, 2015, p.90). One also has to be critical to how these individual guards are vetted as well as their background and training that is needed to be a guard. Furthermore both the decision of what type of weapons private guards are permitted to use and who supplies these weapons has to be investigated (Liss, 2015, p. 90).

These critical questions regarding to who can be operating, have the license and carry weapons in the name of private military and/or security guards are justified as there have been scandals that involve PMSC. Examples of problems include private contractors and vessel detachments shooting and killing suspected pirates. In 2012 Italian Marines killed two fishermen who they suspected were pirates in waters off India (Brown, 2012, p.3). There is also reported abuse by PMSC in conflict zones and involvement in prostitution and PMSCs were involved in the abuse scandal at Iraq's Abu Ghraib prison in 2004 (de Nevers, 2009, p. 486). There is a consensus that there needs to be further regulations done on the use of PMSCs, there is however disagreement on how to regulate them. Western states question whether a convention is the most effective way of regulating the PMSCs industry. Their argument is that voluntary industry codes of conduct and informal intergovernmental agreements for PMSC are enough (Sorensen, 2017, p. 104).

Avant states the reason to regulate this complex industry is simply the lack of transparency that this industry is tainted by both regarding firms and governmental processes (Avant, 2009, p. 31-32). Singer also looks at the transparency of the industry as part of the reason for regulation, he states however that transparency alone cannot answer all concerns regarding the PMSC industry. Concerns include the treatment of PMSC, clients that attempt to evade

monitoring or stay outside a vetting system. These are, according to Singer, concerns an international body should consider (Singer, 2004, p. 547). It is likely that concerns raised above and the examples of scandals that PMSC have been involved in, will continue if transparency is not improving.

### 3.2. General literature on how PMSCs should be regulation

When PMSCs started to become frequently hired in response to Somali piracy, many questions and challenges arose for regulators both at the national and international level. Regulations can be understood as a set of authoritarian rules that include a mechanism, a public agency for example, that monitors and promotes compliance with those rules (Caparini, 2007, p. 158). The following chapter will look at the different approaches that are possible to take with regards to regulations at the different levels and what type of mechanisms exist or how ideal ways of regulation might look like.

#### 3.2.1. State regulation of PMSC

This section will look into the regulation efforts by single states. Much of the discussion will concern single states efforts to regulate at an international level, as PMSCs are indeed acting globally. Therefore the decision has been made to place any discussion surrounding international organisations efforts, such as the efforts by the UN, to regulate PMSCs under state regulation. This is based on the fact that many states are members of international organisations that work to achieve regulatory frameworks for PMSCs. An example is the United Nations, a member state organisation. This is a place where member states can meet to discuss which rules should apply in international politics. The UN is nothing besides what its member states achieve together in cooperation (FN Sambandet, 2020).

In the absence of proper international action it is the single state's regulation that remains the most important tool in the regulation of PMSCs (Cusumano, 2009, p.15). To regulate PMSCs at the state level is important to ensure the state remains control over a security function even if it is privatized, but also because regulatory enforcement is the most likely to take place at the state level (de Nevers, 2009, p. 488).

With the faulty international regulations and definitions of the private military and security industry, few credible mechanisms to implement or enforce them at the international level, it is natural that this is mirrored at the national level. Domestic laws often ignore the private military and security actors or fall short to regulate it. Not all states have regulations, and the efficiency can be questioned (Singer, 2011, chapter 15, p. 238). Peter Singer states that the only way to achieve regulation on private military and security companies is to rely on public bodies to regulate the industry (Singer, 2011, chapter 15, p. 239). He further says that if governments want better control over the impact of the industry, there have to be stronger and clearer regulations of the firms based in their territory and with the companies they contract. Requirements to the industry include transparent licensing processes, government oversight over local private military and security companies contracts, as well as the reporting of financial and operational stands of the companies (Singer, 2011, chapter 15, p. 240). In order to oversee the process, there should be multi-agency involvement by the Commerce, State and Defence Department to ensure full coverage of the complex issue. This type of regulation should even be implemented in the states that already have laws that deal with private military and security companies. The states that take the lead in regulations at the national level can then assist the process of international efforts on regulation (Singer, 2011, chapter 15, p. 240).

Also Kevin A. O'Brien states that it should and must be the national governments that have to regulate the private military and security companies, even if it seems time consuming and there are concerns over effectiveness and costs. If national governments fail, there will be potentially serious gaps in existing legislation that regulates exports of military services and corporate international responsibility (O'Brien, 2007, p. 41). O'Brien thinks that a regulatory framework should be as holistic as possible, making sure that both national and international regulation is introduced. Furthermore it needs to be clear what the framework regulates, the framework must include a distinction between the act and the actor. It also has to state what is allowed and prohibited in terms of activities. Also considered should be the nature of the regulatory authority, an enforcement body that is able to supervise the actions of the framework – enforcement at the national or international level will be the most difficult pillar of any regulatory framework according to O'Brien (O'Brien, 2007, p. 42).

O'Brien has created a list of elements that should be included in a national regulatory regime. The framework should include: *“a definition of allowed activities, controlling the actor and activity; second, licensing provision; third, certification and standardization by a licensing regime; fourth, the power to introduce recall, censure and sanctions against the companies*

*that break with the regulatory framework; fifth, the ability to prosecute the companies that operate illegally” (O’Brien, 2007, p. 42).*

In the case of Nigeria, the state has set a certain standard for PMSCs and have created their own code of conduct regarding authorized PMSCs. The Nigerian Navy prohibits the use of armed guards on merchant ships, which has led to the Nigerian Navy entering contractual relationships with PMSCs and are governed under a Memorandum of Understanding since 2012 (Skuld, 2021). This is different from how PMSCs and armed guards operate in the Indian Ocean as it has been described above.

From this literature review it seems that single state regulation can be difficult to obtain as state prioritize matters differently. When it comes to intergovernmental cooperation, Deborah Avant points to different governments each wanting to control different things of the private military and security industry. When each state has different ideas of what should be regulated, it is hard to get them to institute standard regulatory schemes together (Avant, 2007, p. 194). Seemingly, in the absence of an overarching authority regulation it is harder to achieve a collective set of regulations that all states can abide by. Avant suggest a governance approach, referring to coordination could be possible in the absence of such an overarching authority. In order to succeed the focus has to shift from individual efforts to how different efforts by different actors relate to each other (Avant, 2009, p. 1). Avant, Finnemore and Sell focus on the relations among authorities in global governance and break up the governance process into parts: rulemaking, implementation and enforcement, agenda setting and issue creation, monitoring, oversight, and adjustment. According to Avant, Finnemore and Sell the key to stable outcomes depends on different governors working together or at cross purposes. The idea is for governing actors and/or efforts to work together to complement each other and reinforce each other, this can lead to greater stability (Avant, 2009, p. 4). The governance approach that Avant, Finnemore and Sell suggest cannot only be applied to the PMSC industry, as the meaning of global governance is “*the collective effort to identify, understand and address worldwide problems that are beyond the capacity of a single state*” (Najam et. Al, 2006 Club of Rome n.d, cited in Avant et.al, 2010, p. 1).

Much of the regulation on PMSC process surround the nature of the private military and security industry. Collective action at the international level is further hampered by different pragmatic problems that are related to the nature and costs of various international regulatory frameworks (Cusumano, 2009, p. 19). Among international efforts is the Montreux Document on Private Military and Security Companies, initiated in September 2008 by the Swiss

government and the International Committee of the Red Cross. This is a document establishing recommendations and state's good practices and was supported by major home and contracting states, also some territorial states affected by PMSC activities (Cusumano, 2009, p. 19). The UN has made efforts through the years when the use of PMSC and concerns about human rights were raised. In 2002 an international Convention against the Recruitment, Use, Financing and Training of Mercenaries was passed. This convention is however faulty in its definitions and questions arose around to whether some PMSC were indeed falling under the definition of mercenary activities (Avant, 2009, p. 9-10).

After the initial efforts made during the peak of Somali piracy, several international organizations have created guidelines for the use of PMSCs in the maritime industry. The United Nations Office on Drugs and Crime (UNODC) has created a Handbook on the Use of Force by Private Security Companies, where they offer advice to states, private security companies and their clients on how to create lawful and practical use-of-force policies. It shall be read together with various relevant international and national standards that provide information and guidance on PMSCs (Drew & McLaughlin, 2020, p. 2-3). Also the widely used standard created by the maritime industry Best Management Practices to Deter Piracy (BMP), with its newest addition being BMP West Africa (BMP WA), have included guidance in the BMP WA on Private maritime security companies (BMP WA, 2020). However the BMP WA does not recommend nor endorse the general use of PMSCs, they leave the decision to ship operators, what the ship's Flag State permits and refer to the coastal state's legislation (BMP WA, 2020, p. 27).

These types of recommended guidelines can be viewed as an international effort to regulate or act as a complementary effort to regulation side by side with other governance actors in line with Avant's thinking. This can be interpreted as the maritime industry demanding more regulation and an indication that there is no overall process for regulation.

### 3.2.2. Private regulation of PMSC

Self-regulation can be viewed as a strategic tool by the private military and security industry. To bring legitimacy to the industry and create a good reputation for a firm, proper behaviour is crucial. Many PMSC have therefore started to partake in corporate responsibility, coming up with standards for professional behaviour and monitoring by objective groups (Avant,



2007, p. 192). Single firms and major industry associations have in the recent years produced several codes of conducts, best practices and ethics declarations (Cusumano, 2009, p.12). There is also a strong business case for self- regulation, not exclusive to the private military and security industry. Significant self-regulation lets companies for instance save money on legal and reputational costs that come from scandals and litigations, companies can gain market advantages compared to their rivals, by giving in to regulation a company can narrow down the market significantly and make barriers to get into the market, and lastly by effective self-regulation the industry has the ability to influence, soften or prevent any other legal regulations enacted by state actors (Cusumano, 2009, p. 13). Companies that engage in self-regulation and have actively shaped the standard-setting process will have a market advantage as they comply with standards earlier than their competition. What has to be kept in mind is that the public image of self-regulation is self-serving and profit maximisation for actors that try to give the perception of regulations (Bearpark & Schulz, 2007, p. 249).

The essential question is whether the complex PMSC industry is able to have effective self-regulation. Renée de Nevers argues that the private security industry lacks the will and capacity to adopt and implement effective self-regulation by itself. This would include the establishment of industry standards for proper corporate behaviour and the creation of mechanisms to ensure companies complying with the standards that they commit to by joining self-regulatory schemes (De Nevers, 2009, p. 481). De Nevers notes that self-regulation comes from a long history of private rule making, giving examples of the private maritime rules governed commerce in the Mediterranean over two thousand years ago and the Hansa League establishing codes to regulate trade. The reason to self-regulation lies in the idea to take action before government regulation and due to reputational reasons (de Nevers, 2009, p. 493).

There are also international efforts to develop voluntary corporate standards where multiple stakeholders have offered their input, an example being the Voluntary Principles on Security and Human Rights established in 2000. They were created through consultation by the US, UK, Norway, the Netherlands, industry representatives and NGOs (de Nevers, 2009, p. 495-496). The main goal with self-regulative frameworks like this is to ensure that the private security industry operates with the human rights concerns of the communities they work and let this guide their business operation (de Nevers, 2009, p. 495-496). De Nevers puts forth an interesting point of view for the preferred self-regulation that PMSC put on themselves. The majority of PMSC working internationally do not actively take part in self-regulatory

mechanisms. Among those that do, the preferred option is through industry association mechanisms. This implies that international activities are monitored to a minor extent (De Nevers, 2009, p. 503). With the current self-regulatory efforts three main points emerge: firstly a lack of key characteristics that is common to industries adopting obligatory codes which is the community of fate, second is the lack of capacity to adopt obligatory self-regulatory mechanisms by itself and third the fear of state regulation hampering the investment in strong industry associations that implement and enforce self-regulatory standards (De Nevers, 2009, p. 514).

Already in 2003 Singer wrote that self-regulation within the industry is welcome, but it will not be a final answer to the public concerns. In Singers opinion, voluntary codes provide a basis for excoriating firms that break the rules they have signed, they give cover of previously untested compliance without real commitment (Singer, 2011, chapter 5, p. 239). In a similar line, De Nevers emphasises that, while imperfect, the self-regulation of the PMSC industry should not be written off as it still can contribute to oversight over the industry. If self-regulation is done right it can improve formal regulation by furthering the regulatory reach of the state. Even weak self-regulation provides a basis that can make higher regulatory standards possible (de Nevers, 2009, p. 514). A second reason why self-regulation in the PMSC industry should not be written off is the inadequate existing regulations governing the industry globally. This way self-regulation can assist in the oversight of PMSC in states or regions where little formal regulatory governing takes place – it may not be sufficient but it is better to having no regulations at all (De Nevers, 2009, p. 514).

De Nevers also states that there are two possibilities to strengthen the industry self-regulation: *“governments could make compliance with industry codes a contractual obligation, and secondly to use voluntary compliance as a certification tool for companies seeking government contracts”* (de Nevers, 2009, p. 516). As a result self-regulation would become more formalized with greater government oversight. Although progress might take time to come to a consensus on how self-regulation should be controlled, self-regulation in the industry will likely remain part of the regulatory framework governing PMSC. Trusting it alone would be a mistake, and supporters need to make it more effective if it shall become a valid part of the framework (De Nevers, 2009, p. 516). Looking into industry self-regulation in this thesis will help to identify whether there is an industry will to self-regulate or if there are other actors that would like more self-regulation to take place.

### 3.2.3. Hybrid approach to regulation of PMSC

As established in the knowledge gap new creations of security structures have been formed as a result of the privatisation of formerly state-run services, such as security functions.

Privatisation is a global phenomenon with “networks of power” that it involves are often transnational, private security today has seen the rise of a worldwide marketplace and PMSC on a global scale. With firms operating in various countries and employing thousands of people around the world, firms such as Group4Securicor are a testimony of the shifting nature of today’s security actors (Abrahamsen & Williams, 2009, p. 2). Abrahamsen and Williams argue that the privatisation of security is strongly linked to the contemporary dominance of neo-liberal modes of governance. Privatisation, outsourcing and public-private partnerships have been commonplace since the 1970s. As a result, there is a shift away from the hierarchical and state centred structures or service that characterise a welfare state, towards diverse and different actors linked towards industries (Abrahamsen & Williams, 2009, p.3-4).

An example is the security market. As for why it has been possible to privatize security, Abrahamsen and Williams state that there has been a change in public policy together with social perceptions, norms and practices towards crime, punishment and security (Abrahamsen & Williams, 2009, p.4). Security has become less linked to what the state solemnly provides and become a service that is bought and sold on a market. This has provided grounds to the formation of new transnational security structures. Privatisation does not mean that the state provision of security forces falls away from the responsibilities of the state, quite the opposite, however PMSC provide most often legitimate expertise and act as a add on for many states security functions (Abrahamsen & Williams, 2009, p. 4-5).

With regards to private security companies, the idea is not that they are existing in opposition to the state but rather are a part of a complex security network that combines the public and private, global and local actors that cannot be properly contained within national borders. Abrahamsen and Williams call this phenomenon global security assemblages. Further they are interested in unravelling the activities of PMSC and their relationship with the state reflect their empowerment by shifts in security governance (Abrahamsen & Williams, 2009, p. 6).

New security assemblages entail more than new security actors, disassembly and reassembly of security, it brings rise to new hybrid security institutions and practices in both the private and the public realm, as well as local and global (Abrahamsen & Williams, 2011, p. 176). PMSC are part of a broader legitimate structures, norms and free trade, they are agents that produce forms of security governance by being able to influence other security actors. Example are risk-based services and technologies that influence my security operations, security alarms and fences. This way PMSC are important agents in the production of security services, forms of behaviour and attitudes. Because PMSC are powerful actors both local and globally, they need proper management and regulations. Regulation in turn might serve to either empower or entrench the private within the public sphere (Abrahamsen & Williams, 2011, p. 178).

The Italian Hybrid model between public and private security forces is a great example of a new security structure. Initially the VPD that are provided by the Italian navy are used unless none of the navy VPDs are available. Then Italian legislation allows shipowners to contract PMSC (Cusumano & Ruzza, 2015, p. 111). First there was a disagreement between the sides of those in favour and those against the employment of PMSC, as well as those who were for the sides that favoured military protection and those who favoured private security actors (Cusumano & Ruzza, 2015, p. 114). Private actors claimed they would be capable of greater flexibility, whilst the Navy Chief of Staff argued that uniformed teams would offer higher professional standards and would come with a clearer legal framework with regards to the use of force and law enforcement powers (Cusumano & Ruzza, 2015, p. 114). With regards to how this is regulated, shipowners have to ask for the authorization to embark armed contractors and there has to be proof that the VPD request has been rejected by the Italian Navy due to unavailability of military teams that period (Ministero dell'Interno 2013, Decreto Ministeriale 266/2012) (Cusumano & Ruzza, 2015, p. 115).

There are many states today that have private security providers, both local and global actors, working within their borders. The public-private debate in regard to maritime security providers is relevant to study deeper as it is a complex assemblage of security providers. Much of the focus on maritime and armed PMSC has indeed been on private firms acting globally and in international waters. Not all states do however allow PMSC in their territory (George, 2021). This is opening up the discussion for a hybrid model of both public and private, local and global security providers. The intent of this research paper is to reveal that public-private relationship of PMSC and its regulations in Nigeria for the local aspect of the

security assemblage argument provided by Abrahamsen and Williams. As for the global aspect, it is of interest to uncover how international security providers such as global PMSC are acting in Nigerian territories.

## 4. Research methods

This study is a qualitative study which looks into patterns among cases, providing unquantifiable data about the people that the researcher observes. This allows researchers to identify people's perception of daily life (Berg & Lune, 2012, p. 8). One of the main reasons for choosing this research method was the lack of detailed information and statistics that are both trustworthy and openly available to the public. Quantitative research is based on the quantification in the collection and analysis of data, with the intention to objectify reality (Bryman, 2016, p. 32). There were difficulties accessing some information while conducting this study, this was anticipated before the data collection process. It was anticipated that it would be difficult to find a quantifiable size of informants for this study with the needed knowledge for this study, which became another reason for choosing a qualitative study. By choosing this strategy it was deemed more efficient and trustworthy to collect data from accessible sources and conduct interviews with people interesting to this study.

### 4.1. Data collection methods

This study will make use of triangulation. Triangulation is the use of multiple sources of data to measure a single concept. This way the threat of validity can be counteracted (Berg & Lune, 2012, p.6) Triangulation is also the ability to cross-check findings (Bryman, 2016, p. 386). Triangulation is used in this study to validate the data found in texts with answers collected through interviews with people interesting to this study. For example, claims by one informant have been cross-checked with the response of other informants. Further the aim of using triangulation is to find written sources that validate what the interviewees stated in the interviews about regulation of PMSC in Nigeria. Findings from the interviews have been triangulated with official documents from the Nigerian state regarding the regulations of PMSC and organisations that research on maritime security have also been helpful in establishing validation to the findings from interviews.

This thesis will be making use of qualitative interviews and I will be conducting a thematic analysis on these transcripts. For triangulation this thesis will be using different types of documents, news articles and other articles to cross check my findings.

#### 4.1.1. Qualitative interviews

The primary data for this thesis are qualitative interviews. The nature of the qualitative interview is that it is a less structured process than in quantitative research and it is more interested in the interviewee's perspective. "Rambling" in such an interview is encouraged as it provides the researcher with what the participant sees as relevant. Also the qualitative interview can derail from the interview guide in the form of follow up questions and is more flexible in its nature (Bryman, 2016, p. 466-467). Although the qualitative interview is less structured, there has to be made preparations in the form of an interview guide that acts as a list of issues that are being addressed in the interview. Preparation for the interview guide included to create an order on the topic area, formulation of questions so that the answer will be beneficial to the research, using language that is easily understood (Bryman, 2016, p. 470-471).

There had to be created two interview guides (Appendix A & B); one that would apply for maritime security consultants and a second one for Nigerian security companies. The interview guide Appendix A consists of 21 questions. The first section of Appendix A was concerning maritime security overall, the second section did concern the PMSC regulations and operational factors in Nigeria. The decision for create a second the interview guides was made after conducting the first three interviews where I gathered extensive information, secondly the decision was made as I came in contact with Nigerian PMSC companies later in the research stage and decided to narrow the guide down to PMSC regulations and operations mainly. Interview guide 2 in Appendix B consists of 11 questions that focuses on the regulatory side of PMSC in Nigeria, the certification needed and operational challenges to security escort vessels. Follow up questions were asked in both interview guide settings and led to deeper understanding of the research topic. It was also helpful to clarify the specific topic to avoid misunderstanding. Semi-structured interviews might have made comparing findings harder as the outcomes were slightly different. I believe that it however strengthened the thesis as it shows the different actors focuses and their different opinions.

The sampling strategy for this qualitative study was purposive sampling. Purposive sampling is a non-probability form of sampling, where the researcher does not look for participants on a random basis. The findings from a purposive sampling approach cannot be generalized to a population (Bryman, 2016, p. 408). The aim was to interview experts on PMSC in the Nigerian context. Prior to conducting interviews I had a conversation about my research topic with a relevant company in the Norwegian maritime domain in order to better understand the complex situation and shipping industries needs in the GoG. Through this conversation I was put into contact with my first interviewee, it was established that the interviewee would fit the criteria for being part of this research. Contact was established via mail. This could be seen as opportunistic sampling, an unforeseen opportunity that presents itself that could provide data relevant to the research question (Bryman, 2016, p. 409). After conducting the first interview the interviewee suggested other contacts that would be relevant to the research project and forwarded me their contact details, contact was established by mail. For this thesis, six participants relevant to the study topic were interviewed.

The main criteria for this study was that the participants had to be indirectly or directly be working with or having to know the GoG and the use of PMSC in the region. They had to have understanding of the complexity of the security situation in the GoG and know the regulations on PMSC in Nigeria. It was important to possess this knowledge, have a background in this field in a certain way and clarify this before conducting interviews, to avoid misunderstandings regarding the research or afterwards while interpreting the interview. This thesis was successful in speaking with 3 Nigerian companies that work within the security sector in Nigeria. The 2 of the remaining participants worked within the European security business, focusing on Nigeria. The last interviewee works in an international organisation fighting crime globally, however I was not successful in approving that interviewees quotes and the data from that interview will not be used for this thesis. It was important to have in mind the motives these people have when analysing the interview data to avoid statements that could be perceived as self-interest.

This thesis makes use of virtual interviews conducted via Zoom. Zoom is similar to the platform Skype, an available service for many and makes an online interview much like a face-to-face interview when the camera is used for the participants to see each other. As with other forms of conducting interviews in a study, there are certain issues to be considered alongside the benefits (Bryman, 2016, p. 492). First of all, this form of interview was chosen because of its convenience and flexibility. In a global pandemic it is convenient for all

participants to be interviewed from their comfort of their home. It is flexible in the sense that last minute changes can be made and time saving. Some of its limitations are the technological issues that can occur during the interview with unstable Wi-Fi connections or issues regarding the quality of sound and video (Bryman, 2016, p. 492). All the interviews have been conducted in Norway with Zoom interviews. Electronic interviews have shown to be very helpful as it allowed the participation of informants that were based in different countries. Most interviews took over an hour to conduct, although this is quite long the participants took their time and even invited me to contact them for new questions if they should occur.

This research will also make use of thematic analysis of transcripts. This approach entails to search of themes in the data, for some researchers it is more or less the same as a code (Bryman, 2016, p. 584). Bryman identifies the criteria for a theme as the following: *“Themes are a category the analyst identifies through her data, that relates to her research focus, that builds on codes identified in transcripts and provides the researcher with the basis for a theoretical understanding of her data that can make a theoretical contribution to the literature relating to the research focus”*(Bryman, 2016, p. 584). Ryan and Bernard recommend looking for some of the following when searching for themes: repetition of topics that reoccur often; metaphors; transitions; similarities and differences; missing data and theory related material (Bryman, 2016, p. 586). After transcribing the six interviews, thematic analysis will be applied to the data.

The thematic analysis of the 6 participant interviews revealed 4 themes related to the regulations of PMSC in Nigeria. These thematic categories were created by reading the transcripts, writing the themes presented in the text down on each page, I looked at them again to see what could be pulled out into wider thematic groups that could present segments. This way I could allocate pieces of each interview into a segment that was associated with that theme. The themes that are relevant to the findings on Nigerian regulation of PMSC are: National Regulations and requirements, transparency of the regulation process, focus on socioeconomic challenges and regional cooperation. Each theme’s findings will be presented separately in the following sections.



#### 4.1.2. Study of documents

Much of my research is based on documents as a source of data, as many parts of my information is derived from books, reports, online journals, official documents, websites, newspapers and other publications that were considered to be trustworthy information. These documents are a majority of official documents derived from organisations including the UN, the International Maritime Organisation (IMO), the International Maritime Bureau (IMB), Risk Intelligence and the Norwegian Shipowner Association. Companies and organisations are producers of a variety of documents. Some of the documents that organisations produce are public domain, such as annual reports, and other documents are not open to the public. What has to be considered is the creator of the documents point of view and how they bring it across, looking into the intention (Bryman, 2016, p. 553). When using a written source the researcher has to consider the purpose and context of the written record. It should also be considered what the researcher has been allowed to access and what is not accessible and not written about. Contextual integrity is important in processing data, and means to be aware of the political purpose of the repository and of the choice of words, values and etiquette at the time the document was created (McLennan & Prinsen, 2014, p. 82-83).

Data from IMB, IMO and Risk Intelligence are also being used as a source of data. These data and statistics help to create credibility and legitimacy for the points made in this research and acts as a visualisation to the descriptions. It has also to be noted that various news outlets, business forums and industry organisations use these statistics in their reporting, the statistics are therefor considered trustworthy. The IMB launches new piracy incident reports quarterly and a summing up yearly how crime and armed robbery at sea takes place. The reports can be requested for download on the website (ICC-CCS, c, 2021). When using these reports it is important to consider that different organisations collect reports about incidents and that the reporting standards and classifications differ (RiskIntelligence, 2019, p. 5). Statistics represented in the IMB annual and quarterly reports have to be used as guiding evidence in addition to other data sources in the search to be representative of the situation, rather than tangible statistics on its own.

This thesis research had to rely on the use of websites. Websites can be useful to the researcher and include government websites, clubs and organisations, multilateral institutions, NGOs and news sites. Valuable is the archive function that many of these sites provide, especially media archives. Media sites are easily accessible as well and therefor one of the

simplest sources of data to find (McLennan &Prinsen, p. 88-89). This has been valuable data as news articles and contributions to business journals have been used to stay updated on current events, changes and activities among pirate incidents and PMSCs in the GoG. There are also criteria for assessing the quality of documents and websites that should be followed. The researcher has to identify the authenticity, credibility, representativeness and meaning (Bryman, 2016, p. 546). Authenticity refers to the reliability of the source, genuine and original; credibility refers whether the data source is accurate and free from errors; representativeness refers to if the evidence is typical of its kind, and if not, is the extent of its untypicality known; meaning refers to whether the evidence is clear and easily understood (Bryman, 2016, p. 546). These are broad criteria for documents to be assessed by, however they have been tried to apply in this research were possible when assessing the quality of the documents.

## 4.2. Quality

The most prominent criteria for the evaluation of social research according to Bryman are reliability, validity and replication (Bryman, 2016, p. 41). Reliability is concerned with the question of whether the results of a study are repeatable and whether the findings are consistent (Bryman, 2016, p. 41). Replication is similar to reliability, but it relates to the replication of findings of others (Bryman, 2016, p. 41). Replication can be the use of other authors, scholars and trustworthy sources that are used to build on and supplement findings. These scholars have to be credited and this thesis achieves and follows the principle states by Bryman by proper citation throughout this thesis, following APA 6<sup>th</sup>. Validity concerns the integrity of the conclusions that are created from research (Bryman, 2016, p. 41). There are various facets of validity, but this thesis focuses on internal and external validity. Internal validity refers to whether there is a correspondence between the observations made by the researcher and the theoretical concepts. External validity refers to which degree the findings can be generalized (Bryman, 2016, p. 384).

With regards to reliability, this thesis relies on data collection from trustworthy sources from international organisations, reputable authors in the field of PMSC, and interviews with both experts and people that work with PMSC on a daily. Throughout the transcription process of

the interviews it became clear that there are repeatable findings and that the interviewees gave consistent answers. With an unstructured interview approach there will be deviations, but there were many similar findings that stood out immediately and that will be reflected in the analysis. In terms of external validity, since this is a study relying on purposive sampling, the findings are not able to be generalized to a larger population. The aim is to have an internal validity as the conclusions are drawn on the perspectives of the interviewees and my interpretation of these statements. Because it is important to strengthen reliability and validity this thesis will be making use of triangulation.

### 4.3. Ethics

When conducting research in the form of a master thesis, ethical principles have to be followed. Bryman describes four ethical principles in social research that tend to occur and also somewhat overlap, they include; “*whether there is harm to the participant, lack of informed consent, invasion of privacy and whether deception is involved.*” (2016, p. 125-126). The people who have been contacted to be part of the study have been informed for ethical and practical reasons about the extend of this research project. Interviews were not deemed to be harming the participants in regard to safety as they were in work positions that would not harms their reputation talking to a researcher, also they were able to choose whether they wanted to stay anonymous through the thesis and were informed on how the information collected would be used in the research project and thereafter destroyed. A researcher should however try to limit disturbance to the subjects themselves and to the subject’s relationship with their environment. This includes the confidentiality of identity and records (Bryman, 2016, p. 127).

To be able to conduct qualitative interviews for this thesis, an application to the *Norsk Senter for Forskningsdata* (NSD) had to handed in. NSD is an organisation that aims to protect personal information within research (NSD, 2021). The application based on the establishment of an information letter that, if accepted by NSD, would be sent to the research participants prior to the research interview. The information letter states the project purpose and informs the participant on their rights with regards to personnel information throughout the research period. The information letter has been helping to establish the rights to anonymity, which was appreciated by the participants. The initial idea of this information

letter is to be signed by researcher and the participant. As interviews were conducted over the internet and with participants in different parts of the world, it was not possible to send the copies signed due to lack of E-signatures, print and scan options. Consent was collected through e-mail and before the start of the interview instead. In line with NSD, the interviews were anonymized, transcripts are stored in a secure place until the end of the project and recordings of the interview have been deleted in line with the NSD application.

#### 4.4. Limitations

Some limitations have been made to restrict the scope of the thesis and focus the attention to the regulation process of PMSCs in Nigeria. Chapter 1 has introduced why PMSCs have become part of the maritime security landscape as part of protection for seafarers against piracy. Chapter 2 further built on the understanding of maritime security and the Nigerian context. Both chapter have highlighted that maritime security is a vast field of study. So is the field of piracy which is the trigger to why PMSCs are an option for providing security to seafarers. It is important to state that this is not a direct study of piracy, rather a contribution to the broader discussion on piracy and maritime security.

The aim of this thesis is to examine how PMSC are regulated in Nigeria and whether they are viewed as part of a long term solution to piracy in Nigeria. As PMSC are used as a measure of protection to seafarers against piracy all over the world, this thesis will be based on Nigerian PMSC only as Nigerian authorities only permit certain PMSC to operate offshore (Jacobsen, 2021, p. 81). Much of the findings will surround the 2017 statement by the Nigerian Navy that embarked security personnel were strictly prohibited to embark on any vessel. And that only Nigerian Navy can be acting as armed guards together with PMSCs on vessel escorts (IRI, 2017). This thesis looks to answer what regulations have to be followed by PMSCs to be working in compliance with regulations in Nigeria. Therefore this thesis will not discuss foreign PMSCs activities in Nigeria.

Maritime security is a complex field to study and PMSC are just a piece of it. A desired outcome of the thesis would be to provide the maritime industry with new discussion points and a change of focus in the piracy discussion. A limitation to this study is with regards to transparency of documents. The NIMASA Act for instance is not openly distributed on the internet and therefore this thesis has not been able to look at the document. NIMASA is the

Nigerian Maritime and Safety Agency and was established as a body that can promote maritime safety and security in Nigeria through this Act (Orakwusi, 2010,p.6). NIMASA has an official well-functioning website which states their services and jurisdiction. Under the “About Us” tab on their website are three links that would lead to the download of the NIMASA Act, Merchant Shipping Act of 2007 and the Coastal and Inland Shipping Act of 2003. None of these links lead to a document that can be downloaded, it led to a simple “No Results Found” landing page (NIMASA, 2021). Therefore this research has to rely on what participant interview responds and documents I have found to be trustworthy with regards to NIMASAs jurisdictional power.

This thesis is based on participant interviews by various actors in the maritime industry in Europe and Nigeria. A weakness within this thesis is that it was not able to conduct more interviews that would have been relevant to the research topic. Generalization from the data collected through interviews is therefore also not possible as this is a qualitative study. The findings from a qualitative research embody interpretations of the social world through the examination of the interpretation of that world by its participants, therefore they are not absolute (Bryman, 2016, p. 375).

## 5. Key Findings & discussion

The purpose of this chapter is to answer the research questions and analyse the findings. This chapter will look at the findings from the interview and verify those findings with written sources such as national and international frameworks, international standards and recommendations produced by maritime industry organizations and UN bodies. The chapter is divided into three main sections that correspond to each research question. The first research question has been divided in two, the latter part of the question surrounding how PMSCs work in practice will be discussed in subchapter 5.1.2. In the first section will describe the Nigerian regulations of PMSCs, looking into the national regulations that PMSCs have to follow to be able to work as a PMSC. It will also look into relationships between public and private actors in the Nigerian security market, it will illustrate the complexity of how Nigeria has chosen to regulate PMSCs. Because Nigeria has chosen a public-private model for regulation some of the challenges that arise with the model will be addressed in this section as well.

The second main chapter will aim to answer the second research question: Are private maritime security companies part of a long-term solution to piracy in Nigeria? This section will look at the findings from the interviewees and reveal what long-term solutions are a part of the anti-piracy effort and whether PMSCs are included in that.

This chapter aims to answer the first research question: *How are private maritime security companies regulated in Nigeria and how does it work in practice?* Subchapter 5.1 will look at the first two themes identified in the thematic analysis of the interview transcripts, national regulations and requirements, and transparency in the regulation process. Subchapter 5.2 will look at the model that Nigeria has chosen and how it works in practice today. Lastly 5.3 will discuss the key findings and link it to the theory presented in chapter 3.

### 5.1. National regulations and requirements

The Nigerian constitution combined with the Nigerian Armed Forces Act and the NIMASA act lay grounds for which organizations in Nigeria are empowered to maintain safety and security in its territory. The Nigerian Constitution of 1999 Chapter 6, Part 3, C, states that *“the Armed Forces of the Federation shall consist of an Army, a Navy and an Air Force. It further states that it is the purpose of the Armed Forces to defend Nigeria from a. defending Nigeria from external aggression and b. maintaining its territorial integrity and securing its borders from violation on land, sea, or air”* (Constituteproject, 2021, p. 93).

The Armed Forces Act (1994, Part1, section1, point 4) states a clearer description of the duties of the Navy:

*(4) Notwithstanding the generality of the provisions of subsection (3) of this section-*

*(a) the Navy shall, in particular, be further charged with-*

*(i) enforcing and assisting in co-ordinating the enforcement of all customs, laws, including anti-bunkering, fishery and immigration laws of Nigeria at sea;*

*(ii) enforcing and assisting in co-ordinating the enforcement of national and international maritime laws ascribed or acceded to by Nigeria;*

*(iii) making of charts and co-ordinating of all national hydrographic surveys; and*

*(iv) promoting, co-ordinating and enforcing safety regulations in the territorial waters and the Exclusive Economic Zone of Nigeria; (Part 1, section 1, point 4).*

The NIMASA Act makes it possible for the agency to contract PMSCs or make other arrangements with them to provide security services in the Nigerian maritime domain. This means the territorial waters and the Economic Exclusive Zone (EEZ) (Skuld, 2021). Under international law the maritime zones that are recognized are internal waters, territorial sea, the contiguous zone, EEZ, the continental shelf and the high seas (Drew & McLaughlin, 2020, p. 38). Every state has the right to establish the breadth of its territorial sea up to 12 nautical miles (NM) measured from baseline. Within its territorial sea the coastal state has sovereignty. The waters seaward of the 12NM are recognized as international waters (Dre & McLaughlin, 2020, p. 38).

As the coastal state has full sovereignty of its territorial waters, the regulations on PMSCs therefore extend to the sea. The only bodies that are allowed to maintain safety and security in territorial waters and the EEZ in Nigeria are the Nigerian Navy and NIMASA (Skuld, 2021). There is a consensus that coastal states do not have the legal right to regulate the carriage of firearms in the contiguous zone. However, some states do claim authority to restrict or even prohibit the carriage and/or possession of firearms in that specific zone. Therefore, it is important to know how the respective coastal state's interpretation is of its rights before entering its contiguous zone (Dre & McLaughlin, 2020, p. 38). From viewing the Armed Forces Act it seems as Nigeria interprets UNCLOS in that way that it has sovereignty up to the EEZ as it only allows Nigerian Navy and NIMASA to maintain safety and security in that zone.

Since June 6th, 2016, the use of armed guards on merchant ships has been expressly prohibited by the Nigerian Navy's Chief of Naval Staff. As a result, the Nigerian Navy has entered into contractual relationships with private security companies. These private security companies have been governed by a Memorandum of Understanding (MoU) since 2012, the MoU has since been revised both in 2016 and 2019 (Skuld, 2021). Having any person falling under the description of a security guard and/or any personnel performing functions of a security expert or bridge advisor on board is an offence to NIMASA. This is a breach of Nigerian Law and that person would be liable to face justice. Also, the vessel that commits

the offence could be the subject of an investigation and may be detained by Nigerian authorities (RiskIntelligence, 2021, p. 1).

The MoU is one of the key documents that allows PMSCs to work with the Nigerian Navy. The MoU of today has its origin between 2008 and 2010 where a response to the MEND insurgency in the Niger Delta a hybrid model of security started to take place (Siebels, 2020, b, chapter 6, p. 107). Due to the lack of capacity by the Nigerian Navy, the oil companies started to charter specific vessels which were partly manned by security forces personnel, the Navy were responsible for weapons and ammunition and response to attacks. This type of cooperation worked well as the two actors have a longstanding relationship, furthermore it led to an increase of private companies that were providing security and protection to merchant ships (Siebels, 2020, b, chapter 6, p. 107-108).

The MoU today governs the relationship between the Nigerian Navy and security companies, signed by the Chief of Naval Staff (Siebels, 2020,b, chapter 6, p. 109). The sole concern of the MoU is with the provision of patrol boats that are owned and maintained by security companies, they do have to be certified by the Navy. The boats then go under the operational command by the navy and are manned by naval personnel when contracted to provide security for offshore installations, export terminals, or the escort of merchant vessels within Nigerian waters (Siebels, 2020, b, chapter 6, p. 109). Today there are approximately 30 companies holding the MoU, which Risk Intelligence calls Private Maritime Logistics Support Companies (PMLSC) (Skuld, 2021). There are many tasks that a private security company can provide, and logistical support is a large market for private companies. This type of service includes transport, food, other administrative tasks, and setting up camps and bases (Avant, 2018, p. 355).

There are certain requirements that these PMSCs have to fulfil to be compliant with the MoU. The requirements include: compliance with the Nigeria regulations as stated in the MoU, the vessels provided have to be suitable for the operation and capable to deter offshore attackers, including a mounted weapon, certificates by the Nigerian Navy for the vessel, they also have to provide sufficient insurance cover (Skuld, 2021). It was not possible to obtain an official MoU for this thesis as this is a strictly confidential document that only the Nigerian Navy and PMSC have access to. Siebels notes that the MoU never has been made publicly available (Siebels, 2020, b, p. 109).



Furthermore what the MoU does is it governs the functions that the PMSC provides in accordance to the agreement between the PMSC and the Nigerian Navy. The responsibilities of the PMSC are provision of the vessel including administrative work, operations, risk management, training, maintenance, contracting and coordinating with clients of the escort vessel operation (RiskIntelligence, 2021, p.2). The responsibilities of the Nigerian Navy are the operational control, training their own navy personnel, manning the vessel and provision of its own personnel, as well as the provision and custody of arms and ammunition. The MoU is designed to only embark Nigerian Navy personnel on preapproved vessels, the embarkation on any vessel besides the escort vessel of Nigerian Navy and their weapons is strictly prohibited (RiskIntelligence, 2021, p. 3).

This describes a clear distribution of responsibilities between the private Nigerian actors, being the PMSC, and the responsibilities of the Nigerian Navy. On the contrary to other regions and the model of PMSCs used in other “pirate hotspots” as described in the introduction, armed guards or armed navy personnel is not a legal practice in Nigeria. The legal measures regulated under Nigerian law are escort vessels and patrol boats as it has been found above. The PMSC have to follow certain regulations to be operating as a private security company and provide vessel escorts in Nigeria. Some of the regulations have already been listed in the requirements for the MoU, additional data has been collected through participant interviews.

The National regulations and requirements that must be followed to be operating as a security company besides having the MoU, the companies also have to have a Civil Defence License. One of the interviewees working in the Nigerian security sector had to say the following about the process of obtaining the Civil Defence License: *“It is the main security license for Nigeria, you apply for the civil defence corps. A requirement for getting the license is that all directors of security companies in Nigeria have to be Nigerian. You cannot have internationals involved in running a security company or owning one in Nigeria. They have to be vetted by the state and interviewed [...] that they don’t have any criminal or terrorist background”* (interview#3).

Another interviewee also working in the Nigerian security sector confirmed that a company also has to apply to the civil defence corps: *«For you to operate a private security company you have to registered in Corporate Affairs Commission. The corporate affairs Commission is in Abuja and they are under the administration Ministry of Trade and Industry. Then later you got to write an application to the Nigerian security and civil defence corps. Because these*

*are the ones apart from getting the approval from corporate affairs, you must get clearance certificate from the Nigerian civil security and civil defence corps.” (interview#5).*

Another regulatory body to apply to is the Department of Petroleum (DPR): *“If you are going to be in the oil and gas sector you need the DPR certificate for your escort vessels. [...] you also have to have your tax clearance certificates”* (Interview#3). The Department of Petroleum Resources has issued Guidelines and Requirements for the Application of Oil and Gas Industry Services. The 2017 edition states how various service providers can apply to the DPR to obtain permits that would allow them to be working in the Nigerian oil and gas sector (DPR, 2017, p. 3). Escort services go under the Offshore Operation Support Services listed under 1.3.6 Special Transportation in the Specialized category (DPR, 2017, p. 16). The interviewee also explained that every license they possess, the Civil defence license, the DPR, NIMASA license and the tax certificate are renewed every year. The MoU is renewed every two years. On how the process of renewing the licenses are, the interviewee has the following to say: *“In Nigeria, you renew your license, you pay the money, you may not get the certificate straight away, it takes a little bit of time for it to come through”* (interview#3).

The theory chapter has looked at Abrahamsen and Williams approach to security assemblages. With regards to the research question of how PMSCs are regulated in Nigeria a strong public-private model has been identified in the findings above. Abrahamsen and Williams wrote the article Security Beyond the State: Global Security Assemblages in International Politics in 2009 with two case studies in mind, one being Nigeria (Abrahamsen & Williams, 2009). Abrahamsen and Williams pointed towards the oil industry being one of the enablers for the growing presence of private security which provides an illustration of global security assemblages. They also described the complex situation in the Niger Delta, noting that there have been insurgencies on oil platforms in the form of attacks on the companies and property (Abrahamsen & Williams, 2009, p. 9). The findings above have revealed that indeed the oil industry has been one of the factors to why the presence of PMSC and the public-private relationship between PMSCs and the Nigerian Navy has been established.

As a result of these attacks the oil companies had changed their security and PMSC became increasingly prominent. At the time the article was written, Abrahamsen and Williams wrote that there was expansion of international security personnel and companies (Abrahamsen & Williams, 2009, p. 10) There is the possibility that this regulation has changed since the article was written, or that there is space in the Nigerian regulations that permits foreign

PMSC to operate in their territory. However, Abrahamsen and Williams described that the private security actors operate closely with public security forces, as seemingly every level of public force had been integrated into the daily security arrangements of the oil industry. This made it difficult to tell where public force ends and private security begins (Abrahamsen & Williams, 2009, p. 10).

They further give an example of a security assemblage between Chevron Nigeria Ltd. and their relationship with Group4Securicor's, the operations are integrated in a complex and intricate assemblage with various elements of the public security forces (Abrahamsen & Williams, 2009, p. 10). One of the similarities that Abrahamsen and Williams describe is the challenge of carrying weapons which is prohibited in Nigeria. The solution comes from cooperation with the Nigerian Police, where members of the Mobile Police who are allowed to carry weapons are integrated in the private security company (Abraham & Williams, 2009, p. 10). The Group4Securior subcontractor are interacting with Governmental Security Forces on a daily basis, the Navy would also be used to supply operations offshore and in swamps. There were also escort and protection operations supplied by the Group4Securior subsidiary, the security company operates the vessel, and the Navy provides the personnel that are allowed to operate weapons (Abrahamsen & Williams, 2009, p. 11).

This is the same fusion between public and private that my findings above revealed. Due to the limitations of weapon handling PMSCs and the Nigerian navy have a contractual relationship. Their relationship is governed by the MoU and the main service they provide offshore is escort vessels with embarked Navy personnel. New security assemblages entail more than new security actors, and reassembly of security, it brings rise to new hybrid security institutions and practices in both the private and the public realm, as well as local (Abrahamsen & Williams, 2011, p. 176).

The Nigerian arrangement of PMSCs together with the relationship of State Forces are a new hybrid security structure in line with Abrahamsen and William's example of a security assemblage. As Abrahamsen and Williams mentioned, it can be difficult to tell where public forces end and private security begins. This is made difficult especially when the escort vessels by the private security company are to be painted in navy colours (Tinsley, 2017). The question is whether we can talk about a true global security assemblage or a local security assemblage as there are by law only Nigerian security companies allowed to operate in Nigeria and the navy is the only body allowed to enact safety and security within its territory.

## 5.2. How Nigerian PMSCs work in practice

The traditional way of deploying PMSCs is the shipping industry hiring embarked private security force personnel (OBP, 2017, p. 1). Many within the shipping industry have gotten used to the employment of privately contracted armed security personnel after their experiences related to Somali piracy. They do however often fail to understand that the business model created by the private maritime security industry in the Indian Ocean is different from what is most common in West Africa, with that Nigeria (Siebels, 2020, b, chapter 6, p. 108). As the Indian Ocean model on merchant vessels has been effective in deterring pirates the shipping industry wanted to adapt that same model to the other side of the African continent (Siebels, 2020, b, chapter 6, p.109).

As is explained in the above written chapter the regulations in Nigeria are different. The Nigerian Navy has a public private relationship for the provision of security of the Nigerian maritime territory and the MoU is overseeing that relationship. Previously the naval efficiency in Nigeria was strongly hampered due to the lack of patrol boats. The Nigerian state tries to solve this problem by using local established PMSC and their vessels (Eruaga & Mejia, 2020, p.91). This way of providing security in Nigeria has been helpful to secure installations and vessels transiting in Nigerian waters. Furthermore this gives the Nigerian Navy the infrastructure they need to provide security in their maritime territory (Eruaga & Mejia, 2020, p.92)

The interviews revealed that is a very straight forward business transaction. One of the interviewees explained the course of employing PMSCs and armed guards in Nigeria: *“the way it is organized is that the PMSC have signed a memorandum of understanding with the Nigerian navy, and based on that memorandum of understanding they can provide security vessels, and these vessels are partly manned by the respected company. They provide the master, they provide the chief engineer and a couple of seafarers. Also when they are on task they are partly manned by Nigerian navy personnel. And being on task means that they can offer escorts to merchant ships coming into or going out of Nigeria to a certain port or terminal. It is also used and that is the main use actually to provide security around offshore fields, offshore oil and gas production sites”* (Interview#1).

Another interviewee working in the European security market confirmed the course of events when hiring PMSCs and armed guards: *“the shipping company would request the security company, they probably asked for a quotation so they look at the price. [...]and then when it comes to the cost of the Navy, once they requested it and they've got a date, the security company will put a request into the operations officer at the respective naval base. So it is Lagos and it's down in Port Harcourt. And then he will allocate Navy for that vessel and weapons for that particular vessel”* (interview#2).

The initial reason for the public private relationship between the Navy and local PMSC was due to the lack of resources in the form of patrol boats. This research has revealed that there also is a lack of resources among PMSCs and not every PMSC does own their own vessels. One interview working in the Nigerian maritime security industry revealed that there are PMSCs that have to borrow security vessels from other approved companies: *“For a company like ours where we don't have our vessels and we don't have a direct MoU with the Nigerian Navy, we are partnered with security escort vessels companies that own vessels and also have an MOU with the Navy. You can borrow their vessels, so we can, you know tell them “hey, we have this task”. We hire their vessels, their vessels come fully with crew and Navy on board. And so they conduct the escort. That's how we work. Same for if we needed guards on board. We just go to that company and say “hey we need guards on board, you have that partnership with the Navy” and then they just get us the guards and we run it for the for the duration of the task, as required by the client and everyone is happy”* (interview#6).

Public private relationships are not necessarily a completely new phenomenon. When governments became aware that it would not be cost effective to provide their own navies, most nations started using armed guards. The regulation of antipiracy PMSCs is a responsibility of a flag state. And as a response to Somali piracy new laws and regulations that allow PMSCs on a vessel were introduced by flag states (Liss, 2015, p. 84). Some coastal and port states do however prohibit armed private security personnel aboard the vessels flying their flag (OBP, 2017, p. 2). The way they decided to address this issue is by authorizing and deploying uniformed military personnel from the respective state to embark on commercial vessels transiting the Indian Ocean (OBP, 2017, p. 1). This is like Nigeria who prohibits anyone to have armed embarked security guards on any vessel. This also applies to the Navy, police or military in Nigeria (IRI, 2017).

Vessel Protection Detachments (VPD) are uniformed personnel provided by the Navy, they are embarked on a vessel with the approval by that flag state (OBP, 2017, p. 1). The use of

VPDs has been adopted by Italia, the Netherlands, Belgium and France amongst other (Cusumano & Ruzza, 2015, p. 111). The use of VPDs is also an example of private public relationships between a state and its industry. Drawing on what has been discussed above on how Nigeria regulates PMSC and the formalities around this arrangement there can be found similarities to VPDs. Similar to the states that allow VPDs, Nigeria also makes use of its Navy personnel as armed guards. They do simply not embark onto a vessel other than a security escort vessel by a local preapproved PMSC.

One major finding with regards to the embarkation of navy personnel onto commercial vessels is that the Nigerian Navy go against their own regulations. This practice of embarked armed guards on any vessel other than a PMSC escort vessel is strictly prohibited by law in Nigeria by the Chief of Naval Staff since 2017. According to the Nigerian Navy, they wished to make it crystal clear that armed guards are no longer allowed on board merchant vessels (Tinsley, 2017). An interviewee noted the following with regards to armed guards on board vessels: *«The tricky thing with the guards on board in Nigeria, there was a rule, [..] where it was against the law to have guards on board, it was illegal. But, well it's Nigeria. It never stopped. It never stopped and. It continued so it's not illegal to be honest, it's very legal because the Navy keep on doing it. [...] So if it's the guards on board you required then just simply, you know, let the Navy command know they require that and they have it all arranged and sorted and you have guards on your vessel»* (Interview#6).

There are cases that illustrate that there still is embarked security personnel working on vessels, and they are caught in crossfire. In January 2020 there was a piracy incident on the *Ambika*, an oil dredger that was attacked 3NM from the mouths of the Ramos River (Dryad, 2020). A firefight broke out between the pirates and the embarked security personnel on the *Ambika*. After heavy exchange of fire the vessel was boarded, 3 crew members were abducted and it was reported that 4 military armed personnel had been killed during the attack and multiple injured. Incidents within that region take place on a regular (Dryad, 2020).

This shows transparency issues within the provision of security services within Nigeria's maritime domain that otherwise according to Siebels is in theory governed by strict rules and regulations. One example is that it is the Nigerian Navy that has jurisdiction in territorial waters and the EEZ (Siebels, 2020, b, chapter 6, p. 109). The issue however is that there is little documentation and guidelines that are available to the public (Siebels, 2020, b, chapter 6, p. 110).

In some situations the lack of information can be justified based on the security level of the operation. The lack of information and transparency overall however is the foundation for backroom deals between current and former ex-militants, politicians, senior military officials and private investors (Siebels, 2020, b, p. 110). Transparency in Nigeria is of concern. Transparency International ranks Nigeria 149/180 on the Corruption Perception Index of 2020 and with a Corruption Perception Index score of 25/100 for 2020 (Transparency International, 2021).

The participant interviews revealed that there are concerns about transparency and issues that can be categorized as corruption, they influence each other. One of the interviewees noted that the issues surrounding transparency of the MoU and who holds it, is one of the main challenges:” *The main issue with transparency in this is around who's actually getting the MoU[...]So which companies actually are able to sign the MoU and are on that list of MoU holders? So there's no transparency around why are they allowed to. For some of the companies that are actually on the list, everybody was saying, okay, that's a bit strange. How did they get an MOU? Because they don't actually operate any vessels, so they only chartering them, that's the transparency issue. [...] And obviously there's a lot of transparency issues with the potential corruption*” (Interview#1).

One of the interviewees states that a security company needs to sign an individual MoU with the Nigerian Navy, a security company should not be able to pass their MoU off to other people. This is however something that does happen and that way they justify operating as a security company. Furthermore the interviewee working in the security sector in Nigeria said the following:” *there are not that many [security companies] that should be operating in the maritime domain [...] companies that have the MoU not all of them are suitable for security in that they are construction companies or dredging companies that have vessels but do not have any security experience*”(Interview #3).

Theoretically the Nigerian Security and Civil Defence Corps is in charge of rounding up PMSCs that operate without a valid license. There are also other governmental bodies that should cooperate to oversee whether PMSCs are following regulations. One interviewee noted that there is a void in this are: “*It should be led by NIMASA, Nigerian Navy and Civil Defence Corps, however, they are more interested in getting the money for licencing than ensuring compliance and that companies that operate, are doing so with the correct registration, licencing, and compliance to standards.*” (interview#3).

The Nigerian Security and Civil Defence Corps (NSCDC) Act of 2007 states that it shall “(c)From time to time, inspect the premises of private guard companies, their training facilities and approve same if it is up to standard. (d)Supervise and monitor the activities of all private guard companies and keep a register for that purpose. (ii)Seal up any private guard company which operates without a valid licence.” (NSCDC, 2021). This indicates that it is the NSCDCs responsibility of overseeing which companies should be acting as PMSCs in Nigeria and oversee who is in compliance with the regulations. This confirms the statement given by interviewee #3. Another interviewee confirmed that NIMASA is one of the government bodies which regulated and oversees compliance of all PMSCs in Nigeria (Interview#6). This implies that the process of overseeing compliance of PMSCs is a multi-agency task.

One interviewee working in the Nigerian security business did not want to answer neither for nor against the allegations of corruption and unqualified companies on the Navy MoU list. The interviewee expressed the following:” *If the Nigerian Navy has signed an MoU with a company, then that company must have, gone through the vetting process. They have all their ducks in a row. [...] at the moment we have 57 companies on the new MOU. So whether those companies deserve to have that MoU with Nigerian Navy or not, I cannot answer that. That is actually between them. And the Nigerian Navy is there corruption? Oh yes, of course there is. But[..]I will have to hold out the belief or the faith that the Nigerian Navy know what they're doing and that they have adequately vetted these 57 companies*” (Interview#6). The MoU has never been made publicly available (Siebels, 2020, b, p. 109). The number of MoU holders was about 30 in at the end of 2018 (Eruaga & Mejia, 2020, p.92). According to interviewee #6 the Navy has published a new MoU with 57 holders. Because the Navy never has been transparent when it comes to the MoU holders it cannot be verified if there have been taken off inadequate companies. Therefore, it can never truly be verified whether the new additions to the list are compliant with the regulations or not.

It is very much up to the maritime industry, the shipping industry to see whether a PMSC is in compliance with the regulations and standards that NIMASA is setting in the MoU. One of the interviewees said the following:” *We very much recommend to do a proper due diligence on the respective company because depending on your own types of operations your own types of ships, you may need a certain level of quality from security personnel. So not every security vessel for example is able to go out 200 miles for rendezvous, so there's a lot of*



*smaller vessels that are not actually capable of going out that far and then escorting a merchant ship back in.” (interview#1).*

When it comes to reasons for justifying Nigeria’s approach to regulating the PMSC market within their territory, the thoughts of participants in this study were aligned. Three of the interviewees that participated work in or work closely with the private security sector in Nigeria. Several of the interviewees hinted at the crime and armed violence rates, with many illegal weapons uncounted for as one of the reasons. One interviewee said the following: *“Because of the insecurities in Nigeria, they don't want anyone other than a licensed are or serving armed forces personnel to have access to weapons. We there's so much crime and armed violence in Nigeria, so many illegal weapons on the street that they have to have a rule somewhere to draw the line.” (intervie#3).*

Another interviewee pointed towards the consequences if also foreign PMSC would engage in the Nigerian territory: *“To be brutal about it, if you look into the complexities of it [...] if you had foreign securities in there plus the locals, then you could have a lot of practices of blue on blues causing more violation, more issues and proliferation of guns. At this moment in time it is about looking after their own sovereign rights. But it also makes a lot of money” (interview#2).*

A third person had to add the following: *“It has to do with national security. you never know what a vessel is bringing into your country. It is dangerous for you to have security personnel from another country entering into your waters and going back out again. I really believe that it was from a standpoint of national security, which makes a lot of sense. It makes absolute sense that our security or the security of our waters is being guarded by our military” (Interview#6).*

The maritime domain is critical for Nigeria in terms of political, economic, social and military significance and therefore it should be a government function to provide security within it (Eruaga & Mejia, 2020, p. 84). There is no denying that there is insecurity in the Nigerian waters, it is rather a matter of who is allowed to provide security in it. The root causes of the insecurity in the GoG often fall back to the lack of economic opportunities, even in the oil rich Niger Delta as the wealth is not reaching most Nigerians (Okafor-Yarwood et.al, 2020, p. 41). In climates where poverty, violence, underdevelopment, pollution, corruption, high levels of unemployment, and a lack of good governance exist, piracy and robbery flourish. Because of socioeconomic challenges outbreaks of violence under the MEND took place in 2006.

They attacked oil installations and expatriate oil workers were kidnapped (Okafor-Yarwood et.al, 2020, p. 41).

This insecurity further spilled over into the maritime domain and kidnappings of seafarers. The GoG is accounted for 32% of all reported incidents and remains particularly dangerous for seafarers. Although the numbers of kidnapping recorded have lowered, pirates continue to target all vessel types throughout the region. Reduced piracy and armed robbery activities in the GoG are welcomed by the IMB, however the risk to seafarers remains (ICC-CCS, b, 2021). The previous chapter has revealed that this is the reason why shipping companies want to hire PMSC as many have experience using them in the Indian Ocean.

Because of the constant risk, shipping companies operating in the GoG are worried as no one seems to be able to provide them with security. This is where the comparison to Somali piracy often gets involved in the discussion and the international response that was initiated (Okafor-Yarwood, Walker & Reva, 2021). One of the key differences is that any international force would need approval from each of the GoG states in the region. The GoG has many stakeholders in comparison to the Gulf of Aden, with Somalia having one of Africa's longest coastlines as well as less neighbouring countries (Okafor-Yarwood & Walker & Reva, 2021).. Support for the states in the GoG would be preferred so that they can provide maritime security on their own terms, rather than leaving the responsibility to external parties. Therefore any action that occurred in Somali waters is unlikely to take place in the GoG (Okafor-Yarwood & Walker & Reva, 2021).

There is dissatisfaction within the shipping industry as a whole with the current situation with regards to the hiring of Nigerian PMSCs (Siebels, 2020, b, p. 109). One interviewee noted that the complaints from the shipping industry about Nigerian regulations on PMSC and escort vessels have little grounds to it: *“A lot of people complain about that, saying in the Indian Ocean it was never a problem. That is not actually quite the case because going into a port with armed guards has always been a problem for a long time. [...] They do not want to have private security personnel bringing in weapons, bringing in ammunition, bringing in other types of essentially military grade equipment, everything you would need to equip a small scale insurgency or any form of militants. [...] Also in Nigeria there is the case that it is related to the oil and gas industry, there is a lot of work in the oil and gas industry because of domestic content and domestic involvement, for a lot of the work in the oil and gas industry you need a Nigerian company”* (Interview#1).

The above findings describe a few patterns that can be linked with existing literature on the regulation of PMSCs. The key findings have shown that there is a concern of transparency in the regulation process of PMSCs in Nigeria. The interviews have shown that there are several governmental bodies that the PMSC must apply to, that there is lack of information regarding the MoU and the process of who attains that partnership and that there is an overall consensus that corruption within government bodies such as the Nigerian Navy exist. Often law enforcement is partaking in corrupt practices and even believed to be among the most corrupt institutions of government in the region. There have been made allegations of bribery and corruption against the security operatives in Nigeria and officials in NIMASA, the Nigerian Navy, and the police working together with pirate groups. Even if their job is to counter piracy (Oyewole, 2016, p.141). Corruption by officials might be a result of the public-private model of security that Nigeria has implemented, as companies and activities overlap. One possible consequence of this corrupt practice is that there might be PMSCs getting a licence even if they should not have one to practice as a security company. As long as officials take part in corrupt practices as pointed out above, there is a chance that companies that do not comply hundred percent with the requirements of the Navy MoU are operating as a licenced company.

It is likely that the PMSC in Nigeria are fully aware of the transparency issues that exist in their country and therefor take corporate responsibility to maintain an attractive company. Self-regulation in the form of corporate responsibility can be a tool that PMSC use to bring legitimacy to the company, create a good reputation and show proper behaviour (Avant, 2007, p.192). One Nigerian PMSC in particular is applying self-regulatory measurements and compliance, LGS a Nigerian security provider since 2010. Their website seems to be one of the most transparent websites within the Nigerian security sector with a lot of information on the company, their certificates and compliance, partnerships and services they provide in the Nigerian maritime domain (LGS, 2021). Under the “Compliance” tab on LGS’s website there is a list of standards and certificates that the company adheres to. Among them are the Nigerian requirements discussed previously and various ISO standards, the ISPS code, BIMCO rules and American National Standard (LGS, 2021).

The question regarding self-regulation as such is effective and De Nevers states that the private security industry lacks incentives and capacity to adopt and implement these self-regulations by themselves (De Nevers, 2009, p. 481). Whether more PMSCs in Nigeria apply self-regulation is difficult to verify as some do not have a website at all or do not list the

standards and certificates they apply to on their websites at all. With self-regulation it has to be kept in mind that it is voluntary to apply more regulations than a company has to. Also self-regulation is a self-serving tool for companies with the idea of profit maximisation as the PMSC public image is being put in a better light and gives the perception of more regulations (Berpark & Schulz, 2007, p. 249). The question is not whether companies that appear to be transparent with the additional standards they follow are compliant, but which overarching body is overseeing that self-regulation for PMSC is actually an effective tool and not merely an illusion.

Whether following self-regulation or state regulations, there needs to be a body who oversees the process and ensure its transparency. Singer states that the only way to achieve regulation of PMSCs is by relying on public bodies to regulate them. Some of the requirements that he proposes to gain better control over PMSCs are transparent licensing processes, government oversight and reporting on financial and operational stands (Singer, 2011, chapter 15, p. 240).

This is arguably a statement directed towards states that do not face high numbers of corruption and therefor can be tremendously difficult to enforce in a state such as Nigeria. A mechanism that would show evidence that the PMSCs in Nigeria are highly regulated would entail to publish the MoU and make it public. This would show transparency and give the impression that the public bodies do have regulatory frameworks in place. To oversee the process, according to Singer, there should be a multiagency involvement between different agencies (Singer, 2003, p. 240). The findings chapter above has revealed that there are several agencies involved in the regulation process: NIMASA, NSCDC and the Nigerian Navy that together with NIMASA distributes the MoU. As one of the interviewees noted, these bodies should be ensuring that PMSCs are compliant with regulations, but the agencies are more interested in the money that licenses bring into the bank.

O'Brien and Singer stated in the theory chapter stands on state regulation of PMSC do not take into consideration the element of corrupt governments. According to O'Brien national governments have to stand for the regulation of PMSCs. He suggests a holistic approach of introducing national as well as international regulations (O'Brien, 2007, p. 42). Furthermore, the framework for regulation that he suggests entails a distinction between the act and the actor. The framework should also state what is allowed and prohibited in terms of activities and considering the nature of the regulatory authority, an enforcement body that is able to supervise the actions of the framework (O'Brien, 2007, p. 42). The findings have shown that

in Nigeria this is fulfilled by the MoU which states the tasks that a PMSC has to carry out and the tasks that the Nigerian Navy carries out when on task.

O'Brien also suggest a licensing regime for military services with the first step in such a regime to certify and license the PMSC through governmental processes. Secondly the PMSC would apply to receive a license to undertake contracts for military services abroad (O'Brien, 2007, p. 42-43). Thirdly it would require notifying industry authority for each contract obtained and lastly under such a regime it would require all contracts for strategic military operations to be certified. O'Brien states that this "ideal" licensing regime would ensure transparency of company and contract (O'Brien, 2007, p. 43-44). To start with O'Brien's framework for regulation, these are all functions put into place in Nigeria as of today. The MoU states the partnership between the Nigerian Navy and the PMSC, it entails a distinction between act and actor and entails the responsibilities on each part. The allowed and prohibited activities are also stated in the MoU and the MoU is being issued by a governmental body, the Nigerian Navy. Nigeria also has a legal structure that is manifested in its Constitution with the National Assembly, National and State courts, as well as enforcement bodies such as the police force (Nigeria's Constitution of 1999, p.2). O'Brien says however that enforcement of at the national level will be difficult to achieve (O'Brien, 2007, p. 41).

With regards to his "ideal" licensing regime which starts with the PMSC going through governmental processes, it seems to firstly be focused on PMSC that would be working abroad and secondly it is too simplified as he does not mention who should be overseeing the process. It also does not take into consideration the aspect of corrupt practices within a state, which might be needing outside help to fend their problems. O'Brien's approach is commendable, but it would not work to its fullest in Nigeria where still many "behind doors" deals take place and where a lack of transparency exists. Furthermore 5.1 has shown that the Nigerian Navy is bound by the Nigerian Constitution and the Armed Forces Act to provide within its territory whether that is at sea or land.

PMSCs in Nigeria are regulated under the NSCDC, NIMASA and the Nigerian Navy as the findings have shown above. Also Singer believes external regulation carried out by public bodies is the only way to establish any real protection. He requests transparent licensing processes, government oversight over local private military and security companies' contracts, as well as the reporting of financial and operational stands of the companies (Singer, 2011, chapter 15, p. 239-240). In comparison to O'Brien, Singer states the agencies that should be part of the oversight process; Commerce, State and Defence Department

(Singer, 2011, chapter 15, p. 240). The participant interviews have shown that there are at least three agencies that are part of the regulation oversight process, at least what concerns compliance with the MoU, namely the NSCDC, NIMASA and the Nigerian Navy. Outside of that, the interviews have not revealed additional information on the regulation processes and other agencies that would oversee the process. It also seems that Singers ideas cannot be fully used in the context of Nigeria as it also seems to focus on PMSCs that would be working abroad.

It seems as if there is a need to add on to the research of public-private regulated PMSCs of how the transparency of the regulation process can be improved or secured. This discussion has shown that there are many traits of existing theories that do not apply to the Nigerian context, as Singer and O'Brien's ideas have shown they take into account that the PMSCs will be working abroad from their home of origin. Also, their ideas of a licensing regimes with a multiagency oversight process does not work in the context of states that struggle with corruption. As the discussion above has shown, Nigeria has institutions in place to oversee their PMSC regulation process. It is rather the enforcement of the process that is the struggle. Furthermore, in the theory chapter subchapter 3.2.1 it was stated international efforts to regulate the PMSC industry is the Montreux Document and the UN Convention against the Recruitment, Use, Financing and Training of Mercenaries. As Avant pointed to, the UN convention is faulty in its definition and questions have been raised asking whether PMSCs were falling under the definition of mercenary activities (Avant, 2009, p.10). As the findings above have shown and looking at the definition of PMSCs in subchapter 1.2, the traditional definition of a PMSC cannot be applied to the Nigerian context as it is the Nigerian Navy that provides the military and active security service. The PMSCs in Nigeria provide security vessels and the logistical handling of the vessel. This suggests that there needs to be further focus on the creation of theory that covers these types of PMSCs.

### 5.3. PMSCs as a part of long-term solution to piracy

This chapter seeks to answer the second research question: *Are private maritime security companies part of a long-term solution to piracy in Nigeria?* This chapter will reveal findings in relation to the long-term aspects of PMSC in Nigeria. Interestingly all interviewees answered very similarly to two questions regarding whether they see PMSC as a good countermeasure to piracy and what should be the solution to piracy in Nigeria and the GoG.

The aim of asking openly about a solution to the piracy situation in the GoG was to identify whether the interviewees would name PMSC as a long term solution to the piracy situation or not.

Armed guards and with that escort vessels were meant as a temporary solution because there is indeed a lack of effective long-term counter piracy efforts (Struwe, 2012, p. 592). One of my interviewees noted the following about PMSC as a solution to protect seafarers:” *the industry wants a short-term solution, and that's not going to happen because this (piracy) has been a problem that has been there for a long time and has been more or less ignored until about 2018. And despite what the industry is saying now there's no escalation or anything. I mean, that's simply not the case. The number of piracy attacks on a number of high profile attacks has been more or less stable over the past ten years*” (interview#1).

PMSC must be effective in deterring piracy if they keep on being used by the maritime industry. RiskIntelligence says that if there are good standard operating procedures and suitable vessels, it is possible to provide a significant deterrent at a much lower risk to client vessels and crews than embarked teams (Riskintelligence, 2021, p. 5). The interviewees were asked whether the use of PMSC and escort vessels is effective in deterring pirates. The interviewees had very similar answers. One interviewee noted the following: “*It is very effective because a) if there is an attack then the matter of the escort vessel can engage then and not, you're not, you don't have the attackers targeting the merchant ship directly*” (interview #1)”.

Another interviewee had similar remarks: “*If you got a decent quality escort vessel you can take the fight away and engage the Pirates and prevent an attack. Now I would say that you know you should have an escort vessel. [...] If you got armed guards on, the pirates are unaware of those armed guards. They can become just as much an issue with the crossfire, and there has been instances where crew have been killed in the crossfire between the Nigerian Navy embarked on their vessel and the Pirates*” (Interview #2).

One of the other interviewees working in the Nigerian security business had a remark that was more client oriented:” *It [Effectiveness] depends on how risk averse the owner of the vessel and the charter of the vessel are. It depends on their insurance policy as well. They are both effective, because if you have guards on board, they will do their best to ensure that the pirates don't board the vessel. If you have an escort vessel, usually they deter pirates from even coming anywhere close. From what we've seen so far. If you have a security escort*

*vessel with your vessel, it's very rare to find a pirate group that would be that bold to still come at you.*" (Interview #6). The interviews have shown that there is a valid reason for using PMSCs and their escort vessels with Nigerian Navy embarked – it seems effective.

Lars Struwe claims the escort services are an ideal solution for the shipping industry if it must use armed guards as the possible fight would take place between the pirates and the escort vessel. The fight will also be handled by trained security personnel (Struwe, 2012 p. 591). Another factor that could make escort vessels effective for shipping companies to use is because the shipping company does not compromise their right to innocent passage through territorial waters as they do not carry weapons on board themselves (Brown, 2012, p.8). Lastly the use of weapons and firing weapons are outsourced to the company operating the PMSC, and consequently the Nigerian state as they have their Navy personnel on the escort vessel (Brown, 2012, p.8). These are indicators for why the shipping industry may view the use of PMSCs and escort vessels as part of a solution.

The findings chapter above has revealed that interviewees think, although effective, PMSC in Nigeria are not a permanent solution to protect seafarers and to address piracy in the GoG. Although it may seem effective to use these security escort vessels, there is data that shows substandard PMSCs and escort vessels operating in the GoG (BMP WA, 2020, p. 27). According to Risk Intelligence, in January 2015 on the Jascon 24, one naval rating was killed on a vessel that was functioning as a "security vessel" for an offshore oil and gas operation. The attackers boarded the vessel and a firefight between the attackers and the soldiers broke out. Two of the embarked naval personnel took shelter into the citadel (Riskintelligence, 2021, p.5). Reuter reported this incident as well in 2015, it can confirm that a Naval seaman aboard the Jascon had been killed, it did however not report more around the circumstances (George, 2015).

Another example by Riskintelligence is the E Francis of March 2019 where the escort vessel Mother Tegiri was overwhelmed by two speedboats. The attackers managed to kidnap five crew members, seven attackers and one naval rating was allegedly killed. However this is solely based on information provided from the Nigerian Navy and therefore not able to be independently verified (RiskIntelligence, 2021, p. 5). An article by Offshore Energy also mentioned the E Francis incident taking basis in a piracy report by the ICC CCS, where armed pirates had approached an offshore support vessel in Nigeria. A report from the EOS Risk Group confirmed it was the E. Francis under attack. There was an exchange in fire between the pirates and the security vessel. The CCS reported that one Navy personnel was killed in



the exchange (Offshore Energy Today, 2019). This is again another example of the lack of transparency that the Nigerian Navy operate under and an indication of the level of violence by pirates.

It has to be acknowledged that pirates in the Niger Delta are more violent than the pirates off the coast of Somalia. Struwe argues that it therefore must be an acceptable advice to use PMSCs on vessels Nigerian waters, including the protection of oil rigs in the region (Struwe, 2012, p. 592). In the ICS report on Lessons Identified from Somali Piracy the ICS states that the use of armed guards was an exceptional response that was neither normal nor meant to be permanent, as some legal issues remain. They did however also state that in the event of a similar situation arising as along the Somali coast, armed guards are likely to be viewed as a response (ICS, 2014, p.5). The same report notes that there is further work to be done to identify a uniform approach by flag states and coastal states with regards to the legality of using private armed guards on board vessels (ICS, 2014, p. 6).

Solutions that addressed piracy in Somalia are the improvement of economy, strengthening political institutions and supporting the implementation of robust security forces. However they are long-term solutions that take years to be effective (Al Musharrakh, 2012, p. 145). One of the interviewees working in the Nigerian security sector does not think that PMSCs are part of a long term solution. On the question whether PMSCs have a future in Nigeria the following was noted:” *For now, based on everything we can see and everything happening in Nigeria, yes. But in the next 20 years, I'm not too sure. For the next 5-10 years, yes, from what we can see [...] If we could just get our act together and tackle corruption. And basically invest back in our own economy and focus on things that will make Nigeria work as a country*” (interview #6).

The interviews revealed that there needs to be a focus on long term solutions to piracy in the GoG. Long term solutions to piracy and how it can be suppressed are many, among them is a campaign by sea power with sufficient naval presence which can deter piracy (Oyewole, 2016, p. 134). Another way is sufficient punishment when pirates are captured, this would work as a deterrent in that the aim is to reduce crime by creating disincentives that discourage from crime, at least to those who are motivated to commit crime due to the insufficient law’s (Oyewole, 2016, p.134). There are many different ways to approach long term solutions. In several of the interviews it was discussed that one has to understand the root causes first. One interviewee said the following:” *It's the onshore environment that creates the offshore environment so that the maritime security can be brought into question of piracy. [...] if there*

*was a thriving economy, good job prospects and a future for the young people, they would never go down that road. So it is all about the economy is all about the social economics and the education and the medical welfare, etc that would allow them to take a different path”* (interview#3).

Overall, the interviewees connected the economy to the problem of piracy and criminality in Nigeria. One interviewee noted the following: *“What are the motivating factor that needs them to commit crime or go into criminal acts? If an economy is very buoyant, a lot of people will be engaged and the issue of Crime and criminality will reduce and as such. As such, there is security, there will be less criminals to tackle. For the Nigerian situation the economy is not buoyant. A lot of things are not going well. Then the population is huge. The number of young men and women that are graduating from higher schools and other they are many. And they are not engaged and as such the rate of criminality has increased”* (interview#5).

Another interviewee added the following on the economic situation: *«If our economy is better, our inflation rate goes down and really people just have jobs, or their businesses can thrive in a in a healthy environment that is Nigeria then most likely our waters will be safe as well. So it's all a ripple effect”* (interview#6).

Besides economic prosperity, there are several long-term solutions that are being implemented in Nigeria at a national level. As a large regional player, Nigeria has a large responsibility to take action over its territory on land and sea. With establishing the POMO act and being the first state in the region to pass an anti-piracy law is a tremendous effort and a step into the right direction to suppress piracy. However, since the law was passed maritime crime and piracy has continued and raises questions of Nigeria’s capability to detect and prosecute crimes and implement new laws (Ogbonnaya, 2020).

Other national efforts to combat piracy in Nigeria at the National level include the Deep Blue Project. Dr Bashir Jamoh, Director General, NIMASA, said that the Deep Blue Project is part of the NIMASA strategy to fight piracy and sea robbery in the GoG (The Guardian Nigeria, 2021). The project entails three special mission helicopters, two special mission vessels, 17 fast interceptor boats, 16 armoured vehicles and over 600 specialized trained personnel for the maritime security unit, four unmanned air drones and the C4i center. The C4i is described as the intelligence center of the project (The Guardian Nigeria, 2021). The Guardian Nigeria writes that this project came to be after the federal government realized that it would lose investment due to its insecure waters, as a result of piracy and robbery at sea already 67

fishing companies have relocated from Nigeria (The Guardian Nigeria, 2021). It has to be mentioned that this effort from Nigeria is welcomed by the shipping industry, hoping that in coordination with other regional efforts will have an impact on piracy (ICS, b, 2021)

Long term solutions can also be observed at the international and regional level. There are several international and regional organizations that actively work to counter piracy in the region. They include the IMO, Maritime Organization of West and Central Africa (MOWCA), the Economic Community of West Africa (ECOWAS), the Economic Community of Central Africa (ECCAS) and the the Gulf of Guinea Commission (GGC) (Okafor-Yarwood et.al, 2020, p.47). The UNODC and the International Criminal Police Organisation (INTERPOL) also actively work in the region to share their knowledge and expertise. They also facilitate training on the practical implementation of the suppression of piracy and armed robbery (Okafor- Yarwood et.al, 2020, p. 47).

One interviewee shared their opinion on cooperation in the region. The emphasis was however more related to the shipping industry and the regional level of cooperation rather than cooperation at the global level. The interviewee noted the following: *“There are steps underway within the region and regional cooperation is increasing. Regional navies are better working together much better than so lot of more, a lot more transparency. [...] Make sure that there is cooperation between the shipping industry, the private sector and regional governments. That they actually talk to each other on the same level and everybody enlists their shortcomings. [...] from an industry point of view acknowledge or at least acknowledge other types of maritime security issues, because a lot of that is directly linked with piracy”* (Interview#1).

Cooperation at the regional level includes the Yaoundé Summit which was created in June 2013 with support from the UN. The summit brings together the gulf countries, ECCAS; ECOWAS and the GGC. Together the summit agreed to a code of conduct that concerns itself with the fight against piracy, armed robbery against ships, and illicit maritime activities in West and Central Africa (Vircoulon & Tournier, 2014). Additionally they agreed to a memorandum on maritime safety and security in West and Central Africa that create the objectives and areas for cooperation. Lastly to implement a regional strategy for maritime safety and security, the summit created the Inter-regional Coordination Centre (ICC). Clear divisions of labour had been established through the summit between regional organisations and the states (Vircoulon & Tournier, 2014). The Code of conduct is supposed to focus on broader maritime security challenges such as IUU fishing, piracy, terrorism and different

types of smuggling. It does however mainly focus on piracy and IUU fishing (Jacobsen & Nordby, 2015, p. 34).

Other regional cooperation framework consist of ECCAS, ECOWAS and the GGC. ECCAS and ECOWAS are two economic communities that aligned and took interest in multinational maritime cooperation as piracy in both West and East Africa received attention (Okafor-Yarwood, et.al, 2020, p. 75-76). ECCAS members agreed on a maritime security protocol in 2009, with an establishment of three-tier zones for multinational cooperation in the maritime security domain (Okafor-Yarwood, et.al, 2020, p. 76). The protocol consists of different zones and is described as: “*a network of national maritime operations centres coordinated by zone-level multinational maritime coordination centres and includes a single regional coordination center.*” (Okafor- Yarwood, et.al, 2020, p. 76). Both ECOWAS and the African Union (AU) have been inspired by this strategy divided into zones and created their own strategies in a similar way. The AU have created their Africa-wide maritime strategy called Africa’s Integrated Maritime Strategy (AIMS) 2050 addressing various maritime security concerns (Okafor-Yarwood, 2020, p. 76). ECOWAS has created a regional focused strategy, the ECOWAS Integrated Maritime Strategy (EIMS) focuses on economic opportunities in the maritime domains including waterways and lakes in the region (Jacobsen& Nordby, 2015, p. 31).

There are various international efforts done to strengthen maritime security in the Gulf of Guinea. In support of the Yaounde Summit, the European Union (EU) adopted a strategy to increase maritime security in the GoG and to promote the development of economies in the region. The implementation mechanism created to the Yaounde project is therefore the Gulf of Guinea Inter-regional Network (GoGIN) (Okafor-Yarwood &Pigeon, 2020, p. 48). The EU has several initiatives to enhance regional cooperation and assist the states of the GoG in the process. Including the Critical Maritime Routes Monitoring, Support and Evaluation Mechanism (CRIMSON) and also Improved regional fisheries governance in western Africa (PESCAO) (EEAS, 2021). The latter aims to fighting illegal, unreported and unregulated fishing (IUU fishing) by strengthening the regional approach to the sustainable use and management of fishery resources. Additionally the EU have initiated several port security programmes that aim to improve the security in ports by implementing the International Ship and Port Facility Security (ISPS) standard (EEAS, 2021).

There are also overlapping initiatives that are implemented together with the UNODC and ECOWAS. The Support to West Africa Integrated Maritime Security project aims to help

implement the ECOWAS EIMS with great attention to law enforcement and governance frameworks and how they can be improved (EEAS, 2021). The EU also supports the UNODC program Criminal Investigation and criminal justice cooperation along drug trafficking routes. This programme aims “*to enhance the capacities and integrity of criminal justice institutions for regional and interregional cooperation to tackle drug trafficking and transnational organized crime in West Africa*” (EEAS, 2021). Also, dissatisfied with the situation in the GoG some of the EU member states have deployed their own naval assets to the region to act as a deterrence to pirates (Goldman, b, 2021).

The UNODC provides support in the GoG region with the Atlantic region project that delivers programming within legal reform, regional cooperation and capacity building. This program focuses on the creation of legal frameworks and policing (Okafor-Yarwood et.al, 2020, p. 83). Through this programme the UNODC have assisted coastal states in the region together with regional actors to improve and provide legal reform support. They have trained prosecutors and judges to prosecute maritime crimes more effectively and improve the capacity of maritime law enforcement (Moss, 2020, p. 8). The maritime security challenges that persist in the GoG are connected to the reduced levels of law enforcement capacity. The creation of institutions alone does not solve the issues of law enforcement as many GoG countries have institutions in place (Moss, 2020, p. 8).

Contributions to cooperation can also be seen by The G7++ Friends of the Gulf of Guinea (G7++FOGG). “*The G7++FOGG is a creation of the G7 states that collectively decided to include additional states and institutions in its work on maritime security consisting of Germany, Canada, the United States, Italy, Japan, the United Kingdom, France, Belgium, Brazil (observer), South Korea, Denmark, Spain, Norway, the Netherlands, Portugal, Switzerland, the EU, UNODC and INTERPOL*” (Jacobsen & Nordby, 2015, p. 31). The G7++FOGG has created a working group, a group trying to coordinate different maritime capacity initiatives between states and donors in the GoG region. Additionally the G7++FOGG has supported and assisted efforts to fund to launch the Maritime Trade Information Sharing Center GoG and this way the G7++FOGG is very much involved in the improvement of maritime security especially with regards to piracy in the GoG (Jacobsen&Nordby, 2015, p. 31).

Also the shipping industry itself is making efforts and demands to strengthen maritime security in the GoG. One of the newest efforts is by BIMCO, The Gulf of Guinea Declaration on Suppression of Piracy (BIMCO, 2021). The deceleration came to be in response to the

growing concern among the shipping industry of the attacks taking place on ships in the GoG. Organisations across the maritime industry have signed the declaration, including flag state administrations, ship owners, charterers, and shipping associations (BIMCO, 2021). What the signatories commit themselves to among others is to non-regional naval forces providing a capable incident response capability to assist the regional coastal states' antipiracy law enforcement operations and efforts (BIMCO, 2021). Now this could be interpreted as the deployment of naval assets similar to the EU example state above, it might even be a related effort. BIMCO is a very vocal actor and points to Nigeria to having to solve the root cause of piracy themselves. The declaration is neither meant as a long-term solution, very much like PMSC. BIMCO's point of view is that piracy can be suppressed with "*as little as two frigates with helicopters and one maritime patrol aircraft*" (Larsen, 2021).

Another effort by BIMCO is the creation of a standard contract for security vessel employment. The aim of this contract is standardize the process of hiring PMSC and security vessel services when operating in West Africa (Hunter, 2021). The demand comes from local laws and local enforcement practices making it difficult for shipowners to call ports in the region with "foreign" armed guards as many of the countries prohibit the use of PMSCs. A contract will help to ease terms and conditions for hiring security vessels and which will make it easier for shipowners and PMSCs to put contracts in place to protect ships. The standard contract will be created in collaboration with PMSCs and shipowners operating in West Africa (Hunter, 2021).

The findings above showed that PMSCs are not on people's minds when it comes to long term solutions to piracy. The major finding among the interviews was that they all addressed the economic situation in Nigeria as the main root cause for insecurity at land and sea. One interviewee noted that it is a ripple effect, if land-based problems such as poverty, high crime rates, joblessness and bad governance are being addressed adequately it is likely that Nigeria would see positive long-term results and less piracy incidents. In my opinion this further trickles down to the national, regional and international presence that is taking place in the GoG and especially Nigeria.

Although the interviews revealed that there needs to be focus on the economic development in Nigeria to achieve a long-term effect against piracy and to better maritime security, to discuss the economic development of Nigeria further is out of scope of this paper. It was simply deemed a valuable finding of this research as five of six interviewees pointed out that piracy would end if there was greater focus on land-based issues such as the economy. Another

interesting dimension to this, which again relates to the regulation of PMSC, is that PMSC and VPD's are a costly affair. It is difficult to estimate numbers of what Nigerian vessel protection detachments costs, the Dutch government also have a VPD solution with 26 VPD missions deployed by 2012. They had military personnel and medical staff on board with an estimated cost of US\$29m that year, and shipping companies paying for approximately half of the amount (Brown, 2012, p. 10). Avant calls it a "market of force", a market implies a free interchange where profit maximizing producers seek to meet the demand of consumers (Avant, 2007, p. 181). It is the customer, the company requesting extra protection in for of a security vessel, that has to pay for the service. Understandably, the shipping industry as a whole is not satisfied with this solution. The Shipping industry note that is it the responsibility of the Nigerian government to provide security to ship operators without any direct financial contribution (Siebels, 2020, b, p.109). From this it can be drawn that the PMSC private-public relationship is somewhat of a contribution to the Nigerian economy. Therefor it is likely that both the local PMSCs and the Nigerian Navy want to continue their relationship as it is of economic interest.

When it comes to cooperation to strengthen maritime security in the GoG, Avant's governance approach can be used to identify strengths and weaknesses of the efforts that are taking place in the GoG. Although Nigeria has its challenges, Nigeria is called the "Giant of Africa" referring to its economic position as Nigeria is Africa's biggest economy (Whiting, 2019). Dr Charles Ukeje and Professor Wullson Mvomo Ela note that many postcolonial states struggle to refit that crooked design of the colonial states, which has led to today's sovereign states unwillingness or incapacity to accomplish the most basic sovereign duties and responsibilities such as the establishment of security and social cohesion, law and order (Ukeje & Mvomo Ela, 2013, p. 17). Further making the point that the post-colonial states that were created from the old colonial domains seemingly have been held back to enact any real capacity of sovereignty over their maritime territories from the beginning (Ukeje & Mvomo Ela, 2013, p. 17).

As it can be drawn from the theory chapter 3.2.1, Avant states that intergovernmental cooperation can be difficult to achieve as different governments each want to control different things when it comes to the military and security industry. They simply have different views on regulation and therefor standards for everyone in the region are difficult to achieve (Avant, 2007, p. 194). Arguably this statement on the regulation of military and security industry can be adapted to the broader discussion of intergovernmental cooperation on maritime security in

the GoG. Furthermore Avant suggest a governance approach, where coordination can be possible in the absence of an overarching authority. The focus there has to lie on how different efforts by different actors relate to each other rather than focusing on the individual efforts (Avant, 2009, p.1). The UN and with that the UNODC could be viewed as an overarching authority that could help states find measures to suppress piracy. However it has been established that the UN simply is a member state organization, where the states have to cooperate to achieve desirable outcomes (FN Sambandet, 2020).

Efforts that relate to Avant's governance approach are the efforts by actors and cooperation between ECCAS, ECOWAS, the Yaounde Structure, G7++FOGG and the EU amongst many other institutions presented in the GoG. Although Avant's governance approach seems very reasonable, arguably it is being hampered in Nigeria by these different actors having too much of the same focus area. The initial idea is that governing actors and or efforts should work together to complement each other, leading to greater stability (Avant, 2009, p.4).

According to Jacobsen and Nordby there is a degree of institutional competition in the region, however such competition is not inevitable (Jacobsen & Nordby, 2015, p. 38). It is apparent that there are many different actors presented in the region trying to achieve better maritime security. The findings of this chapter have represented that. That could also be a reason for a governance approach not working as there are too many institutions that compete to achieve the same goal. When you have various institutions, it is likely that there only will be a hand full of institutions and organizations efforts that will set each other apart, it is more likely that they will have similar approaches to try and better the maritime security situation in the region. An example of that is ECOWAS introducing EIMS which has many similarities to the AU 2050 AIM strategy. Both of these have been created to mirror ECCAS protocol of 2009 (Okafor-Yarwood, et.al, 2020, p. 76).

The governance approach can be used to see whether actors complement each other or have the same focus areas (Avant, 2009, p. 3). The Nigerian POMO act is a standalone law. The POMO Act has challenges such as it lacks clearly defined roles and responsibilities, and it does not take into account corrupt practices within Nigeria's maritime agencies (Ogbonnaya, 2020). Piracy is a transnational crime and combatting it needs more than national efforts alone, and Ogbonna suggests the Nigerian anti-piracy law should be aligned with regional efforts such as the Yaounde Code of Conduct (Ogbonnaya, 2020). The Yaounde Code has worked on addressing the issues concerning the rule of law by creating sub-regional organisations that look at the domestic corruption in the GoG region (Moss, 2020, p. 8).



Both AIM and EIMs focus on economic opportunities in the maritime domain and both strategies contain some of the land-based reasons for maritime insecurity such as social exclusion and corruption (Jacobsen & Nordby, 2015, p. 31). The G7++FOGG main objective is to suppress piracy, which is a narrow approach to actually handling the problem of piracy. The forum does not address the socio-economic root causes of piracy that do exist in the region (Jacobsen & Nordby, 2015, p. 31).

This shows that there are some standalone projects and some projects that overlap as they have similar focuses. Theoretically this should be a great basis for the governance approach to work as the efforts complement each other. If the governance approach would be working, the rates in crime should arguably go down. Many of the challenge fall back onto ineffective implementation. The reason for that is the unwillingness or inability of individual states to adapt international maritime security and implement it into their states, although they have willingly signed them (Ukeje & Mvomo Ela, 2013, p.19). The efforts by stakeholders, with both regional and international efforts to cooperation, are often undermined by the weaknesses in the criminal justice system including corruption and lack of independence of the judiciary (Ukeje & Mvomo Ela, 2013, p. 19). It is important to highlight this for future aspects of maritime security in the GoG. Further research on corruption and criminal justice reform is out of scope for this thesis.

The findings above have shown that BIMCO's efforts to a standardized contract for the employment of security vessels can be viewed as a self-regulatory mechanism. Although this is not self-regulation by a PMSC, it is self-regulation by a major stakeholder in the maritime industry. BIMCO is the largest shipping organization with 1900 members and presenting 60% of the world's cargo fleet. Their focus lies on safety and security and drive to develop guidelines and standards that improve security, safety, and efficiency of shipping (BIMCO, b, 2021). In other words, there is a lot at stake for BIMCO if their members feel that their key organization does not care for them.

In the theory chapter it has been brought up that self-regulation is a strong business case for organizations and industries. The reason to self-regulation lies in the idea to take action before government regulation and due to reputational reasons (de Nevers, 2009, p. 493). It is likely that BIMCO wants to be ahead of any laws, standards or regulations that Nigeria could implement or even look to implement a similar standard. This way, if BIMCO is successful they have the ability to shape the standard the way that they in collaboration with their partners would like. De Nevers points towards the creation of industry standards for

appropriate cooperate behaviour. And that there is a lack of incentive to adopt self-regulation in the private security industry (de Nevers, 2009, p. 481). Now, the BIMCO creation of a standardised contract is provided by a shipping organisation, which members make use of PMSCs. It is a good incentive by BIMCO to try and create self-regulation as the need for such a standardized contract comes from the persistent attacks by Nigerian pirates. The local laws or just local enforcement practices have made it difficult for shipowners to navigate what is legal and prohibited in the GoG (Hunter, 2021). BIMCO has responded to the demand by its members for a standardized security vessel contract, showing that there is a will by the shipping industry for regulations (Hunter, 2021). This might be seen as a weak form of self-regulation, a weak self-regulation can be a stepping stone for higher regulatory standards. They can also take greater shape if other stakeholder that share the same concerns get involved (De Nevers, 2009, p. 514).

When it comes to self-regulation in general with regards to the thesis it was succesful to gather data on self-regulation by PMSCs in the GoG. The interviews did not reveal any such evidence either. Most PMSCs internationally do not actively take part in self-regulation either. Those that do prefer to do so, do it through industry association mechanisms (De Nevers, 2009, p. 503). The research has confirmed this statement. Although self-regulation through industry association mechanisms could be interpreted in various ways, the proposed standard for security vessels by BIMCO is such an industry association mechanism as BIMCO is the leading shipping organization and for PMSC to link themselves positively to BIMCO would possibly be a positive business case for them.

This chapter has discussed whether PMSCs are part of the long-term solutions to piracy in Nigeria. Some of the topics discussed in this chapter can be viewed as “side effect” to the way Nigeria has regulated PMSCs and how it addresses maritime security. The main takeaway from this chapter is that there is a large level of cooperation in the GoG that sets out to combat piracy and make maritime security in the region better. There are many different organisations represented in the region, making the efforts that are taken difficult to track and oversea. While there is something taking place that could resemble Avant’s governance approach, the organizations have different strategies and focus on different areas but do also overlap in their efforts.

## 6. Conclusion

This thesis has argued that there is a research gap on PMSCs regulations in Nigeria. This thesis has contributed to fill this gap by exploring the national regulations and requirements that PMSCs have to apply to in order to be operating as a legal PMSC. Further this thesis has argued that there is a lack of focus on public private relationships of PMSCs. The overall aim of this research has been to advance the understanding of Nigerian regulation of PMSCs, how they operate and whether they are part of the long-term solutions to piracy in Nigeria. This has been done by identifying the current laws set in place that govern the regulation of PMSCs in Nigeria. Informants have helped to identify the specific laws and regulations that PMSCs in Nigeria have to comply with the be able to work as a legal PMSC.

The findings in chapter 5.1 aimed to answer the first research question: *How are private maritime security companies regulated in Nigeria?* Having analysed the different regulations that govern PMSCs in Nigeria, the findings in chapter 5.1 have shown that PMSCs are in theory highly regulated. Companies that do want to work as a PMSC in Nigeria have to apply to several governmental bodies to obtain licencing. Among the licenses that have to be obtained are tax certificates for the company, a civil defence licence, a DPR license if the PMSCs aims to work in the oil and gas industry and the MoU between the respective PMSC and the Nigerian Navy. If a PMSC fulfils these requirements the company can work as a legal PMSC in Nigeria. The MoU states the functions that the PMSC provides and what the Nigerian Navy provides. The PMSC provides a security vessel approved by the Nigerian Navy, it must be painted in Navy colours and be suit for purpose, the vessel must have a mounted weapon system and the PMSC provides the personnel that operates the vessel. The Nigerian Navy provides the armed personnel that will embark the security vessel, they have operational control over the vessel and provide arms and ammunition.

The findings have revealed that Nigeria has chosen a hybrid model of PMSCs consisting of a public-private relationship between security actors. The initial reason for this relationship was the lack of resources of the Navy in the form of patrol boats, something that the PMSCs cover. The second reason is to regulate the weapons within the Nigerian territory. To employ a PMSC is a straightforward business transaction as the interviews have shown. A company looking to hire a PMSC requests a PMSC and puts in a request for armed guards. The respective PMSC then goes to the Navy to let them know about the operation.

This type of model of PMSCs is somewhat similar to the VPDs adopted by Italy, the Netherlands, Belgium and France where the respective country makes use of its navy personnel embarked on the vessels flying the respective countries flag. The Nigerian model is similar in that it uses navy personnel to protect seafarers and vessels coming into their territory. It does however differ from the VPD model as it is prohibited by Nigerian regulations to embark armed security personnel on any other vessel than a security vessel by a Nigerian PMSC.

The key findings have also shown that Nigeria goes against its own regulations. It is prohibited to have any embarked security personnel onboard a vessel in Nigeria, this was set into place in 2017. However, an interviewee from the Nigerian security sector said the Navy still embarks onto vessels, going against their own regulation. This was verified by other cases, such as the *Ambika* who was attacked by pirates while having embarked security personnel on board. It was reported that 4 military personnel had been killed in the incident.

How Nigeria regulated its PMSCs also brings challenges in the form of transparency. The regulation process is not transparent enough as the MoU is not published which makes it difficult to tell whether the PMSCs on the MoU are indeed a properly licenced company. According to the theory used in this thesis, proper regulation would counter transparency issues. However, Nigeria has the required framework of institutions in place. The NSCDC is a governmental body that oversees whether regulations are followed by PMSCs and can seal up the PMSCs that operate without valid licenses. The NSCDC should be working in cooperation with NIMASA to oversee this, implying that there is a multiagency effort set in place to oversee regulation. O'Brien's and Singer both seek to establish transparency through regulation bodies with government oversight over local PMSCs contracts. The theory does not seem to apply to all states that make use of PMSCs and must consider transparency issues within the country. Future research should focus on transparency in the regulation process of public-private PMSC models.

Key findings in chapter 5.3 have aimed to answer the second research question: *Are private maritime security companies part of a long-term solution to piracy in Nigeria?* This thesis argued that PMSCs were never meant to be a permanent solution in the fight against piracy or the protection of seafarers. They were a short-term solution, as one of my interviewees pointed out it is a short-term solution that the maritime industry wants. The findings have rather shown that a change in focus has take place in order to handle the root causes of piracy, instead of finding a temporary solution to protect seafarers alone. The interviewees

highlighted long-term solutions focusing on socioeconomic challenges in Nigeria, and that improvement to regional cooperation is welcomed.

The discussion in chapter 5.3 has shown that there is institutional competitiveness in the region. Many actors have the similar objectives and their focuses overlap, the African Union and ECOWAS work to improve the socioeconomic challenges in the region by focusing on economic opportunities and focus on the land-based reasons for maritime insecurity. There are also other actors in the region that have a single focus, such as the G7++FOGG with the main objective to suppress piracy. Following Avant & Finnemore and Sell's governance approach, it is ideal to have projects that complement each other instead of having identical efforts from each actor in the GoG.

In the shipping industry, it is BIMCO that is one of the most vocal about its dissatisfaction with the regulations of PMSCs and the efforts by Nigeria to improve their maritime security. They are an actor in the maritime industry with much at stake being the largest shipping organisation. This could be one driver for BIMCO to create industry regulations such as the standard contract for security vessel employment for PMSCs and the hiring company. Self-regulation in general in Nigeria by PMSCs was difficult information to obtain, with only one company showing good self-regulation on their website. Overall, de Nevers statements about self-regulation within the PMSC industry had been confirmed, most PMSC do not take actively part in self-regulation.

Finally it has to be kept in mind that maritime security, piracy and PMSCs are complex research topics as introduced in chapter 1 and 2, they do not have a right or wrong answer. This thesis has aimed to add value to these fields of research by filling some knowledge gaps of the regulation process in Nigeria. This thesis has revealed that there it is merely impossible to adapt the PMSC model used in Somalia to the GoG, due to the way states like Nigeria have chosen to prohibit other PMSCs coming into their waters. However, Nigeria is simply putting their national security first. This thesis will end on critical note regarding the use of foreign PMSCs by one of the interviewees:” *You never know what a vessel is bringing into your country. It is dangerous for you to have security personnel from another country entering into your waters and going back out again*”.

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List of informants:

Interview#1 Analyst working in a European maritime security and intelligence company,  
Spring 2021

Interview#2 Maritime Security Consultant working in the European and Nigerian oil and gas  
industry, Experience using PMSCs and vetting them, Spring 2021

Interview#3 Works for a native Nigerian PMSC, Spring 2021

Interview#4 Representative from the UNODC, works with law enforcement, Spring 2021

Interview#5 Head of Security in a company related to the oil and gas industry in Nigeria,  
Summer 2021

Interview#6 Business Manager in a PMSC in Nigeria, Summer 2021



## Appendix A Interview Guide A

1. How does your work focus on the Gulf of Guinea, especially Nigeria, in the maritime sector?
2. In your opinion, what is the largest security threat to shipping and the maritime industry in general in the GoG?
3. In what way do you deem piracy as one of the contributors to the security picture in GoG?
4. How does your work to create safe environment for your clients?
5. What do you have to consider when passing through the GoG?
6. What standards do your members/clients have to follow for a safe passage?
7. Why does Nigeria not allow PMSC from other states but their own? How long has this rule been in place?
8. How are PMSC trained in Nigeria and what standards do they have to follow?
9. Under what regulations are the current Private Maritime Security Companies's governed?
10. When a vessel employs the PMSC, how is the process of getting them to the vessel?
11. How is the cooperation between states, organisations, vessels/maritime industry operating in the GoG in terms of the PMSC?
12. What are the regulations for private escort vessels?
13. When contracting a PMSCs or an escort vessel, what rules/procedures do you have to follow before, during and after the PMSCs is contracted?
14. How much would you say that the state providing PMSCs or escort vessel is able to monitor their action at sea?
15. Do you feel that the state providing the PMSCs or escort vessels are able to provide a high standard service?
16. Are the escort vessels to a good standard and in the shape it needs to be to manoeuvre the waters quickly in a dangerous situation?
17. In your opinion, are either PMSCs or escort vessels effective in preventing attacks? If yes please elaborate.
18. Are there any other remarks to be made when talking about maritime security in the GoG, PMSC's or escort vessels?

19. Could you elaborate on the industry's view/wish that armed guards are the best solution to the problem at the moment?
20. Is it a business model for Nigeria that will be held up over time?
21. How transparent is this model when it comes to training guards/army, implementation, organisation and costs related?

## Appendix B Interview Guide B

### Interview guide PMSC:

1. Under what type of regulations is the PMS industry regulated?
2. How does a company achieve a security licensing in Nigeria?
3. What type of certifications and standards do you have to follow to be an attractive firm?
4. Is there PMSC self-regulations that you follow?
5. If understood correctly qualified PMSC that hold the MoU provides a security escort vessel and the personnel operating it and other logistical parts, but if a company requests guards, how does that work?
6. Do you think that the security escort vessels are in good condition for the ventures they are set out on?
7. With concerns to transparency and corruption, Should every company that currently holds the MoU be operating as a legitimate firm?
8. Is there a difference between security services offered to merchant ships vs oil tankers and platforms?
9. Why is it important for Nigeria to have its own PMSC industry?
10. What is your response to the shipping industry wish for having their own armed guards on board?
11. Are PMSCs part of a long term solution for the future?



**Norges miljø- og biovitenskapelige universitet**  
Noregs miljø- og biovitenskapelige universitet  
Norwegian University of Life Sciences

Postboks 5003  
NO-1432 Ås  
Norway