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Waiting to Explode: Piracy in the Gulf of Guinea

“The code name for piracy is COJA... it is very lucrative just as it is dangerous because one may be confronted by security agents in the process or even get arrested...”

Bless Nube,
Head of Nigerian Pirate Syndicate
during interrogation¹

Introduction

Till the early 1980s, piracy was often dismissed as being “archaic and folklore of the past”, rarely entering the main maritime discourse. But true to its nature, 'modern' piracy has emerged with a vengeance in many hotspots of the world. While media hype has riveted global attention on piracy emanating from the failed state of Somalia (and the semi-autonomous state of Puntland), piracy elsewhere has not received the attention it deserves. Piracy in the Gulf of Guinea, on the western side of Africa, has often been glossed over by the world at large even though it is rising exponentially and is considered more violent and complex than piracy in the Indian Ocean.

The reason for this lack of focus could be that, unlike in the Gulf of Guinea, Somalian piracy affects a larger number of shipping companies and their merchant ships. The keen interest of affected countries is evident from the large military presence in the Horn of Africa coupled with a demand for greater synergy between the myriad task forces and respective navies. No such intense international effort is visible in the

Gulf of Guinea although the situation is equally grave with oil supplies being affected and heightened chances of attacks taking place.

This paper aims to analyse the reasons for the rise of piracy in the Gulf of Guinea, its characteristics, the primary drivers for the growing menace and international responses; it also compares the differences in modus operandi between Gulf of Guinea and Somalian piracy. Finally, the paper suggests a set of recommendations on how to overcome the problem given the constraints of the prevailing atmospherics.

Types of Piracy

Modern piracy is an extremely complex problem that is often the manifestation of various socio-political dynamics of a particular area. Each area has its own unique methodology of piracy that is often different from other regions. In an attempt to fully understand the intricacies of piracy, different methodologies can be adopted. While some experts follow the geographic classification, others prefer categorising according to the intensity of attacks or the differing rationale behind such attacks.

The most commonly accepted method is geographic classification, i.e. where the attacks take place. It has been noticed that pirates operating in a particular area naturally follow certain ethos and a distinct methodology. Thus, there is the overarching 'Asian Piracy', which has various subtypes depending on the precise area of operation. This includes Malaccan piracy, once rife in the Strait of Malacca, which has now waned due to combined multi-pronged response strategies by the bordering States of Malaysia, Singapore and Indonesia. Piracy in the

South China Sea is similar to Malaccan piracy in many ways. The Bangladeshi variety, occurring mainly off Chittagong, and the Indian variety, off the eastern and the western coasts, are similar and often amount to petty theft. They can be termed as armed robbery occurring near the coast.

The South American type of piracy has been a penchant for high-intensity of violence and occurs mainly along the continent's coast.

As for Somalian piracy, it has been known to have a "corporatised outlook", involving hijacking exclusively for the purpose of extracting ransom money from the targetted shipping company. Brazen violence was largely missing until recently and the hostages were normally treated well. However, there have been reports recently of torture of hostages to further pressurise shipping companies (or in some cases the families of the crew) to pay ransom. This seems to have become the norm.

West African or Gulf of Guinea piracy is unique in many respects. It is mainly driven by a combination of economic opportunism and the lack of governmental capacity to rein in the hardened criminal gangs that operate from ashore while carrying out attacks at sea. There is also the deep involvement of militias from Nigeria's turbulent Niger Delta region that regularly attack land-based oil pipelines, siphoning off crude oil—also known as 'illegal bunkering'.

It is important to understand the area referred to as the Gulf of Guinea. Strictly speaking, there is no universally agreed geographical definition of the Gulf of Guinea. The region, as referred to in this paper, is defined as the part of the Atlantic Ocean southwest of Africa. Almost too obtuse to be a gulf, the region encompasses over a dozen countries from

West and Central Africa, namely Angola, Benin, Cameroon, Central African Republic, Côte d'Ivoire, Democratic Republic of Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Nigeria, Republic of Congo, São Tomé and Príncipe, Senegal, Sierra Leone and Togo. It is located more strictly in the intersection of Latitude 0° (Equator) and Longitude 0° (Greenwich Meridian)

As mentioned earlier, piracy is also categorised according to the intensity of the attack and primary objective. These can be delineated as follows:

- (i) 'Marine Mugging' by petty criminals with the primary objective of robbing easily available material on board;
- (ii) 'Cargo Hijacking'—off loading the cargo of the ship to be sold later;
- (iii) 'Vessel Hijacking' for ransom;
- (iv) Barratry and maritime fraud;
- (v) Hijacking vessels for terrorist missions.

All the above have varying degrees of violence associated with them depending on the area of the attack. Piracy in the Gulf of Guinea would fall under 'Cargo Hijacking' and 'Vessel Hijacking' categories—with an associated high degree of violence.

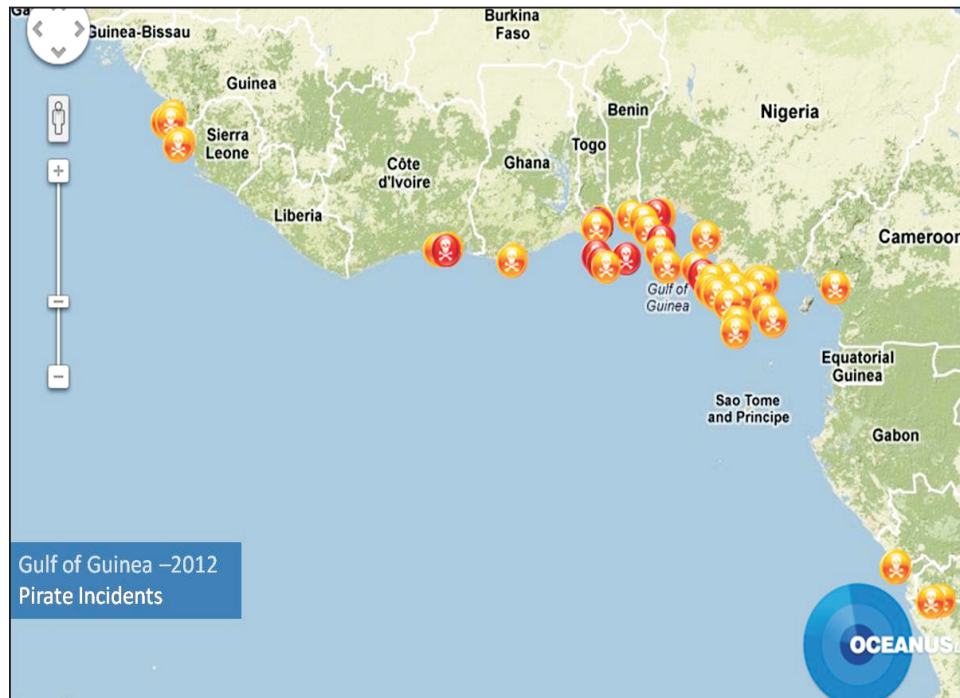
Why Gulf of Guinea?

The Gulf of Guinea is in many ways a perfect incubator for piracy, given that it has resources and also acts as a safe haven for criminals.

The Gulf is a major transit route for oil tankers on their way to international markets from Africa's richest oil producing countries including Nigeria, Angola, Gabon, Ghana, and Equatorial Guinea. It is these oil tankers that have proved to be rich pickings for pirates, though other cargo vessels are also often hijacked.

The main tactics of the pirates involve hijacking a tanker, siphoning the oil to another vessel, and later reselling the stolen oil at the local black market. Cargo ships carrying cocoa, minerals and other materials are also frequently hijacked. Unlike Somali piracy, which focuses primarily on hostage-taking for ransom from shipping companies,² Gulf of Guinea pirates tend to focus on stealing cargo. Equipped and armed with automatic weapons, these pirates have improvised oil tankers/barges in tow to transport their plunder. They have reportedly attacked ships over 120 nautical miles (nm) from the shore. In sharp contrast, Somalian pirates have been know to operate in ranges more than 1,500 nm from the shore.

Figure 1: Map of Gulf of Guinea and Incidents of Piracy 2012



Source: Oceanuslive.com and *Pirate Horizons in the Gulf of Guinea* at <http://cimsec.org/pirate-horizons-in-the-gulf-of-guinea/>

Pirates in the Gulf of Guinea usually operate in the high seas in an area which extends off the Ivory Coast in the West toward Nigeria, down towards the Democratic Republic of Congo.³ The majority of the attacks take place near the Niger Delta which makes it difficult to neutralise the activities of the perpetrators, mainly criminal groups who have established hidden camps in the mangrove forests of the Delta. They take advantage of the labyrinth of swamps and creeks while launching their waterborne attacks, retreating into the maze of waterways after the operation is over.⁴

Enhanced security in the Delta has not stymied piracy; it has only had an impact in certain areas that have been attacked. For example, Nigeria's

efforts to thwart piracy have resulted in a shift of attacks further west into the Gulf of Guinea, off the coast of Ghana and Cote d'Ivoire.

'Rationale' for Gulf of Guinea Piracy

Piracy in the Gulf of Guinea, along with illegal oil bunkering, is amongst the few economically rewarding occupations available in a region where the unemployment rate hovers around 70 per cent. Traditional occupations of the tribes and communities of Niger Delta, fishing and agriculture, are no longer viable or feasible. This is primarily due to the irresponsible and 'couldn't care less' environmentally harmful practices of the oil industry operating in the region: the water and soil have been polluted to the extent that the area has been labelled as one of the most contaminated regions on earth. Crop yields have declined and fish stocks have dwindled, leaving followers of traditional occupations on the verge of starvation.

According to a UNDP report, there were a 6,817 oil spills between 1976 and 2001. The spills resulted in loss of three million barrels of oil, of which more than 70 per cent was not recovered.⁵ About 69 per cent of these spills occurred offshore while a quarter affected the swamps. Some of the hazardous spills were due to sabotage by thieves. Most of the spills, however, occurred due to poor maintenance of pipelines by oil companies such as Shell.⁶

Oil spills affect the environment in various ways as they often spread out over a wide area, destroying crops and aquacultures through contamination of the groundwater and soil. The consumption of dissolved oxygen by bacteria feeding on the spilled hydrocarbons also

contributes to the death of fish at sea. Oil operations in the Delta have made the area increasingly uninhabitable. People in the affected areas complain about health issues, including breathing problems and skin lesions; many have lost basic human rights such as access to healthcare food, clean water and—above all—a livelihood.

Gas flaring is another problem that seriously affects the environment in the region. Flaring is done as it is costly to separate commercially viable associated gas from the oil. Companies operating in Nigeria also harvest natural gas for commercial purposes, but prefer to extract it from deposits where it is found in isolation as non-associated gas. Thus, associated gas is burnt off to decrease costs. The World Bank reported in 2004 that "Nigeria currently flares 75% of the gas it produces."⁷ Gas flares have potentially harmful effects on health of the communities in the region, as they release a cocktail of poisonous chemicals and gases. Humans exposed to such substances can suffer from a variety of respiratory problems. These chemicals can aggravate asthma, cause breathing difficulties⁸ and cancer.

The foreign oil companies operating in the Niger Delta have made immense profits which have in turn benefitted the central Nigerian government since oil profits represent 80 per cent of the federal revenues. Simultaneously, the business elite receives a hefty share and government officials enjoy inflated salaries. Corrupt officials have reaped generous amounts of money in the entire process. However, despite this bonanza, little of the revenue has been utilised to develop the Delta. It remains impoverished and without adequate infrastructure; locals claim that the oil profits have been diverted to projects in other regions.

Like Somali fishermen, after seeing their fishing stocks dwindle due to extensive poaching, resorted to illegal tax collection and eventually piracy, the local people of Niger Delta too feel they are suffering from grave injustice. They have watched in sheer frustration the luxurious enclosed camps of foreign workers even as most of their own nearby villages remain devoid of any basic infrastructure: over 70 per cent of the Delta's 40 million people have no access to electricity, clean water or special medical care.⁹ Despite tall claims of developing the area from various quarters, like the government and the oil industry, the conditions in the region continue to be pitiable. The UN Environment Programme estimates that it would take up to 30 years of intensive cleanup efforts to restore the region.¹⁰

Recognising the seriousness of the issue and the extent of deplorable conditions, the Nigerian government proposed a billion-dollar cleanup plan in 2011; but in due course the effort stalled, fuelling rumours that the project might be cancelled.

It is this deep sense of being wronged that has fostered illegal activity, such as illegal bunkering and refining operations, and has further contaminated the area, thereby worsening the problem.

Niger Delta insurgents

“You won't find police stations, court houses, or primary schools for vast stretches. There are no post offices. There is no presence of the government for miles.”¹¹

In many ways, piracy in the Gulf of Guinea is directly linked to the political dynamics of the Niger Delta and its associated socio-economic

problems. The turbulent politics of the region has often been cited as one of the primary drivers of piracy which is controlled by organised gangs and groups operating from the Delta. It is therefore essential to study the various militant groups in the region, that are often accused of fuelling piracy, for a comprehensive assessment of the phenomena.

Figure 2. Map of Niger Delta



Source: Tomas Malina "Niger Delta" available at <http://research.ridgway.pitt.edu/blog/2012/05/15/niger-delta/>

The delta covers an area of 20,000 km² within wetlands of 70,000 km², formed primarily by sediment deposition. Home to 20 million people and 40 different ethnic groups, the Gulf of Guinea is the natural storehouse of major high-quality oil reserves. The area comprises of three Nigerian states of Delta, Bayelsa and Rivers; all three have been plagued by insurgency and armed conflict for decades.

The conflict by armed groups has primarily been fostered by widespread corruption, environmental destruction and alienation/marginalisation of the local population.¹² Complicating the situation further is the bitter

ethnic and inter-communal violence between the Ijaws and the Itsekiris in the Warri area of Delta State,¹³ fuelled by competition over of control resources along disputed community borders and claims over compensation paid by various MNCs for appropriated and polluted land.

Most of these militant groups sustain themselves through criminal activities, wantonly indulging in piracy, kidnapping, and oil theft. While it is difficult to estimate how much oil has been stolen due to these activities, there are indications that it might be as high as 5-10 per cent of Nigeria's total national production.¹⁴

The Main Militant Groups¹⁵

Movement for the Emancipation of the Niger Delta (MEND)— Emerging in late 2005, MEND articulated a set of demands that included increased political participation, a greater share of the profits derived from local oil and gas activities, socio-economic development, and reduced militarisation of the region.

The organisation has now evolved into a conglomeration of different militant groups that are more mercenary in their approach and are therefore constantly shifting alliances and loyalties. Even though many in the media consider the arms dealer and oil bunkerer Henry Okah (aka Jomo Gbomo) as the group's leader, it has now emerged that MEND does not have a clear hierarchical structure with a single individual at the top. The organisation is in fact a loose confederation consisting of many subsidiary groups, which include:

Federated Niger Delta Ijaw Communities (FNDIC) – Operating under the MEND umbrella, and at times known as the Western MEND, it is led politically by Oboko Bello and militarily by a former oil industry employee, Tom Polo. The group has built a heavily fortified complex in the region's creeks and is believed to receive political patronage from Delta State Governor, Emmanuel Uduaghan;¹⁶

Outlaws – Operate under the MEND umbrella in Rivers state;

“General” Boyloaf – Operates under the MEND umbrella in Bayelsa state. This organisation is often called the Central MEND;

Niger Delta Strike Force (NDSF) – Operates under the MEND umbrella in Rivers state, and is called the Eastern MEND. The NDSF was formed in 2005 by Farah Dagogo.

Other groups include:

Niger Delta People's Volunteer Force (NDPVF) – This group was founded by Mujahid Dokubo-Asari and its area of operation is mainly in Rivers state. The group broke away from the more politically mainstream activist Ijaw Youth Council (IYC) in 2004 and threatened an all-out war on the oil industry.

Niger Delta Vigilantes (NDV) – Formed in 2003 by Ateke Tom, it operates in the River state and is a bitter rival of the NDPVF. The NDV has had extensive bloody battles with other groups over control of oil bunkering territory.

People's Liberation Force (PLF) – Formerly under the MEND umbrella, this group was earlier led by Egbiri Papa as it allied itself with Dagogo's NDSF of the Niger Delta Survival Movement (NDSM).

Political Uncertainty and Turbulence in Nigeria

There exists considerable political fluidity and turbulence in the region that prevents the return of stability. It is also acknowledged that piracy, closely linked to the politics of the area, demands a socio-political solution. Efforts of the Nigerian government in this direction have produced mixed results till date. These efforts have, in fact, aggravated the problem of piracy rather than subduing it.

The summer of 2009 had witnessed a significant reduction of tension in the Niger Delta. In late June 2009, Nigerian President Umaru Yar'Adua announced an amnesty plan appended with promises of a bigger share of oil revenues for the region and local infrastructure development projects. This caused attacks (both on land and at sea) to drop sharply as the plan was accepted by many prominent militant leaders, including Tom Polo, Ateke Tom, Soboma Jackrich, Boyloaf, and Farah Dagogo.

Although elements of the amnesty and the announced rehabilitation programme continue to be implemented, the absence of Yar'Adua due to an illness and the elevation of Vice President Goodluck Jonathan to the post of Acting President in mid-February the following year led to renewed instability. This was a surprising development given that the Acting President is a native of the Niger Delta and a former Governor of Bayelsa State. At one time, he was even presumed to have developed close ties with the MEND.

The militants in the Delta declared his assumption of power as the Acting President as illegal and promised to continue their attacks.¹⁷

Piracy Methodologies

The pirates of the Gulf of Guinea have proven to be significantly more violent than their Somali counterparts. As stated earlier, their range of operation is usually much less than the phenomenal range of nearly 1,500 nm of the Somali pirates. The Gulf pirates are less sophisticated in their approach and logistical abilities than their Somali counterparts; their sustenance and reach capabilities are also severely limited.

However, since December 2012, capacities of pirate groups in the Gulf of Guinea have increased. Although the number of overall attacks off Nigeria has decreased, the rate of tanker hijackings has remained constant; moreover, pirate groups have extended their operating range further west to Ivorian waters, particularly off the congested port of Abidjan.¹⁸

The operational methodologies and attack tactics of the Gulf pirates are also significantly different. Often, they have a spare oil tanker ready onto which they unload the oil from the hijacked ship. In case the hijacked ship is carrying cargo, the pirates either shift the cargo (which is cumbersome) to a smaller ship or boat or, more likely, take the entire ship itself. This is in contrast to the Somali pirates who resort to using a “Mother Ship” for extended ranges and prefer to take the hijacked ship to their own coast or harbour.¹⁹

The city of Lagos plays a major role in piracy attacks in the Gulf of Guinea. Meetings in the run-up to attacks are often held in Lagos; most of the networking for criminal operations is also often controlled from there, with tacit support from government officials. Money and arms are channelled through Lagos. Exposing the governmental nexus, a captured pirate confessed: “We have our pallies in the top echelons of relevant security organisations.” He further revealed that some top government officials often gave his gang information on vessels that could become possible targets for an attack.²⁰ “We do not work in isolation. We have a network of ministries' workers. What they do is to give us information on the location and content of the vessels to be hijacked. After furnishing us with the information, they would make part payment and after the hijack they would pay us the balance” he added.²¹

The captured pirate further elaborated, “once there is a ship to be hijacked, our sponsors get across to us through their point men. We then move to get the details about the vessel from the Ministry of Petroleum Resources, Nigerian National Petroleum Corporation and then seek support from relevant security agencies. Once we complete the assignment, we inform the point men, who immediately get in touch with another group also working for the sponsors to take charge of the hijacked vessel, get the oil offloaded onto another vessel to deposit it in various oil storage facilities for distribution and sale to oil marketers and merchants. We do not engage in the sale of oil products. However, we assist at times to monitor it through arms support”.

The interrogation exposes the details of methods used by the pirates. There are reportedly about 1,250 trained pirates across the country.²² Pirates are recruited not only from Nigeria but also from neighbouring

countries like Ghana, Togo, Chad, Niger, and Burkina Faso; training, however, takes place within Nigeria.²³

The Gulf of Guinea pirates have a penchant for violence. Vessels are frequently fired at with automatic weapons and murdering crew members is not uncommon. The pirates treat the attack as an act of war; a pirate was quoted as saying, “at times our victims are killed in the process. This is usually when the crew members try to put up resistance”.²⁴ So brazen are the pirates in their approach that they do not hesitate to attack vessels with security personnel (including armed naval sailors) aboard.²⁵

Once a vessel has been hijacked, the pirates go to great lengths to make sure that the ship 'disappears' while preparations are made to offload the cargo. For example, the tanker *MT Anuket Emerald* was hijacked in 2012; the pirates damaged all the communication equipment and loading computers, repainted the funnel, changed the tanker's name, and removed its IMO number: thus, giving the ship a new identity.

Selling and offloading stolen goods (oil or other cargo) is usually a complex process. It involves a separate network of actors, mainly the “oil mafia”, comprising of insiders who first facilitate fuel storage at numerous illegal depots across Nigeria and then organise the goods for distribution.²⁶

Many criminal groups operating in the Niger Delta area run illegal refineries. These refineries are used to process the crude oil stolen from ships or from pipelines. It has been estimated that around 100,000 barrels of oil per day is illegally diverted from the pipelines in the region.

Approximately 10 per cent of Nigeria's refined oil supply comes from illegal bunkering and refining operations. There exists a well-established black market which operates with the tacit approval of corrupt officials at all levels in selling oil to customers across Nigeria and the neighbouring countries.

It is apparent that there is an inherent difference between Somali piracy and that of the Gulf of Guinea. The main objective of the Somalian pirates is to capture a ship and collect ransom from the shipping company. Stealing of cargo is of secondary importance. Violence is at a relatively low level. In the case of Gulf of Guinea, the primary objective of the pirates is stealing of the cargo or oil; taking hostages for ransom is a secondary objective. There is a greater degree of violence in the Gulf of Guinea and crew members are frequently killed. But, with changing times, West African gangs have also resorted to kidnapping foreign personnel for hefty ransoms; they, however, do not hold entire ships for ransom, which the Somali pirates are known to do.

The transnational characteristics of the Gulf of Guinea piracy are evident from the sheer number of countries that are involved. Bunkering, as subset of piracy, has become part of a larger international web as Lebanese and Eastern European criminal interests reportedly arrange black market sales of stolen crude and refined cargos.

Percentage Commissions

Piracy continues to be a lucrative profession with percentage cuts and fixed commissions. During an interrogation, a pirate leader revealed, "The last vessel we hijacked was in Lome, Togo and I made Naira 10 million (\$ 61, 610) from that operation... We operate on an agreed fee and

between 70 and 80 per cent of the fee is paid before we embark on the operation and the balance is paid immediately after the operation.”²⁷

The pirates, no doubt, have made tidy sums. There is the case of an errand boy who, on witnessing the large booty captured by pirates, begged to be included in the gang. His first operation fetched him the sum of Naira 2.7 million (\$ 16, 634) out of which he reportedly bought a new car.

Costs

The cost of piracy in the Gulf of Guinea region—from stolen cargo, higher insurance premiums and overall security costs—is estimated to reach \$2 billion a year, compared to the \$7 billion cost of Somali piracy. The International Maritime Bureau (IMB) has recorded 996 pirate attacks on oil cargo vessels since 2012, resulting in losses worth \$950 million to West Africa last year.²⁸

Number of Attacks

Piracy is rising in the Gulf of Guinea with 58 incidents recorded in 2012, including 10 hijackings and 207 crew members taken hostage. Exchange of firing was reported in at least 37 attacks.

Nigeria accounted for 27 incidents in 2012, with four vessels hijacked, 13 vessels boarded, eight fired upon and two attempted attacks. Only 10 incidents were reported in 2011. Togo has also seen an increase, from five reports in 2011 to 15 in 2012, including four hijackings.²⁹

In the first three months of 2013, the ICC (International Chamber of Commerce-the Commercial Crime Services) expressed grave concern over piracy in the Gulf of Guinea. 15 incidents were recorded, including three hijackings. Nigeria accounted for 11 incidents in the region. Violence and usage of guns were reported in at least nine of these attacks.³⁰

Table: Incidents of Piracy off Nigeria and West Africa: 2008-2012 (Courtesy Risk Intelligence)³¹

	2008	2009	2010	2011	2012
Nigeria	114	91	73	52	48
West Africa Total	138	120	110	116	89
Nigerian Incidents as Percentage of Regional Total	82.6%	75.8%	66.3%	44.8%	53.9%

Note: These numbers are incomplete, as they only include incidents that were directly reported to the IMB; an estimated 50-80% of pirate attacks go unreported.³²

Military Responses

International response to piracy in the Gulf of Guinea has been relatively muted in sharp contrast to the response against Somali piracy. In the Gulf of Guinea, there are no international task forces or navies undertaking anti-piracy patrols, which is in the case in Gulf of Aden. Similarly, there are no encompassing UN resolutions, such as Resolution 1816 (2008) and Resolution 1851 (2009) which enable navies of the world to step in and curb the tide of Somali piracy, to check piracy in the Gulf of Guinea.

No doubt, the United Nations Security Council (UNSC) has expressed serious concern about the gravity of the situation in the Gulf of Guinea in UNSC Resolution 2039 (2012). While condemning piracy in Resolution 2018 (2011), the UNSC has also encouraged other

neighbouring nations to act in unison against piracy. It also urged the States of the Gulf of Guinea, The Economic Community of West African States (ECOWAS), Economic Community of Central African States (ECCAS) and the Gulf of Guinea Commission (GGC) to develop and implement transnational and trans-regional maritime security coordination centres to cover the whole region of the Gulf of Guinea.

Further, it encouraged international partners to provide support to regional States and organisations for the enhancement of capabilities to counter piracy and armed robbery at sea in the area, including capacity to conduct regional patrols, establish and maintain joint coordination centres and joint information-sharing centres.

While in the case of Somalia the east while TGF (Transitional Federal Government) was ineffective in handling the rising piracy due to lack of infrastructure, resources and political will, in the Gulf Guinea the situation is different. Many of the littorals have capable navies and Nigerian Navy amongst them is the most capable and professional. The Nigerian military has taken many steps to curtail piracy in the region.

However, in 2008, the launch of a Nigerian Joint Task Force (JTF) resulted in serious unintended consequences as some military personnel used the opportunity to participate in the illicit trade themselves, resorting to extortion, rape, and general intimidation of the populace—thus alienating the locals further. Consequently, while initially violence by local groups and insurgents was directed against MNCs, the JTF operations led to increased fighting between militants and the Nigerian Army.

Currently, the military is again revitalising its operations in the Niger Delta. In early 2012, the Air Force opened a new Mobility Command Headquarters, supported by the Nigerian Navy which wants to establish a permanent presence to facilitate raids on criminal hideouts. A joint military task force, codenamed Operation Pulo Shield, was also launched in January 2012. Its primary aim was to combat oil theft. It has raided nearly 100 bunkering and refining operations, pointing to the seriousness of the Nigerian Government in tackling the problem.

Furthermore, in early January 2012, the Nigerian authorities hired a private company, Global West Vessel Specialist Nigeria Ltd (GWVSL), to work with Nigerian Maritime Administration and Safety Agency (NIMASA) and the Navy to monitor and patrol Nigeria's maritime domain and enforce payment of taxes. The contract is for 10 years and worth \$103.4 million.³³ According to the Nigerian press, the company is alleged to have links with a suspected former MEND leader. Critics say it is a risk to outsource national security responsibilities to a private company that will put its own financial interests first, particularly one that is perceived as maintaining connections with former militants. NIMASA insists Global West will not be ensuring maritime security but will only provide high speed small boats that will be used by the task groups against the pirates.

Since then, a JTF comprising of the Nigerian Navy (NN), Nigerian Army (NA), officials of NIMASA and GWVSL has been active and has managed to apprehend some pirate leaders who have during interrogation revealed interesting insights into the modus operandi of the piracy operations.³⁴

However, hurdles have cropped up in prosecuting the suspects. After the JTF made the arrests and concluded the preliminary investigations, the suspects were turned over to the (State Security Service), the primary domestic intelligence agency of Nigeria to wrap up the case and hand the suspects over to relevant organisations for trial and prosecution. But it has turned out that in most cases, the suspects were released under suspicious circumstances, permanently stalling the final investigation and prosecution. These developments reiterate the strong connections and influence of the pirates in government quarters.

These events have also led to a lot of heartburn within the agencies given that the JTF had placed itself at great risk to undertake the operations. Subsequent complaints to the Nigerian President's office led to close monitoring of all suspects by the President's office. The effectiveness of such a move is yet to be assessed.

In the meantime the Nigerian forces, citing the need to fight piracy, are busy with further inventory acquisitions and capacity enhancement. They have undertaken a slew of measures which include:

- A \$42 million deal with China to build two new Offshore Patrol Vessels;
- Joint military exercises (held in February 2012) with forces from the US, Ghana, Gabon, Equatorial Guinea, Togo, Benin, and the Republic of Congo. The exercises were aimed at enhancing response capabilities of the navies in the Gulf of Guinea, improving interoperability and increase sharing of maritime domain awareness information to combat piracy, human trafficking and other sea-based crimes through collective efforts;³⁵

- Additional support sought from African countries to join current patrols by Nigeria and Benin (UNSC Resolution 2039 (2012));³⁶
- Purchase of three patrol ships from France and six from Singapore; also, a warship, *NNS Andoni*, to be constructed indigenously;³⁷
- The Nigerian Navy is seeking government approval to acquire up to 49 ships and 42 helicopters over the next 10 years to secure the nation's territorial waterways and the Gulf of Guinea.³⁸

Other nations too have taken steps for capacity-building. The Ghanaian government was delivered two German warships in July 2012. The country also acquired four Chinese ships to strengthen patrols for protecting offshore oil fields.

The Cameroonian Navy has about 2,000 men monitoring its coasts and responding to attacks. The Gabon Navy is smaller, but in 2010 it acquired four coastal launches with a range of 800 nautical miles. Equatorial Guinea bought a warship and an Antonov fighter plane in 2009 to keep watch on its coasts.³⁹ As for Benin, China recently provided a grant of four million euros to the country for the purchase of a multipurpose patrol boat to be used mainly against maritime crime.

Joint anti-piracy patrols with armed speed boats undertaken by Benin and Nigeria that commenced in 2011 are now bearing fruit. Operation Fire for Fire was designed to stop smuggling and piracy off the coasts of both nations and had a salutary effect on the ground situation—leading many, including the US,⁴⁰ to urge the two countries to continue joint

patrols. Cameroon, Gabon, Equatorial Guinea, and São Tomé and Príncipe have also decided to commence anti-piracy patrols.

Efforts by International Community

One of the initial steps at forming a true multinational anti-piracy patrol task force was taken at the United Nations recently, when Togo called on the United Nations to help form a group of nations to fight piracy, similar to the one operating off the Somali coast. Echoing this call at the UN were India, China and Pakistan, along with the United States.⁴¹

India took a more proactive stance and its permanent representative to the UN at the time, Ambassador Hardeep Singh Puri, stated that “India stands ready to contribute to international efforts aimed at increasing effective cooperation among States in the region to tackle the threat of piracy and armed robbery at sea.”⁴² Earlier, on November 7, 2012, India had circulated a document on Piracy and International Peace at the UN and had requested for a debate on the document which highlighted the problems of piracy and sought multilateral cooperation to eliminate this scourge.⁴³

On its part, China suggested to the UN Security Council that “countries with capability” should help West African nations deal with piracy, adding, “The Chinese government will also continue to provide assistance within our capabilities.”⁴⁴

As for the US, it has begun joint training exercises with West African navies through its new Africa Command (AFRICOM) to “enhance regional and maritime security and safety by assisting African nations in

developing proficiencies in areas such as maritime interdiction operations, search and rescue operations, counterterrorism, and overfishing of African waters.”⁴⁵ It is noteworthy that the United States does not have a counter-piracy presence with dedicated assets or operations in the Gulf of Guinea; however, it does have a maritime programme in support of regional efforts—the Africa Partnership Station (APS). This programme has been designed so as to impart joint training aboard US Navy ships. Since there is no involvement of a physical base, it helps in alleviating fears of a forward base amongst some nations. An AFRICOM briefing paper states that, “Since APS is typically based aboard a ship, it does not leave a permanent footprint in Africa... The ship functions as a mobile training unit, moving from port to port fostering long-term relationships between the United States and international partners.”⁴⁶ The United States has also supplied over \$35million⁴⁷ to train and equip local forces to combat piracy and for surveillance purposes. In addition, the US Navy's *HSV Swift* was recently deployed to the Gulf of Guinea as part of its APS programme.

France sent the frigate *Germinal* to the region, where it patrolled the coasts of Benin, Togo and Ghana in an effort to combat piracy and train foreign naval personnel.

There have also been calls for a regional summit to coordinate a comprehensive counter-piracy strategy.

In June this year, leaders of 25 West and Central African countries gathered in the capital of Cameroon, Yaounde, for a two-day summit to address the issue of piracy and other illicit maritime activities in the Gulf of Guinea. The Economic Community of West African States

(ECOWAS), the Economic Community of Central African States (ECCAS) and the United Nations had jointly sponsored this important landmark meeting. The summit led to the adoption of the “Code of Conduct Concerning the Prevention and Repression of Piracy, Armed Robbery against Ships, and Illegal Maritime Activities in West and Central Africa”, which defines the regional strategy and paves the way for a legally binding instrument.

It is worth noting that while at the inter-regional level cooperation between ECCAS and ECOWAS would allow regional patrols to exercise the right of pursuit beyond maritime borders, political tensions hamper efforts to promote practical cooperation.⁴⁸

Of the various bodies whose ambit covers maritime security initiatives, the Gulf of Guinea Commission (GGC) has the largest mandate for dealing specifically with maritime issues. GGC was established in 2001 as a permanent framework for collective action, with a view to ensuring peace, security and stability conducive to economic development in the region. On November 29, 2012 the GGC countries signed an important document, the Luanda Declaration on Peace and Security in the Gulf of Guinea Region,⁴⁹ which states that there is need to establish regional cooperation and inter-state dialogue in response to increasing maritime insecurity in the region.

Recommendations

It is obvious that piracy in the Gulf of Guinea is an intensely complex crime that has its roots on land and arises due to social deprivation, injustice and weak governance, lack of maritime constabulary capacity,

an inability to curtail corruption, and the criminal-bureaucratic nexus. The following recommendations are therefore generic in nature, given that the constraints of enforcing some of them would involve change of mindsets, strengthening of political will and a change in the systemic or cultural ethos.

- 1) Since piracy in the Gulf of Guinea has its roots in social deprivation and injustice, it is necessary to create jobs along the coast, especially for the deprived fishermen. This will stimulate the local fish processing industry and help prevent IUU (Illegal Unreported Unregulated) fishing.
- 2) The smooth functioning of the various governmental agencies is a prerequisite to countering the problems of piracy. Admittedly, many of these organisations often function at cross purposes which not only defeats their very purpose but allows the pirates to use the loopholes to bypass the system and carry on their operations regardless. Thus there is an urgent need of a nodal coordinating agency at the national level with an influential Minister or a Group of Ministers at its head which would ensure seamless Intra-Governmental cooperation for fighting this menace.
- 3) Set up intra-governmental and intergovernmental task forces (such as the one set up by the Nigerian Government). These task forces should not only be able to carry out arrests at sea but, more importantly, have the capacity and authority to prosecute pirate gangs on land as well.

- 4) Promulgate stricter anti-piracy laws and regulations against associated crimes in order to not only target pirates at sea but also target the nexus between corrupt government officials and criminals gangs and/or pirates.
- 5) Amnesty schemes are not effective in the longer run as evidenced from the one offered by Nigeria. Governments should be wary of offering such schemes and should carry out a comprehensive cost benefit analysis of such proposals before venturing into them.
- 6) Strengthen maritime constabulary functions to ensure professionalisation of naval forces, maritime law enforcement bodies and port authorities.
- 7) Enhance maritime capacity through inventory enhancement; maintain constant anti-piracy patrols and carry out regular surveillance missions.

The following recommendations are aimed at strengthening cooperation between the various littorals and their maritime agencies:

- 8) Negotiate multilateral/bilateral agreements between the littoral states to facilitate close cooperation between Navies, Coast Guards (and their equivalent agencies), customs and police forces for anti-piracy operations. Measures for an eventual extradition treaty would also be beneficial.
- 9) Organise joint anti-piracy patrols and surveillance operations. Nigeria, Benin and Togo should agree to expand the joint patrols to

include Togo's territorial waters. Nigeria and Cameroon should conduct joint patrols along their maritime borders.

- 10) Complaints of transgression of sovereignty may arise due to intrusions in territorial seas during 'hot pursuits' by anti-piracy patrols. This common grouse can be amicably settled by creating mutually agreeable rules and regulations for conduct of 'hot pursuits'.
- 11) Given the mandates of ECCAS and ECOWAS, the forums can be used to draw up a regional maritime security strategy which will involve sharing of maritime resources and enhancing maritime capacity of smaller nations. On March 2012, a conference on maritime security, facilitated by AFRICOM and the Africa Centre for Strategic Security Studies, resulted in an agreement between ECCAS and ECOWAS to work towards a memorandum of understanding (MoU) and the adoption of multilateral agreements for regional cooperation. This and similar steps need to be pursued.
- 12) Set up a Maritime Fusion and Information Centre exclusively for maritime crime in the Gulf of Guinea for information collection and dissemination. It may be possible to turn the upcoming Maritime Trade Information Sharing Centre (MTISC) in Ghana into such a centre.

Conclusion

Given the vast amounts of energy outflows from the region, the geostrategic importance of the Gulf of Guinea has increased manifold

over the years. However, until now, the littoral countries and international oil companies have paid no attention to the effect that poor governance has had and is having on social, environmental and economic environment; adverse repercussions have led to the exponential growth of maritime crimes in the region. Such crimes (including piracy) are the result of decades of neglect, social malaise and economic disorder. Coupled with the weakness and general inadequacy of the maritime policies of Gulf of Guinea States, there is a lack of cooperation between States which has allowed criminal networks to diversify their activities, leading to an increase in violence levels.

The rapid spread of maritime crime, particularly piracy, is evident in neighbouring Benin, which had reported only one act of piracy in the previous five years but has been lately struck by at least 20 attacks. The Nigeria-based criminal syndicates, facing heightened security measures in their own waters, have moved westward to find easier targets. The official strategy of most Gulf of Guinea littoral States against piracy has been criticised by analysts for failing to address the root problems that have led to the growth of piracy and criminal activities in the first place. Thus, there exists a need for collaborating and formulating a long-term strategy against piracy and oil theft, which must address the severe poverty of the Niger Delta region while striking at the endemic corruption and the nexus between bureaucracy and criminal gangs. Improving long-term security for shipping cannot be accomplished with military force alone.

Despite the existence of a plethora of multinational fora in the area, a common grid of cooperation has not yet been firmly established. The littoral States should leverage their oil affluence to address problems

such as unemployment, poverty and deprivation, particularly in riverine communities. The fight against corruption must be made a top priority.

It must be realised that the governments are financially dependent on oil revenues; their inability to improve security will not only affect trade in energy, but also trade across all goods from the area. They will have no one to blame but themselves if the political will in these countries is unable to address the root problems and provide better governance—the panacea to rooting out maritime crime in the region.

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