In The Spotlight:

African Piracy Moves from East to West

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Maritime crime off the coast of West Africa is a growing security concern, making the region Africa’s current piracy hotspot. In most incidents, Nigerian criminals steal oil-related cargo from vessels in Nigerian national waters. While the focus of attention is on increasing West African piracy as a global percentage, the annual number of individual events has not matched this trend. This statistical anomaly is in part a result of the dramatic reduction in attacks off the Somali coast due to international military cooperation and the use of defensive tactics by civilian vessels. The methods and politics of West African piracy are decisively different; consequently, the lessons learned from East Africa have limited application in this context. Ships in national waters off the West African coast are inherently more vulnerable than those in the international waters of the Gulf of Aden, and interdiction efforts face significantly greater legal and political barriers. West African piracy is likely to remain a significant risk to the oil industry in the short term.

Increasing and Decreasing Piracy: A Statistical Paradox

Although piracy in West Africa is increasingly the focus of media attention, the concept of a “new Somalia” in the Gulf of Guinea should be approached with informed caution. Legally, piracy is defined by criminal acts that occur in international waters, while, in the Gulf of Guinea, most incidents, predominantly occurring within the national waters of sovereign states, are technically maritime crime. This distinction has serious impacts in terms of interdiction by security forces, but piracy is commonly used as a catchall term for both national and international maritime crime. Piracy is underreported by as much as 50 percent in West Africa, either due to victims’ desire for discretion or the lack of survivors. Despite these analytical challenges, a trend can be discerned from data collected by the International Maritime Bureau (IMB), a subsection within a specialized criminal division of the International Chamber of Commerce. Maritime crime off the coast of West Africa increased from 9 percent of the global total in 2010 to 12 percent in 2011, surged to 21 percent in 2012, and has declined slightly to 19 percent in 2013, and 17 percent in 2014. The apparent growing importance of West African piracy is distorted by an overall decline in global piracy. Piracy in the Gulf of Aden has plummeted since a peak of 237 incidents in 2011, to just 12 attacks in 2014 that represent 6 percent of attacks globally. After a surge in 2011 and 2012, individual instances of piracy in
the Gulf of Guinea appear to be returning to previous levels. Individual incidents rose from 2010 to 53 in 2012, peaked at 61 incidents in 2012, and then decreased to 51 in 2013, and 41 in 2014. However, it is the qualitative differences of West African piracy that make it such a pressing issue for international security.

West African piracy occurs throughout the Gulf of Guinea, an expanse of water stretching from Senegal to Angola, but is concentrated off the Nigerian coast. The vast majority of attacks take place in the national, rather than international, waters of Angola, Nigeria, Gabon, Benin, Ghana, Cote d’Ivoire, and Cameroon. Pirates tend to originate in Togo, Benin, and notably Nigeria, which hosts the majority of pirates and accounts for approximately half the region’s attacks. However, national identities are of limited utility in countering transnational crime, and a trend is emerging where pirates are creating “subsidiaries” outside their home country. Research has also suggested that criminal collaboration is facilitated by transnational ethnic communities, such as those that straddle the Nigeria-Benin border. National boundaries do have a significant impact on defensive efforts; private guards are governed by the laws of the nation-states their vessels traverse or are anchored in. For example, while private security has been encouraged in Togo, armed guards have been arrested by Nigerian authorities under charges that their weaponry constituted arms smuggling. Perhaps most importantly, pirates exploit the restrictions that international boundaries place upon local security forces, by attacking ships in the waters of one country and crossing into a neighboring state, where they cannot be pursued. Consequently, West African piracy is very much a transnational issue, as opposed to the international issue it poses in the Gulf of Aden, and thus requires a different approach to interdiction.

The large-scale theft of oil and petrochemical cargoes, known as “bunkering,” is the hallmark of West African piracy, and was pioneered by the region’s prototypical pirates, the Movement for the Emancipation for the Niger Delta (MEND). In the early 2000s, MEND rebels disrupted the Nigerian oil industry through sabotage, kidnapping foreign workers, and oil theft in the Niger Delta and from close-to-shore facilities. A 2009 amnesty deal effectively ended the insurgency in a political sense, but some militants continued their activities for commercial gain, which over time spurred the growth of piracy across the Gulf of Guinea. West African pirates typically target anchored or slow-moving ships that are queuing close to shore to offload cargo. These ships are at their most vulnerable in shallow coastal waters, unable to take evasive action, and reliant upon local security forces for protection. West African pirates are reported to have good intelligence on their targets, be heavily armed, utilize military tactics, and have recruited skilled crews to operate captured ships. Typically, pirates hijack a vessel for less than a week, strip it of assets, and steal its cargo. Captured tankers are then manned by a new crew that directs them to facilities or other ships, often in Nigerian waters, where the vessels’ contents can be siphoned off. Piracy in the Gulf of Guinea is more violent than East Africa, as attacks often focus on cargo, and there is less interest in abducting crews for ransom.
Kidnapping has increased over the past two years, but fewer ungoverned areas exist to hide captives when compared to Somalia, and the victims are often viewed as expendable when capturing a ship.

Recent examples provide useful case studies of the two most common forms of West African piracy; bunkering, and kidnapping. On Jan. 18, 2014, the Greek-owned MT Kerala left its anchorage off the coast of Angola without warning or notification. The vessel reappeared a week later in Nigerian waters, approximately 92 km (57 miles) south of the Pennington oil terminal, missing 13,000 tons of diesel cargo worth more than USD 10 million. The ship’s transponders had been switched off, and markings had been painted over to obscure its identity en route. Pirates are reported to have traveled 900 nautical miles (1,700 km) south from Nigeria to hijack the vessel, and navigated it back to Nigerian waters, where they then bunkered its cargo. The Kerala incident demonstrates the skill and organization of West African pirates, and their relationship to actors in the public sphere. Such an operation requires significant intelligence to identify the target, logistical support for the stolen oil to be syphoned, and connections to the private sector for the fuel to enter the black market in such volume.

On Feb. 3, 2015, pirates attacked the Maltese-flagged Kalamos as the vessel waited in Nigerian waters to take on cargo at Qua Iboe, the country’s most important oil terminal. An exchange of gunfire between pirates and local armed guards killed the ship’s Greek captain, and three crew members were kidnapped. The captives were released on Feb. 26, but Greek authorities would not confirm whether a reported USD-400,000 ransom had been paid in exchange for the hostages. The Kalamos incident demonstrates the willingness of pirates to launch violent attacks close to shore in purportedly secured waterways. Incidents of kidnapping are increasing in the Gulf of Guinea, as they offer lucrative opportunities to pirates unable to conduct complex bunkering operations.

The link between West African piracy, militancy in the Niger Delta, and the Nigerian oil industry is critical to understanding both the economic incentives for pirates and the future of West African maritime crime. The 2009 amnesty deal provided 25,000 militants amnesty, incentives to lay down their arms, promises of economic development, and livelihood training. Then-President Goodluck Jonathan expanded the overtures to former militant groups by awarding them lucrative service contracts in the oil industry. Ironically, many of those who were once the greatest threat to Nigeria’s oil industry became responsible for its security and maintenance. Other former militants became involved in maritime crime, estuarine and onshore oil bunkering, and illegal refining. Oil production in Nigeria is measured at export terminals rather than wellheads, and, as such, the system fails to account for unregistered, illegally produced, or stolen oil at an official cost of USD 20 billion per year. Former militant enterprises have effectively purchased the influence of Delta officials to legitimize their role in the economy – either by turning a blind eye to their illegal businesses, or ensuring they are unavoidable business partners in the legitimate oil industry. This arrangement created a co-dependent relationship between former militants and politicians, with both exploiting an under-regulated industry.

Throughout West Africa, the government and private sector have become facilitators of piracy, funneling the supply of stolen oil into a booming transnational black market for natural gas and petroleum products. It is estimated that in Benin, 80 percent of vehicles use illicit petrol; not all such fuel is sourced from international piracy, but the black market is the strongest motivation
for bunkering attacks. Local officials have discretionary powers over port authorities and oil terminals that must be utilized in order to offload bunkered oil and bring stolen fuels into the black market. Whether it be the bunkering of offshore refined fuel products from tankers, or the interception of crude oil in the Niger Delta, corruption has created significant cooperation between organized maritime crime and some government officials. As such, piracy in West Africa is not just an issue of adversarial politics contesting state power, but also a substantial criminal economy that actively seeks to co-opt the state and political leaders.

**Threat of Renewed Insurgency in the Niger Delta**

The election pledges of current Nigerian President Muhmmadu Buhari to end corruption, combined with the contraction of the Nigerian economy, are likely to result in a confrontation with those who control the Niger Delta. During high oil prices as much as USD-20 billion in official oil revenue was squandered and misappropriated. A glut in global commodities markets, accompanied by a dramatic fall in the price of oil, forced Nigeria to revise the 2015 national budget three times to accommodate for lost oil export revenues. A subsequent trade deficit is suppressing the value of the Nigerian naira, driving up the cost of fuel imports, and of borrowing funds to cover budgetary shortfalls, and increasing inflation. Not only does this bring into question the ability of Buhari to finance election promises, but it is also depressing economic growth. Consequently, there are compelling economic motivations for the Buhari government to minimize loss, theft, and inefficiencies in the oil industry to boost government revenues. Buhari stated intention to fight corruption connected to the oil industry and criticisms of programs connected to the Delta amnesty has threatened the largesse enjoyed by many former militants. Rebel leaders have made direct and veiled threats to resume their insurgencies should the new President interfere with their livelihoods or cut federal assistance to the region. They are also attempting to reignite the sense of a deliberate socioeconomic exclusion of the Delta from Nigeria’s oil wealth that first motivated rebellion in the 1990s. Small-scale attacks resulted in the sabotage of gas pipelines in May and June, 2015, but have so far been limited to symbolic acts of defiance. Now in power, Buhari has alluded through his spokespersons to an interest in extending the amnesty, due to conclude December 2015, but has not yet outlined any clear plan of action.

Put simply, renewed insurgency in the Delta would be an economic—and political—catastrophe for Nigeria, as it would further limit essential revenues during a budgetary contraction. Not only would a return to militancy prevent Buhari from meeting election promises, the cost of the conflict would further drain government reserves. The military would be required to confront both Boko Haram and Delta militants simultaneously, with both campaigns financed by credit. Some oil companies appear to have already determined that the high political and security risks outweigh dwindling profits in Nigeria, and have begun to...
sell off assets; rebellion would undoubtedly prompt a flight of international business. As such, Buhari will face significant pressure to negotiate a new political agreement that adequately replaces the 2009 amnesty and staves off rebellion. However, perhaps more important are the potential threats of Buhari’s anti-corruption efforts to those who control the political economy of the Delta. These endeavors may result in the invalidation of contracts in the legitimate economy, the targeting of Delta politicians, and a clampdown on the black market oil industry. If deprived of lucrative Delta incomes but without sufficient supports to organize an effective insurgency, some former militants may become more actively involved in maritime crime in the Gulf of Guinea.

**Lessons from East Africa**

Counterpiracy efforts of the coast of Somalia were successful due to a combination of geographical, tactical, and political factors. Ships navigating the Gulf of Aden have shifted their routes further offshore into deeper waters and increased their speed to prevent potential boarding. Armed guards and defensive measures such as water cannon and bulletproof safe rooms have either deterred would-be attackers, or provide crews with sufficient time and protection to shelter until rescued. Perhaps most importantly, East African piracy takes places in international waters and thus can be policed by international forces without consideration of state sovereignty. The level of cooperation in the Gulf of Aden had been unprecedented; it is the first time since World War II that the five permanent members of the UN Security Council have fought collectively against a common enemy. NATO and the EU both made significant investments in intelligence gathering, operational coordination, and deployment of forces to address piracy in the Gulf of Aden. Counterpiracy missions were also conducted by Australia, Bahrain, Canada, France, Jordan, South Korea, the Netherlands, Pakistan, Saudi Arabia, Singapore, Spain, Thailand, Turkey, China, Russia, Japan, India, and the US. Great gains have been made over the past five years to subdue East African piracy, but it will only be ended when Somalia is stabilized and effectively governed. The lull in activity may have created a false sense of security as international naval missions are ending, and ships are once again sailing slower, closer to shore, and with fewer guards to cut costs.

**Challenges to Interdiction in the Gulf of Guinea**

The capacity of African states to conduct counterpiracy operations in the Gulf of Guinea is weak; analysts have described their focus on terrestrial security issues as having created “seablind” defense strategies. Local navies are ill equipped, poorly trained, and may even be active participants in the criminal enterprises they are mandated to prevent. Many West African countries are governed through a plethora of security services to prevent the consolidation of power in a particular state instrument, resulting in inter-agency clashes that prevents coordinated efforts. Furthermore, many of the ships targeted by pirates become involved in smuggling, switch off their transponders, and take on false identities, adding yet another layer of complication for already-limited local security forces. Individual states have signed diplomatic agreements, but maritime borders between West African neighbors are often bitterly disputed, and such discord prevents effective cooperation between neighboring navies. Without the right to “hot pursuit” across international boundaries or effective coordination of interdictions, pirates are able to attack in one country’s waters and flee to the relative sanctuary of a neighboring state. At the international level, there is reluctance to engage in another sustained counterpiracy effort due to cost, a perception that such efforts detract from necessary military training, and the complex legal agreements required for maritime interdiction in the national waters of sovereign states. Furthermore, while Somalia was a failed state that was incapable of preventing piracy, there is a sense that West African countries should not be enabled to abdicate their responsibilities to foreign navies. As such, the international community has focused its resources on bolstering the capacity of West African militaries and providing assistances in crises, rather than taking an active policing role. A US Marine Corps base in Spain, whose remit includes counterpiracy, is expanding its fleet of crisis response vessels in West Africa. The US has also donated vessels and equipment to West African states, and the country’s AFRICOM regional command’s mandate includes the training of naval forces. The International Maritime Organization West and Central Africa Maritime Security Trust Fund was set up to support counterpiracy efforts in the Gulf of Guinea, and is backed by various international donors. Individual countries are also engaged in bilateral training partnership missions.
While the capacity of African navies to counter piracy in the Gulf of Guinea is improving, there are no signs of non-African states deploying naval resources at the scale seen in the Gulf of Aden.

**Conclusion**

In the short term, piracy in the Gulf of Guinea is likely to remain under 20 percent of global incidents, with individual incidents decreasing in line with a global downward trend, as long as the successes in Gulf of Aden are sustained, and reforms in Nigeria do not spark insurrection. In the first quarter of 2015, IMB recorded 11 incidents of piracy, compared to 13 in the same period of 2014. International interest in West African piracy is likely to continue rising, and may spur further support and pressure for local counterpiracy efforts. Improving security in the Niger Delta and the low price of oil may make the fuel black market riskier and less lucrative, reducing incentives for piracy. However, Nigeria’s national budget has been slashed, and necessary cost-saving measures may impact naval and counterpiracy efforts to protect assets fighting Boko Haram. In the long term, securing the Gulf of Guinea may become a matter of greater national interest for developed economies, to ensure energy security and access to new markets. The EU and China have yet to match America’s achievements in unconventional oil extraction, and continue to import from Angola and Nigeria. As African economies continue to grow, there will be a greater demand for consumer products imported from developed countries. Key to resolving West Africa’s piracy issues is the region’s dependence on imported petrochemical products and associated corruption. Investments in the region’s ability to refine its own fuels will reduce the need for imports, and the necessary cargo-laden vessels targeted in bunkering attacks.

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