



P I R A T E S
O F T H E
N I G E R
D E L T A

BETWEEN BROWN AND BLUE WATERS



**MINISTRY OF
FOREIGN AFFAIRS
OF DENMARK**



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GULF OF GUINEA

ACRONYMS:

AIS: Automatic Identification System
EA: Exploration Asset
EEZ: Exclusive Economic Zone
EFCC: Economic and Financial Crimes Commission
FPSO: Floating production storage and offloading
GDP: Gross Domestic Product
GPS: Global Positioning System
GoG: Gulf of Guinea
ICC: Inter-regional Coordination Centre
IMB: International Maritime Bureau
IUU: Illegal, Unreported, Unregulated Fishing
JTF: Joint Task Forces
K&R: Kidnap-for-ransom
MDAT: Maritime Domain Awareness for Trade
MEND: Movement for the Emancipation of the Niger Delta
MICA: Maritime Information Cooperation & Awareness Center
MMCC: Multinational Maritime Coordination Center
MRCC: Maritime Regional Coordination Center
MOU: Memorandum of Understanding
NDDC: Niger Delta Development Commission
NPA: Nigerian Port Authorities
NSCDC: Nigeria Security and Civil Defense Corps
NIMASA: Maritime Administration and Safety Agency
NM: Nautical Mile
OMS: Ocean Marine Solutions
PAGs: Pirate Action Groups
PMSCs: Private Military and Security Company
SAA: Secure Anchorage Area (SAA)
SPOMO: Suppression of Piracy and Other Maritime Offences Act 2019
STS: Ship-to-Ship
UK: United Kingdom
UNCLOS: United Nations Convention on the Law of the Sea
UNODC: United Nations Office on Drugs and Crime
US: United States
VHF: Very High Frequency
VMS: Vessel Monitoring System

EXECUTIVE SUMMARY

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The Gulf of Guinea region has a legacy of piracy, armed robbery and armed criminality. From politically motivated early militant groups, such as MEND, to slaving attacks against oil and gas infrastructure to modern-day criminal groups taking foreign crewmembers for ransom from international vessels transiting down off the West African coast, piracy and maritime criminality has proven to be elusive to the many efforts to contain it. Indeed, in the past five years, the focus of piracy activities in the Gulf of Guinea has shifted from pirate groups targeting vessels to steal oil cargo (petro-piracy) to current Kidnap for Ransom (KFR) activity, with cases of up to 10 crewmembers kidnapped per incident.

types of pirate and maritime criminal groups which operate in the region



EXECUTIVE SUMMARY



The Gulf of Guinea region has a legacy of piracy, armed robbery and armed criminality. From politically motivated early militant groups, such as MEND, staging attacks against oil and gas infrastructure to modern-day criminal groups taking foreign crewmembers for ransom from international vessels transiting deep off the West African coast, piracy and maritime criminality has proven to be elusive to the many efforts to counter it. Indeed, for the past five years, the focus of piracy activities in the Gulf of Guinea has shifted from pirate groups targeting vessels to steal oil cargo (petro piracy) to current Kidnap for Ransom (K&R) piracy, with cases of up to 18 crewmembers kidnapped per incident.

Pirates of the Niger Delta delineates three types of pirate and maritime criminal groups, which operate in the region:

- **Deep Offshore Pirates** are capable of operating far from the coast of West Africa and target international shipping traffic. Deep Offshore pirate groups have become increasingly more sophisticated, as for example seen in their ability to take more hostages per attack. These groups have expanded their geographic reach further into the Gulf of Guinea, when incidents were previously concentrated in Nigerian waters. The number of Deep Offshore pirate groups is estimated to be between four and six.

- **Coastal and Low-Reach Pirates** operate up to 40nm from shore, primarily targeting local vessels. These groups usually operate close to their hideouts, or bases, onshore and have a limited operational range capacity. The targets are mainly fishing vessels operating along the coast, oil and gas support vessels and cargo vessels and tankers engaged in cabotage operations. Their modus operandi includes looting, racketeering and kidnapping for ransom, focused more on local crew than on foreign seafarers.

- **Riverine Criminals** are often referred to locally as 'pirates', though their criminal activity does not fall under the UNCLOS definition of piracy, as they operate in the waterways deep within the Niger Delta, where they target local passenger vessels, as well as engage in other crimes. Some arrests of 'pirates' reported by Nigerian agencies and media are highly likely of Riverine Criminals and illegal oil bunkerers, arrested in the creeks of the Niger Delta. These groups pose a more immediate security threat to local populations in the Niger Delta region than to international vessels and their crews.

Focusing on Deep Offshore pirate groups, the report also explores various roles within such **Pirate Group Structure**.

- **Kingpins and Sponsors** are responsible for organizing and providing the financial support to launch piracy attacks. Actors at this level may include high-level ex-militants who help to facilitate incidents of piracy for example by making funds available for initial investments (equipment, fuel, weapons, etc.). Actors at this level are likely also critical in providing protection and cover for the pirate groups.

- **Group Leaders** oversee initial attacks against vessels, including the kidnapping of seafarers. Generally, following a successful attack, a group leader will delegate control of hostage captivity to an onshore deputy. Group leaders will also oversee negotiations, though they do not often act as the negotiators, themselves.

- **Negotiators**, as the name implies, carry out negotiations for the release of hostages following a successful kidnapping operation. It seems that negotiators are often in high demand, likely fluctuating between and contracted by several different pirate groups for their knowledge about 'ransom rates' and negotiation strategies etc.

- **Specialized Team Members** possess a specific skillset to the attack team, such as navigation or engineering capabilities or the ability to hang grappling ladders on vessels being attacked.
- **Attack Team General Members** are members of teams who provide general support during an attack against a vessel. These members will yield weapons and may board the vessel to kidnap crewmembers when the others remain onboard the speedboat to keep watch and be ready to escape with short notice.
- **Camp Guards and Onshore Support Roles** are used following a successful kidnapping operation and manage operations at the hostage camps onshore in the Niger Delta. These roles guard captive hostages and provide general operational support for the camp.

Pirates spend their profits on an array of expenses. Following these **pirate money streams** illuminated that after a ransom is received a larger share goes to sponsors and/or kingpins,¹ and smaller parts are paid to different categories of pirate group members. In addition to this sharing, a fraction of money may be reinvested into maintenance and purchase of equipment, such as speedboats and high-power engines, and weapons, such as AK47s. Beyond this, pirate salaries are spent on an array of expenses, largely dependent on the level the pirate group member occupies within the structure. Commonly, pirates spend money on family expenses, including school fees and healthcare. Pirates at higher levels may use their shares to purchase properties or vehicles. Group leaders may also share small amounts of money with the local community; one pirate group member interviewed noted about children aged 10 and older: “We give them some tokens because their parents are lacking too.”² At lower levels in the structure, pirates may spend on substances like alcohol and drugs or on sex workers. Others note that they “don’t spend the money carelessly” but save in order to “buy land.”³

Various **enabling factors** make combatting piracy difficult.

- **Absence of convictions for the crime of piracy.** While piracy has been known as a recurrent phenomenon in the Gulf of Guinea for several years, no conviction for piracy has ever been recorded in any country in the entire region. This is due in part to lack of adequate national legal frameworks – which have however developed over the past few years – and in part to a regional lack of capacity to intercept and arrest suspect pirates, collect evidence and prosecute the suspects.
- Alleged connections between pirates and high-level actors in powerful political positions are possibly established through secretive partnerships in illicit economies, like elected officials and candidates hiring pirate group members to assist with election protection, intimidation and violence – illicit ‘favors’ that may potentially, in turn, play a role in facilitating pirates evading justice. Further, the appearance of impunity for pirates may serve as a motivating factor for would-be pirates who see vast opportunity with little risk.
- The Gulf of Guinea region has a long history of socioeconomic underdevelopment – a fact in sharp contrast to the vast oil and gas wealth concentrated in the hands of foreign oil majors and regional political elites. This very juxtaposition was a major motivating factor for early militant groups operating in the region, including Movement for the Emancipation of the Niger Delta (MEND) and the Niger Delta Avengers (NDA); however, many socioeconomic conditions are largely unchanged despite claimed efforts to prioritize the development of coastal communities. Socioeconomic underdevelopment does not seem to be the primary incentive for contemporary K&R pirates operating in the region, but this is not to say that it does not contribute to motivating disenfranchised youths in the region who see few economic alternatives.

1 Interview #15, for example, argued: “high-level facilitators” are “reaping the largest proportion of the ransoms vis-à-vis other subjects within the structure.” Very similar comments were made by a number of other interviewees, including Interview #1, Interview #7, Interview #10, Interview #18.

2 Interview # REC023B

3 Interview #REC0275

• **Community support** varies considerably for each type of pirate and maritime criminal groups. Interviews suggest that community support for Riverine Criminals is fading, which may be related to Riverine Criminals' targeting of local vessels, including local passenger vessels, putting these groups in direct conflict with local communities. Meanwhile, Deep Offshore pirate groups occasionally share small tokens or percentages of their takeaway pay with communities facing widespread poverty and unemployment. It is unlikely that pirates donating to local communities have altruistic motives, however. It is more likely that community support is "bought." Interviews suggest that for many coastal communities that 'host' pirate groups, this relationship is also characterized in important ways by an element of fear, including fear of reprisals if being seen to collaborate with security forces.





1.

INTRO- DUCTION

Despite efforts by coastal countries, including Nigeria, as well as by external actors, the Gulf of Guinea (GoG) remains one of the world's most dangerous maritime areas in the world, with 2016 piracy now extending from Ivory Coast to Congo-Brazzaville. A twenty-five successful piracy attacks resulted in 142 kidnapped seafarers in 2016. Though piracy is a crime that takes place at sea, "these incidents all start and end on land." Viewing this problem with attention to its onshore dimensions, this report argues that to disrupt GoG piracy there is a need to understand the organization of pirate group structures as well as distinguish between different types of piracy and riverine criminality, only some of which falls under the UN definition of piracy (see Box #1).

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1.1 AIM & ARGUMENT

Despite efforts by coastal countries, including Nigeria, as well as by external actors, the Gulf of Guinea (GoG) remains one of the most dangerous maritime areas in the world, with acts of piracy now extending from Ivory Coast to Congo-Brazzaville.⁴ Twenty-five successful piracy attacks resulted in 142 kidnapped seafarers in 2020.⁵ Though piracy is a crime that takes place at sea, “these incidents all start and end on land.”⁶ Viewing this problem with attention to its onshore dimensions, this report argues that to disrupt GoG-piracy there is a need to understand the organization of **pirate group structures** as well as distinguish between **different types of piracy and riverine criminality**, only some of which falls under the UN definition of piracy (see Box #1).

BOX #1: Piracy: definition and terminology

As defined in art. 101 of the United Nations Convention on the Law of the Sea (UNCLOS), piracy consists of: (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; (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft; (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

That said, this report notes that locally – in local media and occasionally by Nigerian authorities – criminal groups operating in the waterways and creeks of the Niger Delta are referred to as ‘pirates’ even though they do not operate on the high seas. Interviews with individuals in three piracy-affected areas of the Niger Delta region are further suggestive of this. Even for individuals who explicitly state that they only operate on rivers and waterways, they nonetheless still self-identify as ‘pirates’.

Accordingly, not all types of maritime criminality explored in this report fall within the UNCLOS-definition. Some is, however, described as piracy locally. Self-referential riverine ‘pirates’ are not referred to as pirates in this report but instead as Riverine Criminals in order to underscore the difference between these groups and the Deep Offshore pirate groups based in the Niger Delta region. See BOX 12 for an account of these three analytical categories: Deep Offshore, Coastal/Low-reach and Riverine.

The report introduces an analytical distinction between Deep Offshore piracy, Coastal/Low-reach piracy, and Riverine Criminality. These distinctions form **an analytical lens** that helps illuminate important nuances of the complex and multifaceted phenomenon of Niger Delta-based piracy and riverine criminality. Such nuances are important when seeking to address different aspects of this ‘piracy’ problem. For example, the nature of the interconnectedness of Deep Offshore piracy with local communities seems to differ from that of Riverine Criminals. In addition, the targets of K&R piracy attacks and the ransom amounts paid for the release of kidnapped crew differ between Deep Offshore piracy and Coastal/Low-reach piracy. These and other differences described in this report are essential to disincentivizing and ultimately stopping Niger-Delta based piracy and riverine criminality.

Focusing on Deep Offshore pirate groups, the report argues that in addition to group structures it is also vital to understand and contextualize the issue of **profits made from ransom payments**. Viewed in isolation, the kidnap-for-ransom piracy (K&R) business may appear relatively small: K&R experts estimate that **for 2020**, the annual amount of ransom paid for the release of abducted seafarers was around **\$4 million**. Yet, disrupting this business requires an appreciation of the extensive networks, including violence economies (such as alleged pirate involvement in elections violence), and parallel businesses (like protection during oil theft or illegal bunkering), some of which thrive because of maritime piracy or riverine criminality and the insecurity it generates.

⁴ Maritime Information Cooperation and Awareness (MICA) Center, Maritime Piracy and Brigandage Around the World Annual Report 2020: 3.

⁵ MDAT-GOG, Biannual Report July-December 2020, Maritime Domain Awareness for Trade Gulf of Guinea, January 2021. Please see methods section below on data sources used in this report.

⁶ Interview #5.

1.2 METHOD

Following the wider context and key developments described in this introduction (Chapter 1), the report looks at Niger Delta-based pirate groups (Chapter 2), distinguishing three types of Niger Delta-based maritime piracy and riverine criminality. Next, the analysis focuses on group structures for one type – Deep Offshore pirate groups (Chapter 3). The report then contextualizes this focus on pirate groups by arguing that the piracy phenomenon is intrinsically linked to systems emerging from ‘piracy profits’ (Chapter 4) and to broader networks that extend both upwards (e.g. to policy level) and downwards (to the community level) (Chapter 5). This report need not necessarily be read in its entirety, nor do individual chapters have to be read in the order they appear. It is possible to use selected parts of the report if the reader is, for example, interested only in the typology of different types of Niger Delta-based piracy.

Concerning methodology, the empirical evidence presented in this report is based on a combination of methods and data: The review of literature, two sets of interviews, focus groups, analysis of hostage debriefings, a validation workshop in Abuja where official representatives from government, law enforcement, security and justice sectors discussed a draft of the report. The international team is composed of researchers with field-based and analytical expertise.

Interviews were held with pirate group members and subject matter experts.⁷ One set of interviews – 18 in total – was conducted by a third-party organization based in Nigeria, with individuals who identified as pirate group members.⁸ These interviews targeted maritime criminal groups in three different locations in the Niger Delta region known for piracy activity and other kinds of maritime criminality. In each location, between one and two focus group discussions were held to substantiate interview data.

Another set of interviews was conducted with recognized subject matter experts with specific knowledge about critical niche areas related to maritime security. A total of 34 semi-structured interviews were conducted with key Nigerian stakeholders, intelligence actors, private security actors, academic experts (including ones with field-experience in the Niger Delta), representatives from the shipping and fishing industries, official government bodies, negotiators and de-briefers directly in contact with different pirate groups.⁹ For approximately one-third of these uniquely and centrally placed interview persons, follow-up interviews were conducted.¹⁰ Due to the sensitive nature of the discussion, interviews were conducted in complete anonymity and the report refers only to interviews by number when cited (see Annex 1 for interviews listed by broad category).¹¹ A roughly equal number of representatives from each of the categories mentioned above were interviewed. Finally, two interviews were conducted with released hostages as additional sources, uniquely placed to provide detailed knowledge about Niger Delta-based pirate group structures, locations, and other details.

The methodological principle of triangulation was applied, and information crosschecked with different sources. In addition to interviews with uniquely placed individuals, sources also include internal reports from the private industry and from international and regional maritime security agencies, made available to UNODC.

Challenges with Piracy Incident Data

- This report mainly uses piracy incident data from the International Maritime Organization (IMO) and International Maritime Bureau’s (IMB) annual reports. Each organization has individual requirements for information collection, often based on reporting from vessels, ship owners, flag states, Maritime Operations Centers (MOC), Maritime Multinational Coordination Centers (MMCC) and other parts of the inter-regional maritime security structure. The IMB Piracy Reporting Centre records attacks and attempted attacks against vessels of all types and flags, whether at anchor, berthed or at sea. IMB’s incident data is mainly based on voluntary reports from vessels, ship owners, and/or flag states, meaning that, according to sources, IMO/IMB does not record all incidents.¹² Of particular note, incidents occurring in Nigerian creeks, against local vessels, or oil and gas installations are not included in the database.

⁷ The semi-structured interviews were designed to allow flexibility in adapting questions depending on the knowledge of the specific interviewee.

⁸ Stakeholder Democracy Network was our partner for these interviews.

⁹ The research design targeted fewer uniquely placed interviewees in longer interview sessions (up to 90 minutes) rather than a larger number of interviews with more peripheral sources.

¹⁰ Interview #1, Interview #3, Interview #4, Interview #6, Interview #14, Interview #15, Interview #18, Interview #22, Interview #25, Interview #28, Interview #30

¹¹ Nigerian authorities, Regional/international experts, External intelligence/security experts, Industry/private security actors working in the Niger Delta, International/regional organizations and authorities, Maritime industry, and Released Hostages.

¹² Interview # 5, Interview #15, Interview #18, Interview #30

Interviewees also note that incidents may be missed if authorities diverge from the standard reporting protocol.¹³ Incidents may also go unreported due to the nature of such incidents, the crew's behavior, a company's communication plan, or potential financial implications (such as insurance fees or shipping delays.)

- Annual reports from the Inter-regional Coordination Center Yaoundé (ICC), Maritime Domain Awareness for Trade (MDAT-GoG) and Stable Seas were consulted to crosscheck incident numbers. Such a 'multi-sourcing'-approach brings discrepancies emerging from differences in definition and data collection methods. Several maritime incidents that were not included in IMB annual reports were integrated and analyzed within this report, based on the knowledge of a diverse regional network of maritime security experts in the area, but only where incidents could be confirmed and documented by multiple published sources and reports by shipping companies.

- Some events were classified in this report as 'piracy' even if they did not correspond to the UNCLOS definition of piracy¹⁴ (like attacks at anchorage, followed by abduction of crew). These events were ultimately included in the database for this report based on the criminal model of maritime K&R being applied or attempted. Some events are more challenging to classify, like cases of 'suspicious approaches' which are difficult to verify as they are largely based on the judgment of the crew. Possible links between inter-crime attacks (see Box #2) and K&R piracy add another layer of complication.

BOX #2: Inter-crime attacks as example of piracy reporting challenges.

Illustrative of some of the challenges of estimating piracy incident numbers, some incidents reported as 'piracy' may be better understood as "inter-crime" attacks. As an interviewee noted: "Sea pirates can operate against vessels already engaged in illegal activities such as illegal STS [ship to ship transfer] but [the] percentage is difficult to establish,"¹⁵ demonstrating that criminals can themselves be victims of piracy and also that it is possible that some 'piracy' incidents targeted vessels involved in other illegal activities like illegal oil bunkering, smuggling of commodities and Illegal, Unreported and Unregulated (IUU) fishing.¹⁶ Estimates of the frequency of inter-crime attacks differ significantly: some intelligence sources argue that "between 5-10% of cases classified as piracy are linked to other illegal activity at sea." Others put the number at "15-20%,"¹⁷ while some estimate them to be much more frequent, at "almost 50%."¹⁸ The existence of inter-crime attacks should neither overshadow the challenge of increased K&R piracy, nor the extent to which inter-crime attacks may, directly or indirectly, fuel K&R piracy. Sometimes the perpetrators are involved not only in inter-crime attacks but also in acts of piracy that target legally trading vessels.¹⁹ As an intelligence expert noted, for "some cases of alleged piracy" such incidents were "perpetrated by groups that are also involved in actual acts of piracy directed against legally trading merchant vessels. These groups can be 'hired' to carry out such an attack."²⁰

13 Interview #5, interview #18

14 Please see Box #1

15 Interview #7.

16 Interview #15. CURACAO TRADER was, for example, attacked by pirates on 17 July 2020 but "probably engaged in illegal traffic prior to that."

17 Interview #18.

18 Interview #5.

19 Interview #15.

20 Interview #15.

To synthesize the various challenges associated with reporting and analysis, below is a table noting maritime 'piracy' figures in the GoG depending on data sources: IMB-ICC / CIC Yaoundé / MDAT-GOG/ STABLE SEAS / CEMLAWS.

EVENTS



KIDNAPPING



This report acknowledges the challenges around *estimating onshore dimensions of Niger Delta (N.D.)-based piracy* such as the number of operational groups and camps, the number of people involved and ransom amounts. As such, the **geographical focus** of the report is primarily on the Niger Delta region in the South-South of Nigeria, although piracy attacks affect the entire Gulf of Guinea. More specifically, Chapter 1 describes key developments and current trends in piracy for the GoG-region. Based on that background, the remaining chapters focus on the Niger Delta region, noting that thus far, this is where all kidnapped crew have been taken and where hostage releases have subsequently taken place. As such, it appears that the Niger Delta remains the epicenter of the piracy threat, which causes insecurity far beyond.²¹

The aim of these methodological choices is not primarily to arrive at broad, generalizable trends but instead to look closely at one specific, under-studied phenomenon, namely onshore dimensions of Niger Delta-based piracy.

1.3 BACKGROUND AND NIGERIA'S MARITIME ENVIRONMENT

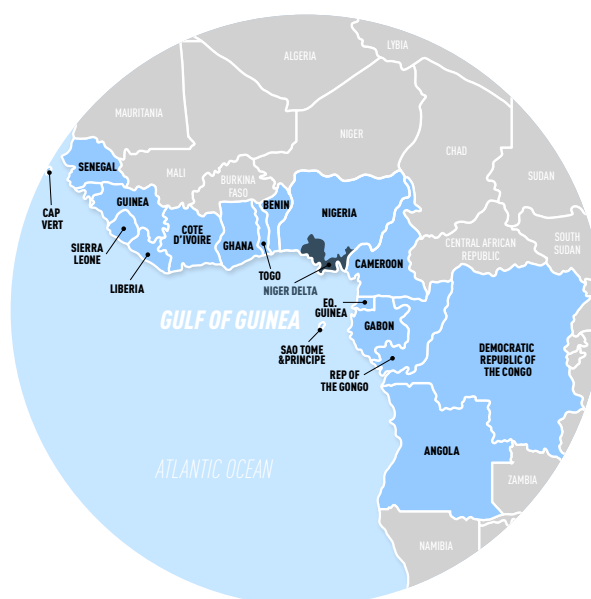
The focus of this report is on pirate groups based in the Niger Delta region, in the South-South of Nigeria. Nigeria's maritime environment and the Delta Region are affected by three key factors:

- Nigeria has a vast exclusive economic zone (EEZ) of 217,000 km². The Niger Delta region is characterized by almost 2,000 waterways winding deep into the territory.²² These characteristics of Nigeria's maritime landscape are important for how piracy is conceptualized.

- The Niger Delta region represents \$400 billion in contributions to Nigerian GDP annually,²³ 9% of which is represented by oil and gas production.²⁴ Nigeria faces numerous security challenges not only in its EEZ, but also in the waterways and creeks of the Niger Delta. Challenges include oil theft, refining oil, smuggling, militancy, community struggles, cultism, and maritime criminality, including piracy.

- The region's challenges are compounded by widespread poverty (70% of the Niger Delta population of approximately 30 million people lives below the poverty line of \$1/day), combined with the region being one of the most polluted in the world.²⁵ In 2020, The Nigerian National Bureau of Statistics indicated that more than 33% of the population is unemployed.

SITUATION GULF OF GUINEA



21 Kamal-Deen Ali, *Gulf of Guinea Piracy: The Old, the New and the Dark Shades* (2020:3)

22 The Niger Delta region is "the third largest wetland in the world." It has "a steadily growing population now put at over 40 million people as of 2006, it accounts for more than 23% of Nigeria's total population of over 140 million [National Population Commission, 2006].

23 The World Bank, "GDP - Nigeria."

24 Simona Varella, "Contribution of Oil Sector to GDP in Nigeria 2018-2020," (2021).

25 Stakeholder Democracy Network (SDN), "Overview of the Niger Delta," (2020).

BOX #3: Multinational oil companies and their history of social and environmental deprivation in the Niger Delta

International oil companies represent one of the main players in Nigeria, mainly within Delta states. SHELL began drilling in the Niger Delta region in 1956.²⁶ The arrival of this historical oil operator created hope for the local population. However, their presence, together with that of other main operators such as Chevron, Agip, Exxon Mobil and Total, resulted in displacement, environmental degradation and loss of livelihood according to several authors.²⁷ Nigeria's independence in 1960 did not change much. The associated social and environmental consequences of oil exploration continued,²⁸ as the financial benefits accrued from oil exploitation did not trickle down to the communities.²⁹ Over 13 million barrels of oil have been spilt since oil production commenced in 1958,³⁰ with an unprecedented impact on the environment, human health and livelihood. Mangrove vegetation has been destroyed, rivers and drinking water sources contaminated, livelihoods lost in fishing and subsistence farming.³¹ Equally worth mentioning is that 60% of the fisheries species in the Gulf of Guinea breed in the mangroves of the Niger Delta region.³² The implications of mangrove destruction extend beyond the Niger Delta to other communities across the Gulf of Guinea.³³ Yet, responses to these social and environmental consequences have been slow and have left coastal residents demanding more.

These accumulated injustices led to the formation of the Movement for Survival of Ogoni People (MOSOP) by the late Ken SaroWiwa in 1990.³⁴ A bill introduced by MOSOP demanded \$6 billion in royalties from past oil production and \$4 billion for alleged environmental damage.³⁵ The demands for a share of oil revenue and greater political autonomy in the region were not met by the government and led to conflict, resulting in the cessation of oil exploration and production in Ogoniland. By 1995, MOSOP's founder, Ken SaroWiwa, and eight other members were hanged, having been found guilty for incitement for murder by a military court.³⁶ Although SHELL has not been able to operate in oil fields in Ogoni since 1993, the facilities were never decommissioned and oil pipelines carrying oil produced in other parts of Nigeria still pass through Ogoniland.³⁷ The pipelines have not been adequately maintained,³⁸ increasing the risk of further pollution. In 2019, a Dutch court convicted SHELL of instigating a raft of human rights violations committed by the Nigerian government against the Ogoni people.³⁹ In 2020, the case reached the International Court at The Hague, where the Ogoni representative claimed that SHELL was complicit in the killing of Ogoni inhabitants for oil exploitation.⁴⁰

The two sections below offer further background on Niger Delta-based piracy with a brief historical account of the evolution of Niger Delta-piracy since 2005 (historical origins of piracy, early militancy groups (including MEND), militancy groups post-Amnesty, maritime hijacking, and the recent shift to K&R piracy). It closes with an overview of three key developments in the characteristics of current K&R piracy.

1.4 THREE PHASES OF GOG-PIRACY: EARLY MILITANCY, POST-AMNESTY

OIL THEFT, K&R PIRACY

This section explores how piracy has evolved, by analyzing changing modus operandi and intent. Each piracy act (hijacking for oil/kidnap for ransom/robbery) entails a distinct level of organization before, during and after illegal acts at sea. For example, maritime robbery does not require the same level of planning and financial support needed for oil theft from a hijacked tanker.

Understanding changing tactics and motives of offshore GoG-pirate groups is important for subsequent analysis of onshore pirate groups and their networks. For years, early militant groups like the Movement for the Emancipation of the Niger Delta (MEND) posed the main threat in the Gulf of Guinea, motivated by the notable disparities in wealth apparent between beneficiaries of the expansive oil and gas industry in the Delta region and its local communities. Later, opportunistic criminal groups motivated purely by profit took their place, attacking vessels across the Gulf of Guinea. Though ex-militants still influence contemporary K&R piracy, the nature of the link between politically motivated militancy and piracy has changed significantly.

26 SHELL. (ND). 'The History of Shell in Nigeria'. Available: <https://www.shell.com.ng/about-us/shell-nigeria-history.html>

27 O'Neil, T. (2007). Curse of the Black Gold: hope and betrayal in the Niger Delta. *National Geographic*, 211(2), 88-117.

28 UNEP. 'Environmental Assessment of Ogoni land.' United Nations Environment Programme, 2011.

29 Cyril Obi. 'Nigeria's Niger Delta: Understanding the Complex Drivers of Violent Oil-Related Conflict,' *Africa Development* XXXIV, no. 2 (2009): 103-28.

30 Adati A. Kadafa. 'Environmental Impacts of Oil Exploration and Exploitation in the Niger Delta of Nigeria,' *Global Journal of Science Frontier Research Environment & Earth Science* 12, no. 3 (2012): 18-27. Adding to this is the impact of unrestricted gas flaring - 7.4 billion cubic feet of gas was flared in Nigeria in 2018. PWC, 'Assessing the Impact of Gas Flaring on the Nigerian Economy' (Nigeria, 2020).

31 UNEP. 'Environmental Assessment of Ogoni land.' United Nations Environment Programme, 2011.

32 E.J.F. 'Farming the Sea, Costing the Earth: Why We Must Green the Blue Revolution' (London, 2004).

33 Ifesinachi Okafor-Yarwood, 'The Effects of Oil Pollution on the Marine Environment in the Gulf of Guinea - the Bonga Oil Field Example,' *Transnational Legal Theory* 9, no. 3-4 (2018): 254-71.

34 The Ogoni Bill of Rights was presented to the Federal Government of Nigeria in the same year and made reference to a number of environmental concerns. UNEP, 'Environmental Assessment of Ogoniland.'

35 Shell Petroleum Company, 'The Ogoni Issue,' SHELL.

36 UNEP, 'Environmental Assessment of Ogoni land,' United Nations Environment Programme, 2011.

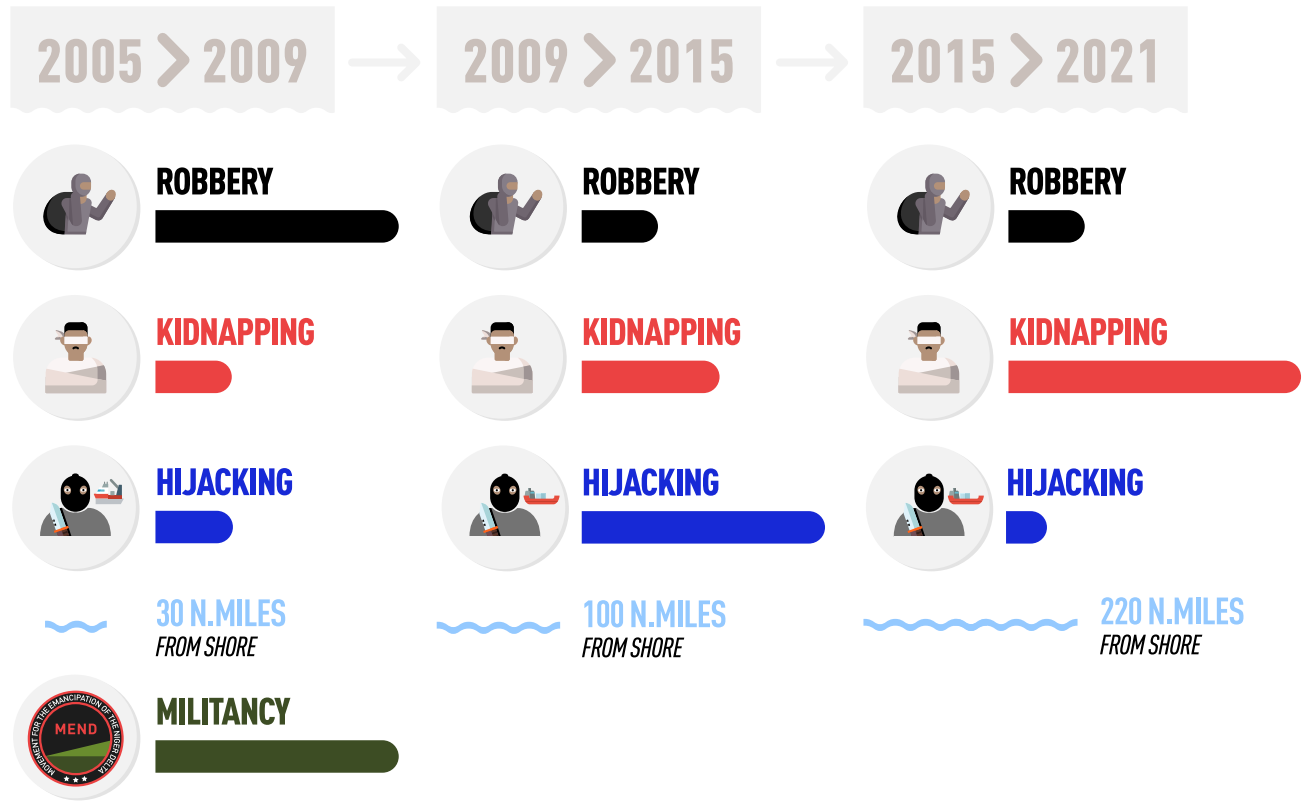
37 UNEP, 'Environmental Assessment of Ogoni land,' United Nations Environment Programme, 2011.

38 UNEP, 'Environmental Assessment of Ogoni land,' United Nations Environment Programme, 2011.

39 Amnesty International, 'Netherlands: After 23 years, appalling allegations against Shell to be heard in court,' Amnesty International (2019).

40 Amnesty International, 'On Trial : Shell in Nigeria,' Amnesty International (2020).

**EVOLUTION OF MARITIME PIRACY
SINCE 2005:**



BOX #4: MEND.

The Movement for the Emancipation of the Niger Delta (MEND) was the largest and most renowned configuration of militant groups based in the Niger Delta region in coastal southern Nigeria between 2005 and 2009. Various sources note that MEND was “not a well-defined entity but rather a coalition of armed groups.”⁴¹ The coalition’s actions targeted oil production infrastructures, legitimizing their attacks with reference to the aim of emancipating the people of the Niger Delta from exploitation and devastation of their natural environment, laying the blame for these conditions at the feet of the oil industry and the Federal Government of Nigeria. Its composition included members of the Ijaw people, who accused the government and overseas oil firms of promoting massive economic inequalities, fraud, and environmental degradation. Shortly after MEND formed in 2005, the group launched a series of deadly attacks on oil and gas industry infrastructures, linked to their political aims to underscore to the world the gap between wealth generated from oil resources in the Niger Delta and conditions of poverty, unemployment and abandonment confronting Niger Delta citizens,⁴² including a 15 January 2006 attack in which 16 were killed on a Shell flow station.

41 E.g. The Jamestown Foundation, 30 Oct. 2009, cited in Nigeria: Government amnesty program for Niger Delta militants (2011).

42 Judith Burdin Asuni, Understanding the Armed Groups of the Niger Delta, Council on Foreign Relations, New York, 2009. See also: “Shell Oil Flow Station Attacked in Nigeria,” China.org originally in Xinhua News Agency, January 2016. Furthermore, during the period 2005-2009, Cameroon was almost at the same level as Nigeria with numerous piracy cases, e.g. BOURBON SAGITTA in 2008, with abduction of crewmembers by Bakassi freedom fighters, one militant group located within Bakassi peninsula. One part of this Nigeria/Cameroon piracy was linked to activities of MEND and focused on Oil and gas support vessels and oil installations.

PHASE #1: EARLY MILITANCY GROUPS 2005-2009

INCIDENT TYPE: During this initial phase of GoG-piracy, piracy incidents classified as ‘boarding and robbery’ constituted 70% of reported incidents. More than 70% of the vessels attacked were oil and gas support vessels. Only around 15 % of reported piracy incidents in the GoG between 2005-2009 were cases of K&R piracy at the time. Several hijackings of oil and gas support vessels were reported, in which vessels were brought to creeks in the Niger Delta and looted.⁴³ When kidnapping and hostage situations occurred (51 seafarers in GoG in 2009 according to IMB report) Nigerian nationals were the primary targets, making up approximately 70% of K&R cases. Most abductions in the Niger Delta between 2006-2008 occurred onshore, making it difficult to disaggregate on- and offshore kidnappings for the period. Of the 59 maritime incidents recorded in Nigerian waters in 2008 by the IMB, 32 occurred in the creeks and riverine areas of the Niger Delta region (mainly Warri, Brass, Bonny and Calabar rivers),⁴⁴ with only 27 incidents recorded offshore, i.e. outside of Niger Delta rivers, seven of which can be linked to early militant group activism (see Box #3).⁴⁵

BOX #5: Floating production storage and offloading (FPSO) Bonga.

MEND activists, onboard several speedboats, violently attacked Royal Dutch Shell’s Bonga oil field in June 2008, shutting down the production of the FPSO for several weeks. This attack resonated around the world. It also marked an exception to a key characteristic of maritime incidents for this phase: incidents generally occurred no more than 35 nm from the shore. Specifically, the average distance of the 28 piracy attacks recorded in 2008 was 19 nautical miles from shore – a ‘rule’, to which the Bonga attack, at 65 nautical miles, marks the exception. Together, for onshore and offshore kidnappings, “more than 350 foreign oil workers” were taken hostage by MEND between 2006 and 2009 – and “dozens were killed.”⁴⁶ This figure illustrates the onshore/offshore difference mentioned above, with only a few of these kidnappings taking place offshore, hence the low number of K&R piracy incidents for this period (15%).

During this period, pirates conducted their operations along the coast from Delta State to Bakassi peninsula. These attacks targeted unprotected vessels. The practice of using security escorts only emerged starting in 2008⁴⁷ and was limited to transits within main rivers such as Bonny or Calabar. Pirate groups were not very structured and often acted under the influence of drugs or alcohol during attacks, as reported by captains following such incidents.

The areas affected by this early form of ‘insurgency piracy’⁴⁸ gradually shifted further offshore as oil companies extended the range of security escorts. For example, on 3 May 2008, SEABULK TOUCAN was boarded at approximately 15 nm south of Rivers State coast, while the majority of previous attacks were located within Bonny River, such as the incident on 8 January 2008 when SIMONE K was attacked and boarded just outside Onne port in Bonny River. However, in some cases, pirates targeted the security vessels responsible for protecting the oil fields, as on 8 June 2008 when two speedboats attacked AUTRY G, which was used as a security vessel by the oil company ADDAX.⁴⁹

On 19 December 2008, *FALCON CREST* was attacked and boarded offshore Bakassi. Having looted the vessel, the pirates injured two crew members and killed the captain.⁵⁰ The early Niger Delta-based pirates gradually moved away from targeting oil and gas support vessels to targeting cargo or tankers, possibly in response to the oil and gas industry improving the security of contracted vessels. Starting in mid-2008, the Oil Producers Trade Section, Nigeria (OPTS) established a secure maritime escort organization within Bonny River between Onne and Bonny.

43 With this modus operandi, pirate groups sought to increase the ransom value by including the vessel as part of the negotiation.

44 Thus, some events that occur in ‘riverine’ waters are reported by IMB. These events were against large vessels transiting inbound/outbound to port. This may be taken to further underline the importance of distinguishing more clearly between different types of piracy

45 PALM CRYSTAL 24 May 2008; TANGO MARY 29 May 2008; AUTRY G 8 June 2008; SOLAR 2 19 June 2008; THOR GALAXY 11 November 2008; AKUDA 12 November 2008. All these events occurred no more than 10 nm from shore.

46 Corruption Watch, Corruption Watch Annual Report (2017)18.

47 Does this need to be cited?

48 Kamal-Deen Ali, Gulf of Guinea Piracy: The Old, the New and the Dark Shades (2020).

49 Addax Petroleum, Annual Information Form for the Year Ended December 31, 2008, Addax Petroleum [2009.]

50 Other examples include an attack on 3 January 2009 on BOURBON LEDA, boarded offshore Bayelsa state, then hijacked and moved to the creeks. The vessel was looted for three days before its final release. On 7 September 2009, TRUMPER was boarded near Escravos. The pirates robbed the vessel and shot several times resulting to the injury for the second mate of the vessel, one Dutch female seafarer.



MEND: Shortly after MEND was formed in 2005, the group launched attacks on the oil and gas industry to attract attention from policymakers and demand that conditions of poverty and unemployment in the Niger Delta region be addressed (see BOX #4). At around this time, armed attacks onshore and near shore merged with maritime attacks. From January 2006 onwards, MEND claimed several maritime attacks, including:

- 10 January 2006: attack against a support vessel en route to Shell's Exploration Asset (EA/SEA EAGLE) offshore field off Nigeria, Delta State. Four foreign workers were kidnapped, and the offshore field was temporarily shut down.^{51, 52}
- 15 January 2006: MEND-militants attacked a SHELL flow station,⁵³ killing 16, including 14 soldiers, and reducing oil production by more than 75%.⁵⁴
- 2 June 2006: militants boarded the semi-submersible rig *BULFORD DOLPHIN* 35 nm from shore, abducting eight oil workers and halting operations, which in turn contributed to a 1.5% rise in the global price per barrel.
- 22 November 2006: FPSO *MYSTRAS* was boarded by MEND militants south of Rivers State, resulting in the kidnapping of seven oil workers. During transit to the hostage camp, the militants' speedboat was intercepted and engaged by the Nigerian Navy, resulting in crossfire which killed one oil worker and injured another.

⁵¹ This resulted in "a production loss of 120,000 b/d to Shell." Moreover, "all non-essential service personnel" were evacuated from the floating production storage and offloading unit (FPSO) [Offshore Magazine, 2006].

⁵² Other hostages were seized in Bayelsa State by prominent MEND-leaders but kept in another leader's camp in Delta State. See, Judith Burdin Asuni, Understanding the Armed Groups of the Niger Delta, Council on Foreign Relations, New York, 2009 [22].

⁵³ I.e. a riverside pumping station that "gathers crude oil from a network of wells" around Bomadi Creek. Oil and Gas Journal

⁵⁴ On 18 February 2006, a new attack occurred against Forcados oil terminal, resulting in the abduction of nine workers and damage to oil installations

Between 2006 and 2009, early militancy group attacks on oil infrastructure (offshore and onshore) reduced Nigeria's oil output by one-third.⁵⁵ The succession of attacks is particularly important because these events shaped Nigerian authorities' responses to piracy. Arguably, this period was crucial in establishing a pattern of offensive military operations in response to violent maritime criminality. Notably, Nigerian authorities created the Joint Task Forces (JTF) in May 2009 – a team of air force, army and navy staff to provide security in the Niger Delta, focused on oil bunkering, piracy and offshore attacks.⁵⁶



Another reason this genesis is important is that *some top-level criminal actors* and founding commanders of early militant groups like MEND (see Box #4) are still active today, though in different capacities and within different power constellations. Today's K&R piracy differs significantly from kidnappings by early militant groups like MEND; namely, today's K&R piracy is not conducted under the flag of militancy. The broader early militant group legacy is important for understanding current K&R piracy, however. Bertrand Monnet, one of the few piracy experts to have interviewed pirate group members in the Niger Delta region, notes about a current pirate group leader referred to as "Black Devil," that his knowledge of weapons handling comes from "...his years in the rebellion. Before becoming a pirate, he was a "'general', a local leader of MEND."⁵⁷ Many of the pirate group members interviewed for this report also claim to be former militants. The way that militancy informed the current piracy situation is discussed in Chapter 3.

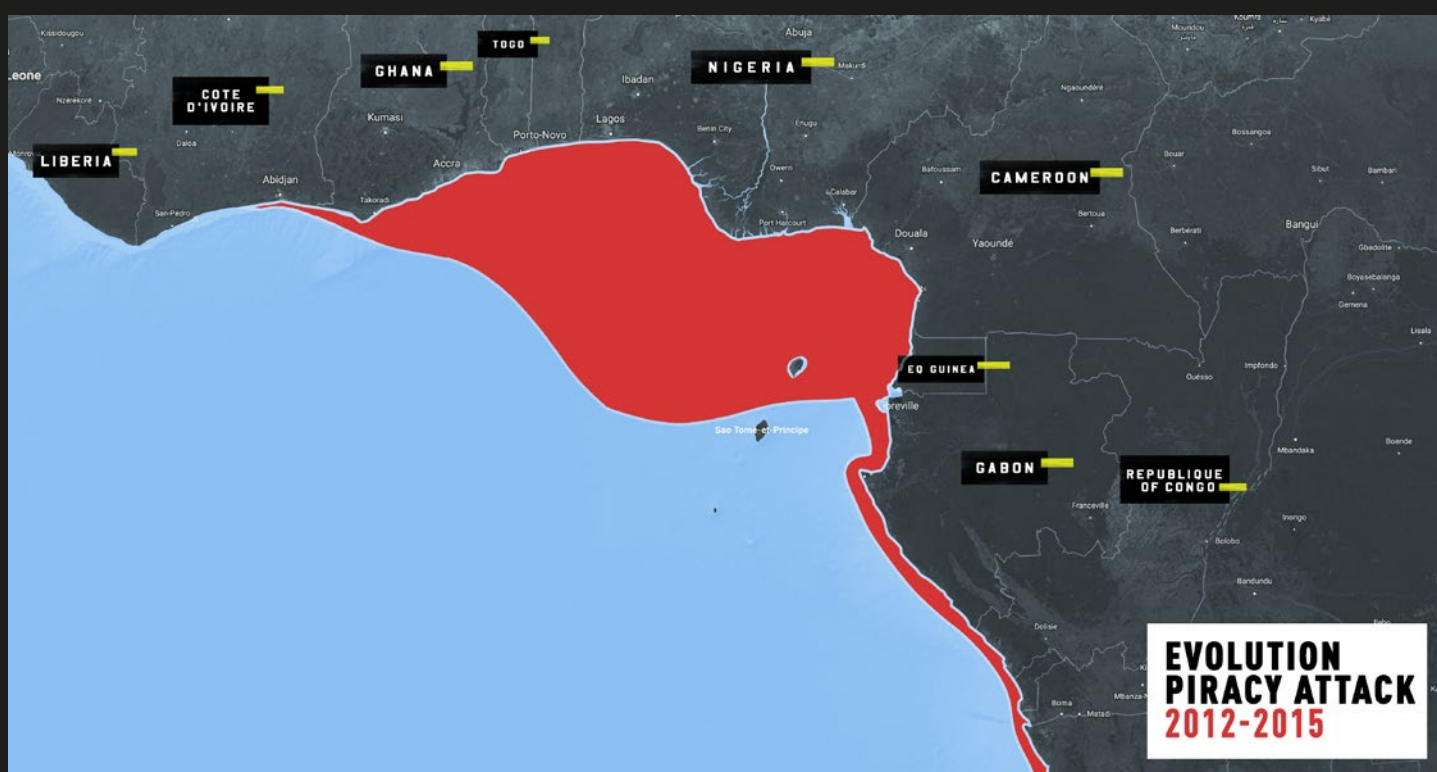
⁵⁵ Corruption Watch, Corruption Watch Annual Report (2017). SDN, "Review of Niger Delta Community Perceptions on Conflict, Militancy and Change: Does Violence Pay?" (2014).

⁵⁶ NGO and media reports has reported on instances of JTF brutality, accusing them of misapplication of power and of "using excessive force," and there is a sense among the Niger Delta population of paying an unnecessarily high price for security. Please see Amnesty International "Tens of thousands caught in crossfire in Niger Delta fighting" (2009) <https://www.amnesty.org/en/latest/news/2009/05/tens-thousands-caught-crossfire-niger-delta-fighting-20090521/>. One interviewee (Interview #14) also brought up this point. It is worth noting that, sources in the local press, describe how community leaders in the Niger Delta region, expressed in a recently signed resolution, that the JTF "invaded our community with four gunboats, two warplanes and burnt down our community." Chancel Sunday, "We're Going Through Hell, Delta Community Cries Out," Vanguard (2021).

⁵⁷ Bertrand Monnet, Rencontre avec « Black Devil », le pirate du delta du Niger (2020).

PHASE#2: POST AMNESTY (2010-2015)

INCIDENT TYPE: During the period 2010-2015, some pirate groups mixed kidnapping and hijacking, targeting tankers loaded with refined product. However, the hijacking of tankers decreased over time and essentially disappeared by 2016, due to the cumulative effects of hijacking failures (like *NORTE*, *ADOUR* or *MAXIMUS*), the global crash of oil prices (\$120/barrel in 2013 to \$30/barrel in 2016), and the investigation by Nigerian authorities of some kingpins,⁵⁸ increasing the risk associated with targeting tankers while potential returns simultaneously substantially decreased.



⁵⁸ Petro piracy was not only linked with Niger Delta pirate groups. There have been accounts of collusion with actors in foreign countries and ports as well as support by kingpins out of the Delta and abroad, notably in relation to the final destination of the stolen 'petro'-product. This, however, is not the focus of our current report, which looks more at contemporary Niger Delta-based K&R piracy.

The case of the tanker *MAXIMUS*, hijacked on 11 February 2016, 70 nm south of Abidjan inside the EEZ of Ivory Coast, and released off Nigeria's coast, marks the end of tanker hijackings. The Nigerian Navy intercepted *MAXIMUS* on 19 February 2016 after an extensive naval operation and some pirates were arrested.

BOX #6: Exemplary cases of the type of piracy attacks characteristic for this period include:

- The attack against BBC POLONIA on 2 July 2010, south of Bonny island
- The attack against MARIANNE SCHULTE on 20 Oct 2010, south of Lagos
- The attack against EAGLE MIRI on 15 May 2011, off the coast of Cotonou
- The attack against ARISTOFANIS on 9 June 2011, off the coast of Cotonou
- The attack against FOURSEAS the 13th Feb 2012, south of Lagos, where 2 crew members were killed,
- the attack against ENERGY CENTURION the 28th Aug 2012, off the coast of Lomé
- the attack against ORFEAS the 6th Oct 2012, off the coast of Abidjan
- the attack against CAP THEODORA the 16th April 2013, offshore Sao Tomé
- the attack against RENOVATION the 14th July 2013, offshore Port Gentil, Gabon
- The attack against KERALA on 18 Jan 2014, off the coast of Luanda
- The attack against FAIR ARTEMIS the 4th June 2014, off the coast of Ghana⁵⁹

This list of piracy attacks summarizes the evolution of GoG-piracy, highlighting
a) the move of piracy incidents along the West African coastline,
b) the targeting of tankers loaded with refined oil products in anchorage areas from Abidjan to Luanda and
c) piracy attacks taking place increasingly further away from shore.

AMNESTY: The year 2009 was marked by a peak in early militancy group activism, with numerous attacks against oil and gas industry vessels and installations, notably in Delta State. Nigerian oil production dropped significantly, and a MEND attack on the Atlas Cove terminal in Lagos on 11 July 2009 brought the group's pressures to Nigeria's economic capital.⁶⁰ Compelled to act in the face of this increasing threat and economic impact, then-President of Nigeria, Umaru Yar'Adua, proposed a ceasefire agreement. By early October 2009, key militant group leaders accepted the amnesty offer.⁶¹ Part of the amnesty programme was disarmament, whereby most central militants agreed to hand over their weapons, "including AK-47s and rocket launchers" to the Nigerian government,⁶² while President Yar'Adua promised to prioritize economic development in the Niger Delta region.

The amnesty programme did not result in a definitive end to militancy in the region. Militant groups like MEND continued to threaten new attacks in 2010 and 2011 and because some of the main militant groups – such as the Niger Delta Liberation Force – refused to join the program, attacks continued.⁶³ Even those who accepted the amnesty offer did not necessarily abandon their involvement in various illegitimate businesses. Some interviewees noted that little progress has been made on the promise of economic development in the Niger Delta region: "the government is nowhere present; they've left a vacuum both in terms of development and in terms of security."⁶⁴ This sentiment, felt among much of the Niger Delta population, threatens an already tense situation. Stressing this, one interviewee noted that "the boys who were 10 years old in 2009 when the amnesty programme was initiated are now 21 years old. Yet, they see the same situation or worse: the economy is collapsing, demography high and criminality is increasing."⁶⁵ A third interviewee argued that the government has "been buying rather than building peace,"⁶⁶ via the cash for weapons process, but also via various security contracts. Of specific relevance to the focus of this report, is the post-Amnesty role of ex-militants, including via various security operations.

59 International Maritime Organization, "MSC/4/Circ.12.2012 Reports on Acts of Piracy and Armed Robbery Against Ships," IMO London (November 2014).
60 E Amaize et al., "Atlas Cove: MEND Cripples Fuel Supply Chain," Vanguard Nigeria, 2009. Available: Atlas Cove: MEND cripples fuel supply chain - Vanguard News (vanguardngr.com)
61 Jamestown Foundation, 2009, cited in Nigeria: Government amnesty program for Niger Delta militants (2011).
62 Benoît Faucon, "Top Militants Accept Nigeria's Amnesty Program," The Wall Street Journal (2009).
63 Canada: Immigration and Refugee Board of Canada, Nigeria: Government Amnesty Program for Niger Delta Militants, Particularly with Respect to the Movement for the Emancipation of the Niger Delta (MEND) (2009-August 2011) (2011).
64 Interview #14.
65 Interview #18. Participants at the Abuja Validation Workshop, April 2021, also brought up this point, stressing this as an important factor.
66 Interview #19.

BOX #7. The Big Five: Prominent militant groups leaders.

As part of the amnesty process, several government contracts were issued to principal ex-militant leaders. One ex-militant leader was given a security contract of \$103 million⁶⁷ to secure the waterways in Delta State. The contract, signed by the Nigerian government, in effect allowed the ex-militant leader control over the areas under his responsibility without government interference, including locations known for illegal oil siphoning and trafficking. Unsurprisingly, control of these locales enabled him to profit handsomely; in 2012, he claimed his personal wealth surpassed \$1 billion.

In 2014, a Norwegian journalist revealed that in 2012, this ex-militant leader bought, via his company, an "87-metre long naval vessel" for \$7.75 million. This disclosure led to a "parliamentary investigation in Norway that detailed major failures in Norway's export control regime."⁶⁸ Only one interviewee argued that other ex-militants "remain quiet under the amnesty agreement."⁶⁹ All others noted that today this ex-militant leader remains a highly esteemed character, known as "the Niger Delta Kingpin."⁷⁰ When asked about the current role of this leader, one interviewee said: "He is considered a star because of his activist position during the MEND-period and because of his fortune."⁷¹ Regarding current Niger Delta-based piracy, this interviewee, argued that: "In Delta State, the piracy group's base is around Okerenkoko/Chanoni. This area is also a hotspot for illegal bunkering," and that he "is son of a local king," "a close friend of Delta State governor" and "enjoys the support of some important and well-known pastors having influence in the area."⁷²

This specific ex-MEND leader is one of the so-called "Big Five": all esteemed and influential ex-militants that benefit financially from lucrative contracts and exert influence in different parts of the Niger Delta region. While some studies explore the involvement of ex-militants in the illegal bunkering business, little existing research has explored their possible – direct or indirect – involvement in current K&R piracy.

PHASE#3: FROM PETRO-PIRACY TO K&R PIRACY. A SHIFT IN TARGETING?

INCIDENT TYPE: Since 2016, GoG-piracy has increasingly trended toward K&R. One interviewee described the evolution of piracy over the last several years as "...moving from robbery on-board vessels, then hijacking, then kidnapping."⁷³ Notable changes include: *the number of abductions annually, the number of seafarers abducted per incident, and the nationality of abducted seafarers.* According to several reports, the abductions offshore increased gradually between 2015 and 2020. IMB reports 121 offshore abductions in 2019 and 130 abductions offshore in 2020, which differs slightly from the 142 abductions reported by MDAT-GOG in 2020.⁷⁴ Despite source discrepancies, a trend is clear: the number of seafarers abducted in 2020 is approximately double the number abducted five years ago. Adding to this is an increase in the number of seafarers being abducted per incident which has increased from 3.3⁷⁵ in 2015 to 5.7.⁷⁶ Finally, an increase in the percentage of foreign nationals abducted has been observed, from 38% of overall hostages in 2015, to 89% in 2020.⁷⁷

TARGETING: With the shift to K&R piracy, a broader range of vessel types are at risk of attack – not only those carrying oil, as was previously the case. This shift begs the question of whether this represents a change in targeting. There is not currently consensus about the extent of targeting for current K&R piracy. Some interviewees argue that pirate groups are largely opportunistic and take advantage of the almost 2000 vessels transiting the GoG at any given time. As one put it: "we have seen how [pirate groups] randomly go out, stay for long, until they have a 'success'. So that's not targeting."⁷⁸ Meanwhile, others posit that pirate groups employ specific plans and information about potential targets,⁷⁹ indicating that a vessel may be targeted due to its location, or because it lacks an escort, or based on the presumed

67 J. Gambrell, "Nigerian ex-militant forges security contract linked to \$103M deal to stop piracy," Washington Times (2012.)

68 Corruption Watch, Corruption Watch Annual Report (2017). See also Tompolo's company buys six Norwegian warships | Ships & Ports

69 Interview #1.

70 Conor Gaffey, "Who is Tompolo, the Niger Delta Kingpin Wanted for Corruption?" Newsweek (2016).

71 Interview #7. As noted, this prominent ex-militant leader has been in hiding since 2015 when Buhari came into power. He was declared wanted by the government through the Economic and Financial Crimes Commission (EFCC) for ignoring two bench warrants issued against him by the Federal High Court sitting in Lagos, following alleged N45.5billion fraud case. However, on 15 July 2019 the court dismissed the charges. See for example Niger Delta militant, Tompolo appears in public after six years in hideout (withinnigeria.com)

72 Interview #7.

73 Interview #4.

74 MICA Center, Maritime Piracy and Brigandage Around the World Annual Report (2020) estimates the number at 142 (page 23/125); ICC International Maritime Bureau, Piracy and Armed Robbery Against Ships – Report for the Period 1 January – 31 December 2020, ICC-International Maritime Bureau, London (2021) reports 135.

75 55 abduction/17 confirmed cases in 2015 (IMB)

76 142 abduction/25 cases in 2020 (IMB)

77 These numbers are possibly under-valued, notably for the fishing industry: "The fishing industry in Nigeria alone has recorded over 15 deaths and loss of vessels, equipment, fish/fishery products valued over N3 billion to these attacks between 2006 and 2009. And between February 2009 and April 2010, the fishing industry has recorded about 80 attacks on some of its vessels with a number of casualties". 2nd WESTERN NAVAL COMMAND LAW SEMINAR 2010 ON OCTOBER 7, 2010.

78 Interview #12.

79 Interview #2.



ransom value for the crew.⁸⁰ Certain incidents suggest that there might have been some form of collusion or intelligence leakage.⁸¹ *TOMMY RITCHER* (April 2020) boarded at Cotonou anchorage, had no armed security personnel on-board the vessel when it was attacked, an incident which resulted in the abduction of eight crewmembers.⁸² An internal report from a regional maritime security agency made available to UNODC for the purpose of this study note that the pirates attacking *TOMMY RITCHER* may have been, according to that same source, informed of the vessel's security situation before the attack took place.⁸³

Private security reports to which UNODC had access indicate that in some cases, internal complicity is highly likely. Video surveillance of a specific attack dated 2013 shows how crew (allegedly recognized as former Nigerian militants and beneficiaries of the amnesty programme) helped, rather than hindered, the attack by opening an external door. In some cases, it is possible that targeting takes place, while in other cases attacks are random, with pirates attacking vessels that appear "soft or ripe," meaning no visible security escort vessel or armed guards.⁸⁴

Finally, it is vital to distinguish the hijacking of oil tankers from another type of oil crime: *oil theft onshore*. Oil theft onshore remains constant and supplies the black market for fuel, upon which many local, underserved communities rely.⁸⁵ However, conflating these two phenomena is common as some offshore pirates are engaged in this illegal activity onshore as support, assisting with oil theft or subsequent transfer.

80 Interview #18.

81 Concerning targeting, other interviewees note: "never has a vessel been attacked whilst being escorted [by S.E.V]." Interviews #9, also #12.

82 ICC International Maritime Bureau, Piracy and Armed Robbery Against Ships – Report for the Period 1 January – 31 December 2020, ICC-International Maritime Bureau, London (2021).

83 Internal report about this incident from regional maritime security agency; Interview #31

84 In a specific attack in 2020, an external door remained open despite lock-down procedures, suggesting the possibility of internal complicity. In another specific attack in 2019, pirates boarded a tanker after a ship-to-ship transfer (STS) operation outside a major West African port. According to crewmembers, an individual involved in the STS operation is suspected of deliberately generating delays so that the vessel no longer possessed security coverage, thereby increasing vulnerability to piracy attack (internal private industry intelligence reports; vessel reports; Interview #18; Interview #30; Interview #31).

85 Maurice Ogbonnaya, From Nationalist Movements to Organised Crime Groups: The Trajectory of the Niger Delta Struggles, ENACT (2020).

1.5 CURRENT PICTURE. K&R PIRACY: THREE KEY DEVELOPMENTS

Piracy in the GoG has gradually shifted from oil theft and hijacking of tankers to K&R piracy, a shift that started roughly towards the end of 2015. This section explores changes in the K&R piracy model, addressing the question: *How do Niger Delta-based K&R pirates currently operate at sea?*

DEVELOPMENT #1: ATTACKS ARE INCREASINGLY OCCURRING OUTSIDE NIGERIAN WATERS AND FURTHER OFFSHORE⁸⁶

Since 2015, pirate attacks have increasingly taken place outside of Nigerian waters. Pirate groups have significantly improved their capacity to operate deep offshore. In March 2021, the tanker *DAVIDE B* (March 11) and *BOURBON EVOLUTION 802* (March 14) were attacked more than 210 nm south of Benin's coast and 220 nm West Bayelsa coast in international waters.⁸⁷ To reach this range, pirate groups have acquired specific resources, including speedboats (Vessel arrangements, Engines, Premium Motor Spirits (PMS) reserves) that have the ability to remain offshore for longer periods of time,⁸⁸ and the ability to navigate using instruments like Thuraya (a satellite phone, which allows communication deep offshore, and which is also fitted with a global positioning system (GPS) receiver, which can be used for navigation).⁸⁹ As an interviewee notes, the speedboats that pirates use have been adapted to "long-range sailing with one engine (low power) dedicated for transit and another engine (more powerful) for attack/boarding."⁹⁰

BOX #8: Semi-permanent mother vessels.

'Mother vessels' are known to be used by pirates in other parts of the world, notably off the coast of Somalia. Mother vessels allow pirate groups to extend their geographic range, as they are larger crafts better equipped for long missions at sea than speedboats, which may be tethered to the mother vessel. When a target is encountered, pirate groups can deploy the speedboats for the attack. The use of mother vessels is mostly seen when pirates operate deep offshore.

To distinguish Somalia-based piracy from Niger Delta-based piracy with respect to the use of 'mother vessels', this report describes the occasional use of larger vessels, hijacked and used by a pirate group as a semi-permanent mother vessel, used for a shorter period of time (e.g. three to five days). For the GoG-region, the use of 'mother vessels' has not been observed to the same degree as was observed with Somalia-based piracy. One interviewee noted that occasionally, pirates "...may force a fishing vessel to be used as 'mother vessel' for acts of piracy deep offshore or to remain longer offshore to allow [them] to reach valuable targets/vessel."⁹¹ It should be noted that, interviewees stress that most often "pirates don't use 'mother vessels' as was observed in the Indian Ocean at the peak of Somali piracy, but instead primarily use fishing boats to refuel,"⁹² and for other support, including food and water.

Some evidence exists of pirates using a larger vessel as a semi-permanent mother vessel. This was observed with *MV GARE*, in an attack against *KERALA* at Luanda anchorage in 2012. After interviews were conducted for this report, the hijacking of vessels to be used as semi-permanent mother vessels or forward operating bases was observed in attacks *between 7 and 10 February 2021, according to several private and law enforcement security reports. A pirate group captured the fishing vessel LIANPENGYU 809 off the coast of Gabon and used it as a semi-permanent mother vessel to allegedly attack the MADRID SPIRIT, SEA PHANTOM, and the MARIA E (8 February 2021) on East then West of Sao Tome Principe Islands.*⁹³ It appears that for now, the use of mother vessels is occasional, largely opportunistic and for shorter periods than Somalia-based piracy.⁹⁴

⁸⁶ See also MICA Center, *Maritime Piracy and Brigandage Around the World Annual Report (2020)*:21: "the maritime approaches to Nigeria, which had so far accounted for over half of the events, recorded a significant decrease in incidents, which were diluted in an area stretching from Ghana to Equatorial Guinea"

⁸⁷ ICC International Maritime Bureau, *Piracy and Armed Robbery Against Ships – Report for the Period 1 January – 31 December 2020*, ICC-International Maritime Bureau, London (2021). – Incidents 029 -21 and 030-21

⁸⁸ CEMLAWS Africa, "Gulf of Guinea Piracy: The Old, the New and the Dark Shades," vol. 2, 2020.

⁸⁹ The pirates' speedboats do not have AIS (Automatic Identification system) receivers, largely because they are not technically configured for. When sea pirates use a larger vessel as their semi-permanent mother vessel, then they can benefit from these vessels AIS receiver (Interview #18).

⁹⁰ Interview #4.

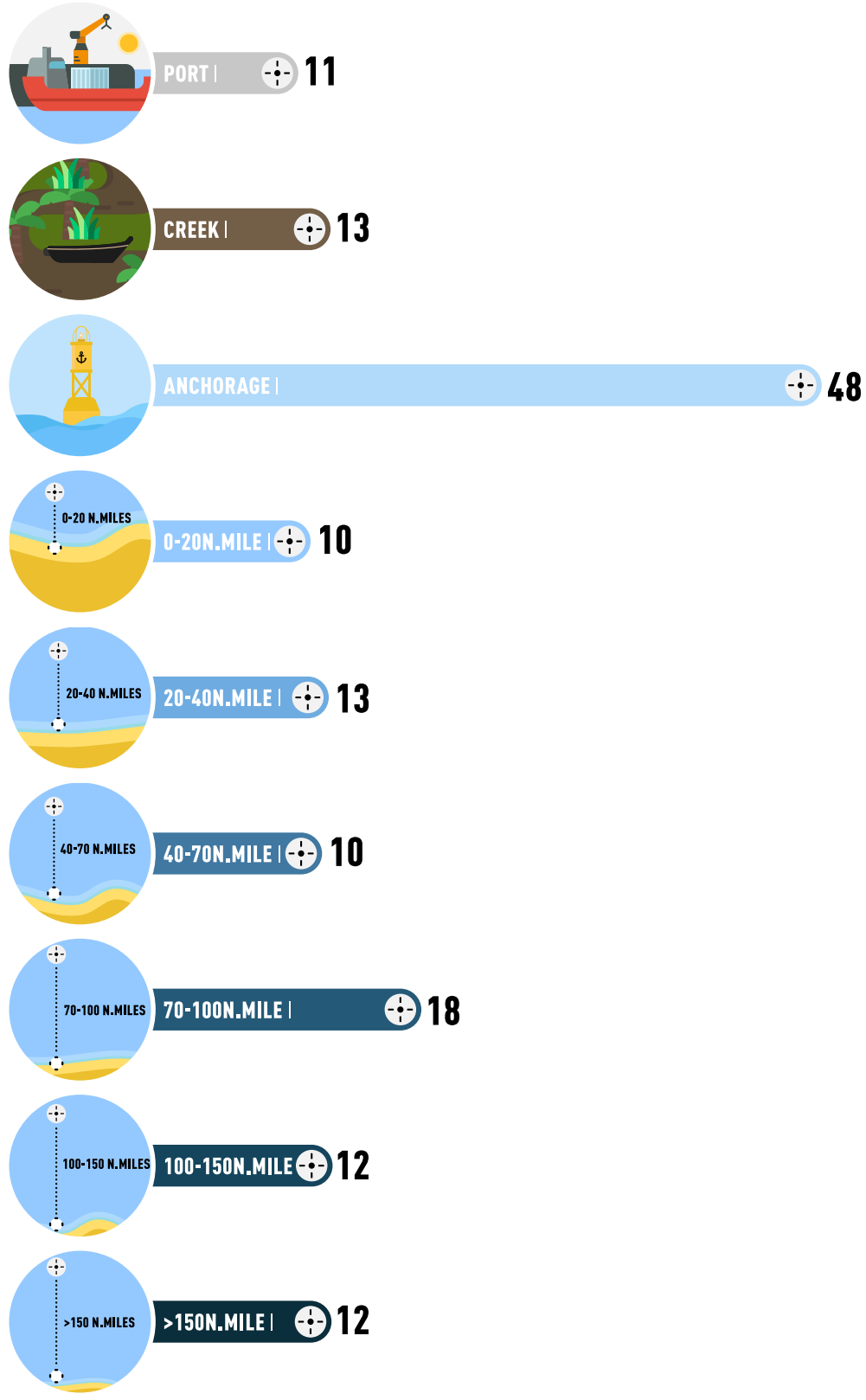
⁹¹ Interview #6.

⁹² Interview #4.

⁹³ Adding to this, another oil tanker located in the same areas, the *MT Seaking*, reported sighting a small boat being launched from a mother vessel having the characteristics of *LIANPENGYU 809*. The pirates attempted to board the *Seaking* using ladders. The tanker was able to take evasive action to avoid the pirates boarding. See for example MMCC D Report 210019/MRP/EMA/CMC, and "Tanker thwarts piracy attack off Port Gentil", by The Editorial Team, February 9, 2021, Safety4Sea, available at: <https://safety4sea.com/tanker-thwarts-piracy-attack-off-port-gentil/>

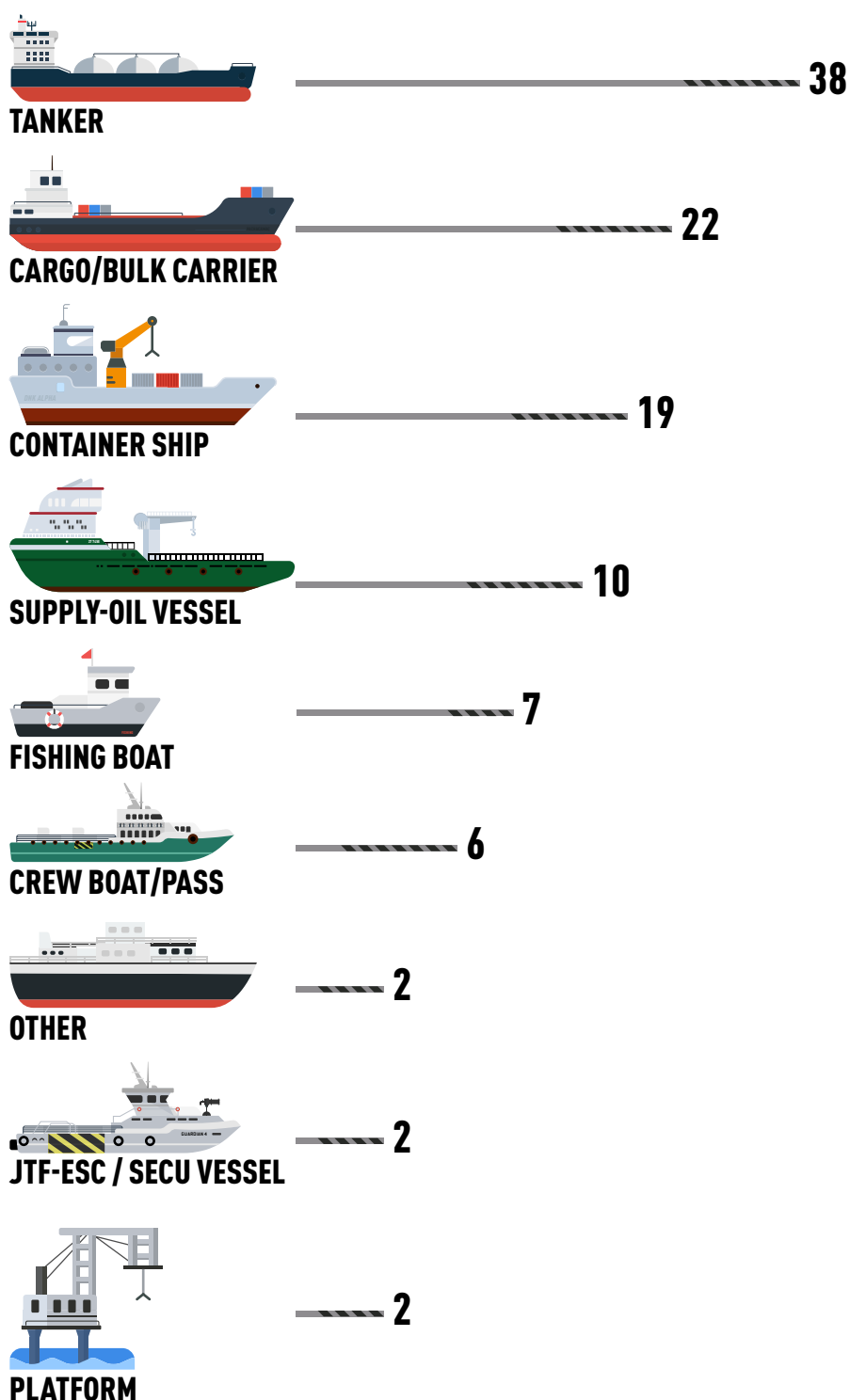
⁹⁴ Interview #1.

**MARITIME EVENTS LOCATION GOG 2020:
SOURCE STABLESEAS**



This shift outside the Nigerian Exclusive Economic Zone (EEZ) is not without exception. All piracy attacks in December 2020 occurred within Nigerian waters. Moreover, this is not straightforwardly a sign of success in the fight against GoG piracy. While the Nigerian Navy and the Cameroonian Navy's Rapid Battalion Intervention Brigade have brought down the number of successful pirate attacks in the Nigerian EEZ, this has not resulted in an overall reduction of piracy incidents. Rather, pirate groups have adapted and expanded their range further offshore.

**NUMBER OF ATTACKS BY CATEGORY 2020/GOG:
SOURCE STABLESEAS**

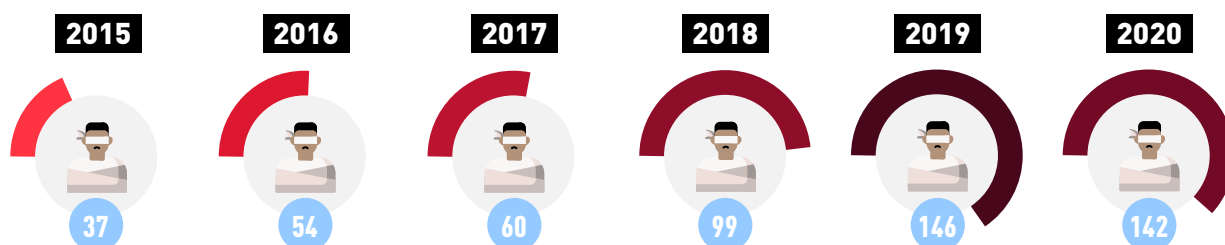


DEVELOPMENT #2: SOPHISTICATION OF K&R OPERATION

Pirate groups have displayed considerable improvements in both the degree of organization and capability in their K&R operations over the last few years. Various interviewees commented on **‘improved’ pirate hostage camps**: “We have...seen actual, proper camps being set up in the border region close to Cameroon – someone has indeed invested in these new camp ‘infrastructures.’”⁹⁵ Additionally, the modus operandi of pirate groups has shifted from almost exclusively night-time attacks to roughly 50% of attacks taking place under the cover of darkness and 50% **day-time attacks**.⁹⁶

Deep Offshore pirate groups have also exhibited the **capability to take a larger number of hostages** per incident, clearly indicated by the statistics figures. But numbers fail to tell the story behind this development. An interviewee hinted at one possible aspect of what is most likely a combination of several factors explaining, “[the pirates] must feel safe since they dare take so many hostages.”⁹⁷ Pirates have also been less violent towards hostages, which may indicate that they view hostages as an essential component of the K&R business model (Box #10).

EVOLUTION OF ABDUCTION SINCE 2015: SOURCE MDAT-GOG



BOX #9: Less violence towards hostages.

In most cases of K&R piracy (with the notable exception of the *MOZART* incident on 23 January 2021), Deep Offshore pirates have become less violent towards their hostages, whose survival is critical to securing ransom payments. This is a substantial departure from when pirates’ main target was oil cargo, and the crew considered to be of little value. With the shift to K&R, pirates’ use of violence is relatively measured, both in taking control of a vessel and during the period of captivity. Though pirates are generally less violent, the harm caused to abducted crewmembers should not be understated. In 2020, two seafarers died during abduction due to sickness. Additionally, one seafarer died during the attack against *MOZART* in 2021. Beyond physical harm, captive seafarers are under enormous psychological distress during a hostage situation. Pirates are not any less violent during confrontations with security forces. Often Deep Offshore pirates avoid direct confrontation with security forces like NN or JTF. Yet, there have been reports of violent clashes, sometime resulting in loss of life. Third, not all maritime criminals referred to have trended towards less violence. Riverine Criminals and Coastal pirates can be very violent during attacks against passenger boats, local fishing boats or, during encounters with security agencies like NN or JTF. Numerous reports signal that passengers have been killed, wounded, or dropped overboard and there are accounts of women having been sexually assaulted.⁹⁸

Deep Offshore Pirate groups have also improved their **boarding skills**. According to one interviewee, pirates easily scaled a vessel with freeboard above 10m, adding that razor wire was “useless as protection.”⁹⁹ Incident reports suggest that razor wire has only marginally contributed to slowing down pirates. A recent maritime security report argues that: “Both vessel operators and pirates have been learning from each other. At one time, ships felt safe from pirate boarding by putting razor wire around the vessel. Pirates learned to pull the wire down with a grappling hook tied to a rope.”¹⁰⁰ Furthermore, while on board, analyses of specific incidents demonstrate strong organization, knowledge about navigation and maneuvering and, to some extent, the ability to quickly disconnect tracking equipment to hinder easy location by authorities.¹⁰¹

⁹⁵ Interview #10.

⁹⁶ Kamal-Deen Ali, *Gulf of Guinea Piracy: The Old, the New and the Dark Shades* (2020).

⁹⁷ Interview #10.

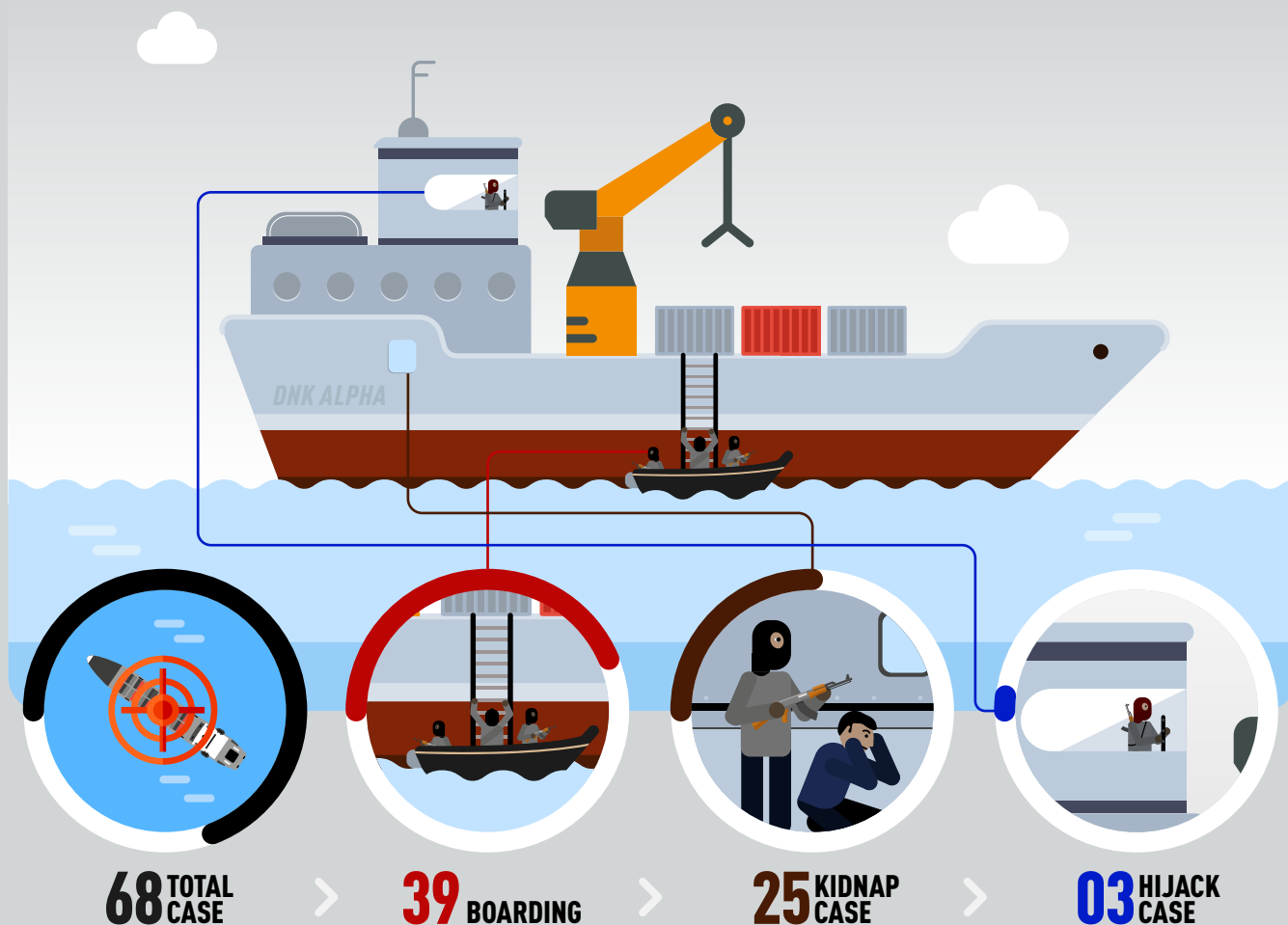
⁹⁸ Olufunmilola Olukomaiya, “Rivers Deputy Governor Condemns Raping, Killing of Women by Sea Pirates,” *PM News Nigeria*, 7 December 2019.

⁹⁹ Interview #12.

¹⁰⁰ “EOS Risk - Piracy Strategies for Gulf of Guinea,” *Tanker Operator*, April 2021.

¹⁰¹ Adding to this, specialists argue that audio files from incidents indicated that sometimes the pirates “lack the ability to turn off AIS and alarms.”

MARITIME PIRACY GOG 2020:
SOURCE MDAT-GOG



Finally, pirate negotiators also appear to have become more sophisticated. Previously, shipping industry negotiators spoke of piracy negotiators' poor English or substance abuse, describing the pirate negotiator as "so doped that he could not remember next day what he had demanded in ransom the day before."¹⁰² Interviewees also argue that pirate negotiators have learned and improved from numerous kidnapping cases, giving Deep Offshore pirate group negotiators good knowledge of negotiation processes and ransom 'market value'.¹⁰³

DEVELOPMENT #3: INCREASE IN RANSOM PAYMENTS

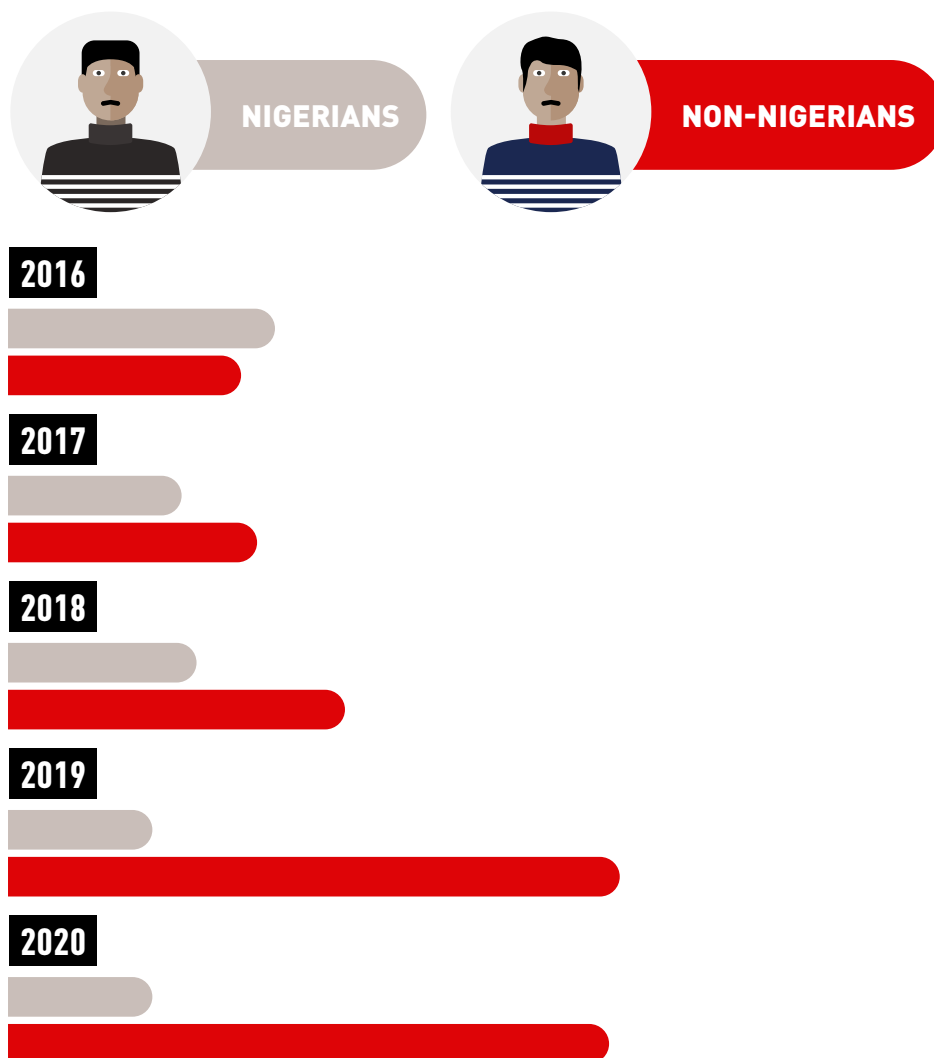
An increase in the value of ransom payments has also been observed in recent years. Four K&R-cases from 2008 demonstrate this.¹⁰⁴ The initial demand for ransom for abducted crews was between 20 and 25 million Naira (\$100,000-\$150,000). However, the final agreement, was around five to six million Naira (\$25,000) for the group. In 2016, the agreed-upon figure rose to approximately \$125,000-\$150,000 for one group of hostages. A considerable increase has been observed since then, with 2020 rates estimated between \$250,000-\$300,000 per group. With this increase, there has also been a shift in ransom being paid in Nigerian Naira to ransom paid in US dollars.

¹⁰² Interview #10.

¹⁰³ Interview #18, Interview #10

¹⁰⁴ Interview #28, Interview #18, and internal report from the private industry

EVOLUTION OF NATIONALITY OF OFFSHORE KIDNAPPING VICTIMS SINCE 2016:



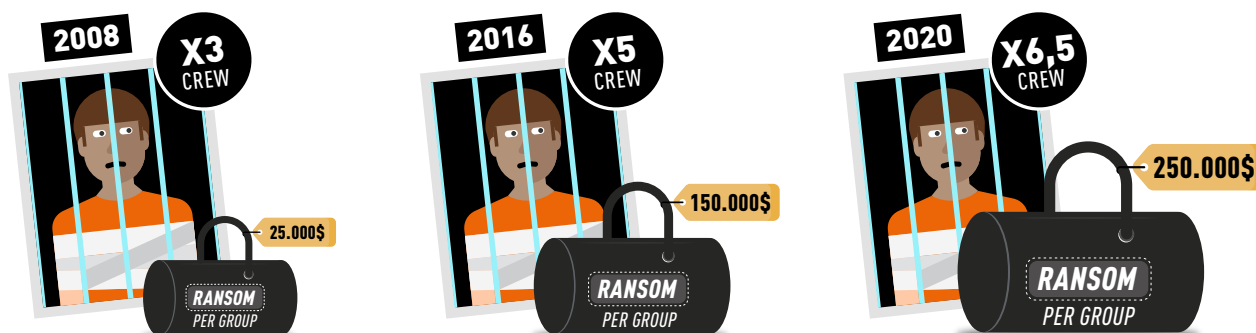
A final remark about developments in ransom amounts concerns *the total annual amount* of ransom money flowing to pirate groups in the Niger Delta and surrounding networks. In 2014, the average amount for the release of one foreign seafarer was approximately \$15,000. By 2019, the average amount paid for the release of one foreign seafarer had increased to \$40,000.¹⁰⁵ However, some ransoms paid can be much lower. With 25 piracy abductions in 2020,¹⁰⁶ resulting in 122 foreign seafarers taken hostage, interviewed K&R experts approximate roughly \$4 million in ransom payments going into the hands of Niger Delta-based pirate groups in 2020 alone. Chapter 3 of this report looks more closely at how money is spent within and beyond pirate groups and contextualizes the size of this K&R piracy business.

¹⁰⁵ MT DUKE, Dec 2019, \$0.95 million USD paid for 19 seafarers, negotiation agreed for \$50 000 USD by seafarer.

¹⁰⁶ ICC International Maritime Bureau, Piracy and Armed Robbery Against Ships – Report for the Period 1 January – 31 December 2020, ICC-International Maritime Bureau, London (2021).

EVOLUTION OF KIDNAP CASES SINCE 2008:

SOURCE MDAT-GOG

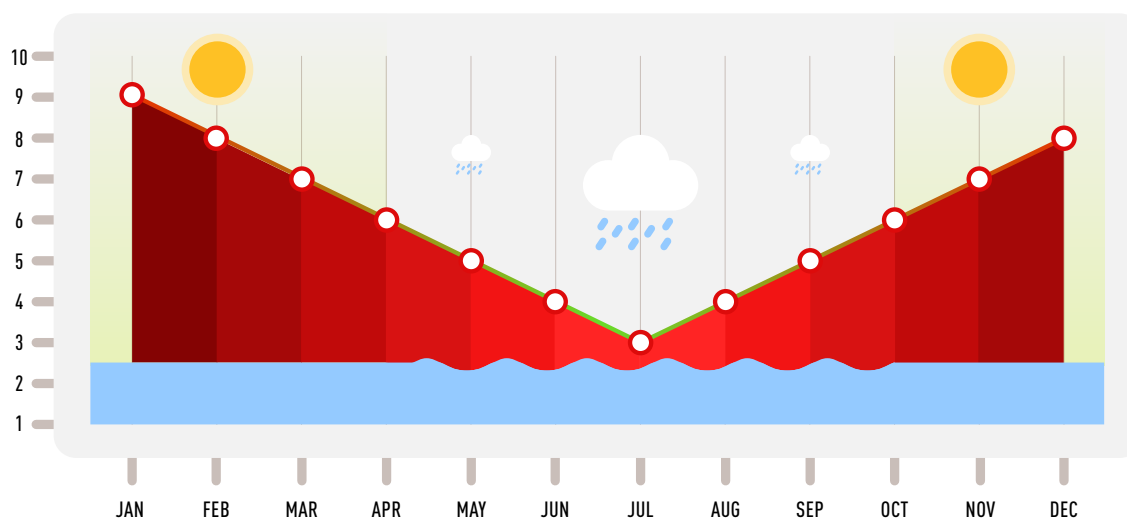


1.6 A NEW BUSINESS MODEL: WHAT HAS CHANGED, WHAT HAS STAYED THE SAME?

The K&R piracy business model possesses its own unique characteristics. The average length of captivity is approximately four to five weeks: 36 days in 2020¹⁰⁷ and 31 days in 2019 on average.¹⁰⁸ Ransom payments continue to increase, correlated with pirate groups taking more hostages per attack as well as demanding ransom payments per individual rather than per group.¹⁰⁹ Whether cases of ransom payments made per individual mark a general and continuing trend or exceptional cases and circumstances arguably remains to be seen. Piracy groups have established a cycle for their model: abduction, negotiation, release, repeat.¹¹⁰

Though a new K&R piracy business model has emerged, some things have not changed. Piracy attacks still largely follow a seasonal pattern with favorable weather conditions resulting in more attacks in the period from November to April. Looking at maritime piracy acts offshore per month for the past five years provides a picture not only of favorable weather for pirates, but also of months where international military presence offshore may have had a deterrent effect on attacks. However, incidents of piracy have been observed despite external military presence, including an incident on 26 March 2018 within Ghana's waters during the US-led OBANGAME EXPRESS exercise (the fishing vessel *MARINE 711* was hijacked offshore Cape Saint Paul, Ghana).¹¹¹

SEASONALITY OF PIRACY ATTACKS OVER A YEAR:



107 Notable exceptions including the cases of DJIBLOHO and RIO MITONG cases in which crew were held for 149 days. According to local media, the first attempt to send the ransom failed. See more at: Tola Adenubi, "Pirates Threaten to Kill Russians Kidnapped in Gulf of Guinea," Nigerian Tribune [September 2020.] A new negotiation started again. Actions from the Equatorial Guinea and Nigerian governments were reported in national media and in an official statement from the Equatorial Guinean government. See more at: Rodrigue Forku, "Equatorial Guinea Announces Release of 5 Kidnapped," AA [July 2020]. The seafarers were released after 149 days abduction

108 Lydelle Joubert, State of Maritime Piracy 2019, One Earth Future [2020]

109 Interview #10, Interview #15, Interview #18, Interview #28. This can also be seen from IMB statistics.

110 Interview #3, Interview#4, Interview #18.

111 Regional sources. See also "Pirates Abduct Five Crewmembers from Fishing Vessel off Ghana," The Maritime Executive, 29 March 2018, available at : <https://www.maritime-executive.com/article/pirates-abduct-five-crewmembers-from-fishing-vessel-off-ghana>

The shift to K&R piracy and the emergence of a new piracy business model raises important questions. To what extent are the actors involved in K&R piracy the same as those who were involved in petro-piracy? With the shift away from targeting oil supply vessels, what happened to the original motivations of early militant groups involved in piracy? Moreover, considering past reports which suggest possible collusion between the Nigerian Navy and/or the Joint Task Force and actors involved in Petro-piracy (and/or illegal oil bunkering),¹¹² how have such potential collusion networks been impacted by the shift to K&R piracy?¹¹³ That said, the likely existence of such collusion networks is not the sole explanation for why Niger Delta-based piracy persists. Even seemingly unrelated factors (such as infrastructure) must be considered: for example, paved road networks are limited in Bayelsa State,¹¹⁴ adding another challenge to local residents' participation in meaningful livelihoods.¹¹⁵ Such infrastructural gaps are illustrative of a broader point raised by various interviewees, that "the population lacks everything: employment, care, road, electricity, hospitals, security."¹¹⁶



112 For example, "Capacity building for the Nigerian Navy: Eyes wide shut on corruption?" By Åse Gilje Østensen, Sheelagh Brady and Sofie Arjon Schütte, U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute (U4 Issue 2018:4), and Transparency International (2019) "Military Involvement in Oil Theft in the Niger Delta: A Discussion Paper", Transparency International (https://ti-defence.org/wp-content/uploads/2019/05/Military-Involvement-Oil-Theft-Niger-Delta_WEB.pdf), and also Judith Burdin Asuni, Understanding the Armed Groups of the Niger Delta, Council on Foreign Relations, New York, 2009.

113 This question was also raised by participants at the Abuja Validation Workshop, April 2021.

114 In August 2020, the Governor of Bayelsa State called on the Federal Government of Nigeria and multinational oil companies to invest in infrastructure, Diri Challenges FG, Oil Firms On Infrastructure Development In Bayelsa – Independent Newspapers Nigeria

115 Mentioned during Abuja Validation Workshop

116 Interview #14, Along similar lines another interviewee noted: "the government doesn't make enough effort to support the locals, the population is turning on oil companies with permanent pressure. Corruption is everywhere. Criminality is part of the environment, used for financial interest but also just to survive." (Interview #8)



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2.

PIRACY AND RIVERINE CRIMINALITY DISTINCTIONS



The term "pirate" in the Niger Delta

WARNING

The term "pirate" in the Niger Delta is a complex and controversial issue. It is often used to describe the activities of armed groups in the Niger Delta region of Nigeria, who are engaged in various forms of criminal activity, including oil theft, kidnapping, and extortion. However, the term "pirate" is not always accurate, as these groups often have specific goals and motivations, and may be engaged in activities that are more akin to organized crime or terrorism. This document aims to provide a more nuanced understanding of the distinction between piracy and riverine criminality in the Niger Delta, and to explore the implications of this distinction for policy and practice. The document is divided into two main sections: the first section discusses the historical and geographical context of piracy and riverine criminality in the Niger Delta, and the second section explores the legal and policy implications of the distinction between the two. The document concludes with a series of recommendations for how to address the challenges posed by piracy and riverine criminality in the Niger Delta.





The term “pirate” in the Niger Delta, encompasses several typologies of criminal activities to which the UNCLOS definition of piracy does not necessarily apply. This chapter identifies three types of maritime criminality and piracy in the Niger Delta, based on variations in *objectives, operational capacity, area of operation* and *type of activity*: Deep Offshore Pirates, Coastal/Low-reach Pirates, and Riverine Criminals. This distinction helps to provide a more nuanced picture of the multifaceted phenomenon of Niger Delta-based piracy, concerning diverse operational capabilities, locations and targets, as well as important onshore dimensions like variances in the extent of local support that different types of groups benefit from and differences in the focus of various counterpiracy actors. This analytical distinction offers the lens through which to consider numerous piracy-related questions: What do the international networks of Niger Delta-based pirate groups look like? How are these groups organized? How many pirate groups are active? All of these and many more questions can be addressed by considering each type of piracy or riverine criminality.

Although this analytical distinction is helpful in the important nuances that it brings out, it is also important to note, however, that there is most likely various “overlaps”¹¹⁷ between different types of pirate groups and other maritime criminal groups operating in riverine, coastal and offshore areas, as these categories are analytical abstractions, introduced to help understand the contours and nuances of contemporary Niger Delta-based piracy and maritime criminality. There is, for example, a degree of fluidity *both* in the sense that these three categories are not fixed but are likely to change over time, *and* that there may be movement of individuals or small cells across the three categories.¹¹⁸ Illustrative of this both an interviewee and a validation workshop participant noted that Riverine Criminal groups are likely to serve, to some extent, as recruiting grounds for Deep Offshore pirate groups.¹¹⁹ Fluctuation, also relating to links between different types of pirate groups and riverine criminals, is an area into which further research is needed.

2.1 THREE TYPES OF PIRACY

DEEP OFFSHORE

The evolution of the techniques of Deep Offshore pirate groups is reflected in interviews with regional and international maritime security and intelligence experts, describing these pirate groups as being increasingly sophisticated.¹²⁰ However, it is worth noting that even among Deep Offshore groups, there appears to be a degree of variability in capability. Some groups “appear to be better equipped and prepared to kidnap a larger number of crew members and hold them on land.”¹²¹ Additionally, some groups have demonstrated the ability to kidnap crewmembers from multiple vessels in quick succession in the same area.^{122, 123}

A key characteristic distinguishing Deep Offshore pirate groups from other pirate groups or Riverine Criminals in the Niger Delta, is that their equipment is specifically adapted to operate deep offshore, such as long-range speedboats equipped with powerful outboard engines capable of high speeds. Sometimes colored flags (white, black or red) have been spotted on their speedboats, which may represent pirate group membership, ethnic or cultism identity or participation in different rituals.¹²⁴

117 Thanks to a maritime security expert, who in reviewing a draft version of this report stressed the importance of further emphasizing this point

118 Interview #5, Abuja Validation Workshop. Thanks also to a reviewer for further highlighting this.

119 This specific point was brought up by participants and discussed during the Abuja Validation workshop. It was also mentioned by two interviewees (Interview #1, Interview #30) and by one of the anonymous reviewers.

120 This is further explained in Chapter 3, which draws on interviews and debriefings to describe the key characteristics and the typical structure of a Deep Offshore pirate group

121 Interview #15.

122 Interview #15.

123 Examples include the attacks on ELOBEY 6 and MSC TALIA on 21 and 22 March 2020 respectively, both offshore Gabon; the AMERGER 2 and AMERGER 7 on 3 May 2020; and RIO MITONG and DJIBLOHO on 9 May 2020, at Malabo and Luba anchorages, Equatorial Guinea, respectively. In February 2021, one Deep Offshore pirate group attacked the fishing vessel LIANPENGYU 809 offshore Gabon, and was then subsequently considered involved in attacking four vessels over the course of the next 48 hours, east and then west of Sao Tome & Principe islands. In March 2021 one pirate group attacked DAVIDE B out EEZ Benin, and, despite the presence of security vessels in area, they attacked again another vessel almost in the same area. MDAT GoG, ICC and IMB reports. See for example ‘Piracy and armed robbery against ships, First Quarter 2021,’ page 25, Incident 13.

124 This is, however, not exclusive to Deep Offshore pirate groups. As a pirate group member noted, “We have signals that we use to identify... if we want to go to somewhere, there is flag we use to tie to our boat, so that make people aware that we are the people.”(Interview #REC010D)

Usually, Deep Offshore pirates use two speedboats during an attack, though sometimes groups use only one. When using two speedboats, Deep Offshore pirates generally approach the attacked vessel from opposite sides. Their boats are propelled by two outboard engines, commonly one 75HP engine and one 200HP engine. Occasionally two 200HP engines are used, as observed during the attack against the containership *ROSA* on 20 April 2021.¹²⁵ A speedboat propelled by two 200 HP outboard engines can reach more than 35 knots when waves are less than half a meter high.¹²⁶ According to hostage debriefings, the 75 HP engine is used to reach the pirate's onshore area of operation, moving slowly to conserve fuel.¹²⁷ To stay offshore for three to four days, pirate groups may carry up to 1500 liters of fuel in 50-100 liter cans.¹²⁸

In the last three years, the *main objective* of Deep Offshore pirate groups appears to be the kidnapping of foreign seafarers - a major difference from Coastal/Low-reach groups (described below). As a pirate group member explains: "some groups specialize on kidnapping the whites, they take to the sea and kidnap what they call 'better whites,'" ¹²⁹ said a pirate whose maritime criminal engagements he describes as targeting "vessels in the river that operate illegally," not far out at sea (see Box#12).

Deep Offshore pirate groups have demonstrated the ability to kidnap over ten hostages per incident, as recently illustrated by the 15 crewmembers kidnapped from *DAVIDE B* on 12 March 2021. A maritime security expert from the region argues that since late 2019, we have seen the emergence of "mass kidnapping" as opposed to the kidnapping of a few members of a crew.¹³⁰ Numbers disclosed in annual reports of ICC-IMB and MDAT for 2020 confirms this trend. Deep Offshore pirate groups have developed the capacity to negotiate ransom payments - increasingly insisting on payment for each crewmember, to accrue more ransom money.

The geographic range of Deep Offshore pirate attacks has shifted over time. Between 2010 and 2014, pirates targeted loaded tankers from Lagos (Nigeria) to Cotonou (Benin), subsequently extending their range to Lomé (Togo), then to Tema (Ghana), and to Abidjan (Ivory Coast). This pattern seemed to follow successive security and preventive counter-piracy measures established by port authorities. A 2011 bilateral agreement between Benin and Nigeria, for example, established the joint military mission "Prosperity" - the aim of which was to secure the Cotonou anchorage area.¹³¹ In 2019 and 2020, some Deep Offshore pirate groups targeted anchorage areas in Togo, Benin, Cameroon, Equatorial Guinea and Gabon to board cargo vessels, tankers and containerships with the aim of abducting crewmembers, likely due to reinforcement of security measures for vessels in transit offshore, notably in Nigerian waters, which speaks to the adaptability of pirate groups.

The operational range of Deep Offshore pirates has gradually increased. Until 2012, the maximum range observed for attacks offshore Nigeria was 85 nm from shore. Pirates have gradually improved their operational range to reach up to 220 nm from the Niger Delta region, as seen in March 2021. In the case of *DAVIDE B*, on 11 March 2021, and *BOURBON EVOLUTION 802*, on 14 March 2021, a Deep Offshore pirate group operated in international waters, out of the Beninese/Nigerian EEZ. Pirates have occasionally used vessels attacked in the waters of Nigeria's neighbors (*LIANPENG YU 809 / AMERGER VII / HAILUFENG 11*) to move back to Nigeria.

¹²⁵ As seen in pictures circulated on Twitter by the Italian Navy. See for example 'Pirate Attack: Italian Navy Protects Tanker in Gulf of Guinea' by Mike Schuler, 12 November 2020, available at: <https://gcaptain.com/italian-navy-deters-pirate-attack-gulf-of-guinea/>

¹²⁶ Stressing this, one industry interviewee noted: "They all have powerful boats and powerful engines" (Interview #12)

¹²⁷ Interview #4.

¹²⁸ Interview #1, Interview#18, Interview #25, Interview #30.

¹²⁹ Interview #REC012D

¹³⁰ Kamal-Deen Ali, *Gulf of Guinea Piracy: The Old, the New and the Dark Shades* (2020) 12.

¹³¹ Joana Ama Osei-Tutu, "Lowering the Anchor on Maritime Insecurity Along the Gulf of Guinea: Lessons from Operation Prosperity," *Africa Portal*, January 2013. See also: "Benin Acquires Three New Coastal Craft," *DefenceWeb* [2012]. Besides this example, there are various other cases of African cooperation. See: "Joining Forces to Fight Piracy in the Gulf of Guinea," *The New Humanitarian* [2011].

BOX #10: The case of LIANPENGYU 809.

Between 6 and 9 February 2021, a wave of piracy attacks was reported off the coast of Gabon. Reports from vessels attacked over the period (*SEA PHANTOM*, *SEAKING*, *MADRID SPIRIT* and *MARIA E*), indicated the probable use of a fishing vessel as a **semi-permanent mother vessel**. Following the attack against *MARIA E* (9 Feb 2021 at 1222 hrs UTC), the use of a semi-permanent mother vessel was reported, with characteristics corresponding to those of *LIANPENGYU 809*. The crew of *MARIA E* mustered in the ship's citadel, which the pirates were unsuccessful in accessing, despite attempting for six hours. Pirates reportedly re-embarked on the **semi-permanent mother vessel** *LIANPENGYU 809* "[before] sail[ing] toward Nigerian waters."¹³² Following this attack, the movement of *LIANPENGYU 809* was tracked by authorities. The vessel's movements were shared between CRESMAC, MMCC D, MMCC E and the Nigerian Navy.¹³³ On 11 February, *LIANPENGYU 809* began sailing south. Upon arrival at Libreville, Gabon, it was confirmed that the vessel had been hijacked several days before and that the pirates had abandoned the vessel on 10 February 2021, having kidnapped 10 crewmembers (six Chinese, three Indonesians and one Gabonese nationals).

An analysis of Deep Offshore pirates' patterns demonstrates that they are able to quickly adapt their area of operations to "cold areas," characterized by little or no military presence and where vessels may not be fully alert to the threat of piracy.¹³⁴ Pirates attempt to board 'lucrative' vessels (mainly large, international, commercial vessels crewed by foreign seafarers) with the intent to abduct crewmembers. Vessels in the vicinity are alerted, at which point, pirate groups may change location again to search for new targets. Occasionally, to avoid returning to shore empty-handed, pirates may attack local vessels.¹³⁵

Deep Offshore pirate bases are located deep in the Niger Delta, mainly in Delta, Bayelsa, Rivers, Akwa Ibom and Cross River States in Nigeria, and in the Bakassi peninsula in Cameroon. Divergences were observed in accounts of pirates' onshore locations. As noted in a recent report on insecurity in the Niger Delta, "pirate activities are pronounced in Akwa Ibom State."¹³⁶ Yet, others argue that this location has been "very calm for the past four years."¹³⁷ Such diverging accounts may reflect the importance of distinguishing between different types of piracy and maritime criminality to better understand which type of group is active in each location. From IMB, ICC and MDAT-GoG reports, the waters offshore Akwa Ibom State have not been at risk of Deep Offshore piracy for more than two years. However, reports by local media and interviews indicate frequent incidents of coastal piracy and riverine criminality against local fishing vessels operating along the coast or within creeks (see below).

132 MDAT GoG, "Maritime Domain Awareness for Trade Gulf of Guinea : Biannual Report July-December 2020," [2021]

133 Regional sources

134 Interview #18; also Interview #05, Interview #12.

135 E.g. Stakeholder Democracy Network, "An Anatomy of Sea Piracy in the Niger Delta: From the Perspective of Active Members," February 2021.

136 Felix Idongesit Oyosoro and Nelson V.C. Okene, "Insecurity in Akwa Ibom State: The Issues, Actors and Solutions" in Ebiede, Tarila Marclint, Celestine Oyom Bassey and Judith Burdin Asuni, *Insecurity in the Niger Delta*, Adonis & Abbey Publishers, Ltd., 2021, London [36].

137 Interview #18.

BOX #11: Niger Delta Interviews– a tentative classification.

The descriptions that follow offer a preliminary classification of the different types of pirate and maritime criminal groups interviewed which operate in the Niger Delta region. This report applied the following classifications to specific interviews based upon the characterization of group behavior detailed in interviewees' accounts.

Deep Offshore.¹³⁸ Deep Offshore groups are the primary focus of this research. This term refers to those, which operate in the waters of the Gulf of Guinea, off the coast of West Africa, and with a capacity to carry out attacks up to 220 nm offshore. They primarily target international shipping traffic/international crews. The primary objective is to kidnap crewmembers for ransom (K&R). In terms of the *area of operation*, one group member stated, "We are free to operate anywhere, and we go *into the Atlantic* so far as it will benefit us," adding: "we get out *into ... the deep sea*."¹³⁹ Another interviewee similarly noted "We carry out operations in the *high sea*." These groups may "operate outside Nigeria" traveling to the waters of neighboring countries such as Ghana or Cameroon, but also far offshore into the "deep sea."¹⁴⁰ Concerning the *nature of engagements as described during interviews*, one of these (self-identified) pirate group members indicated that the primary tactics of his group is kidnap-for-ransom (K&R).¹⁴¹ During K&R operations, interviewees indicated targeting certain high-level members of the crew: "we just decide to take the captain and the top level people."¹⁴² Another noted: "We kidnap from oil companies and vessels, when they pay ransom, money will come."¹⁴³

Coastal/Low-reach.¹⁴⁴ Illustrative of the difference between Deep Offshore and Coastal/Low-reach piracy, an interviewee noted that "*some groups specialize on kidnapping the whites*, they take to the sea and kidnap what they call 'better whites', *but we don't do that*, we specialize in hijacking vessels, and crude."¹⁴⁵ The *area of operation described in this cluster of interviews* is mainly along the shore, along Andoni River, Opobo River, and Calabar River, among others. Adding to this, an interviewee noted how, in his group, "we go to sand vessels."¹⁴⁶ Concerning the *nature of engagements*, Coastal/Low-reach pirate groups described targeting local vessels, including local fishing, local supply and cargo vessels in order to abduct crew or passengers or to engage in racketeering-robberies.

Riverine Criminals.¹⁴⁷ Despite local parlance referring to them as such, this category does not represent pirates as per the definition of piracy in UNCLOS. These groups operate almost exclusively in inland riverine areas and opportunistically target local vessels. Concerning the *area of operation*, interviewees indicated that their operations are "in the river"¹⁴⁸ and that they "attack those who are coming from the market."¹⁴⁹ Geographic scope of operations is more limited; some interviewees indicated they operate "only within Rivers State."¹⁵⁰ Another indicated operating: "we carry out river operations."¹⁵¹ Yet another noted, "we operate from Gokana River to Bonny down to PH rivers," and when asked whether he engages in kidnap for ransom, he replied "No."¹⁵² Another interviewee said: "we operate only within Rivers State and we don't cross borders, we only operate in Bonny etc." and that they "...do not kidnap."¹⁵³

COASTAL / LOW-REACH PIRATES

Other types of piracy include coastal pirate groups (who operate close to shore) and low-reach pirate groups (who operate up to 40 nm offshore). These groups mainly operate from the Andoni River, Opobo River, and Calabar River/Tom Shot, but also out of New Calabar River, Sambreiro River at the west side of Bonny River, Vampire, Brass, Middleton and Dodo Rivers in Bayelsa.

Both coastal and low reach pirates attack passenger boats, fishers operating along the coast and, from time-to-time local cargo/tankers/supply vessels operating along the coast without security support, abducting crew and passengers. This includes attack-racketeering-robberies against local fishers, small tankers and barges engaged in illegal business, and local oil and gas supply vessels. These attacks differ from attacks on vessels at anchorage, which are perpetrated by Deep Offshore pirates who have identified unprotected vessels (see Deep Offshore category below). In these Coastal/Low-reach piracy abduction cases, pirates typically target the captain, chief mate and/or chief engineer. These pirate groups have onshore hideouts where hostages are held.

138 Interviews #REC023B, #REC026B, #REC027B are likely to have been with D.O. pirate group members

139 Interview #REC023B.

140 Interview # REC027B.

141 Interview #REC023B.

142 Interview #REC023B

143 Interview # REC027B.

144 Interviews REC024B, REC025B, REC013, REC012, REC011, REC10 are likely to have been with C/L pirate group members

145 Interview #REC012D.

146 Interview #REC011

147 Interviews REC022, REC023, REC024, REC026, REC027 are likely to have been with R.C. group members

148 Interview #REC022 ("pirate operations in the river")

149 Interview #REC023

150 Interview #REC023

151 Interview #REC026.

152 Interview #REC024.

153 Interview #REC027.

Negotiations for the release of crew abducted from local fishing vessels, which typically includes the ship's captain and chief engineer, last approximately two weeks and ransom amounts are typically between 1-1.5 million Naira (\$3000-\$4000) for the group of hostages.¹⁵⁴ Hostages are usually Nigerian, but occasionally are of other nationalities. Generally, ransom amounts for the abducted crewmembers of freighters doing cabotage are relatively low. For example, for an abduction case, dated December 2020, \$18,000 was paid in ransom to release five Ghanaian crewmembers.¹⁵⁵ Ransom amounts do not appear to be changing significantly,¹⁵⁶ a far cry from what has been observed with Deep Offshore pirates in recent years.¹⁵⁷ Both Coastal and Low-reach pirates are described in various interviews as "cruel" and "acting under [the influence of] drug and alcohol most of the time."¹⁵⁸ Both Coastal pirates and Low-reach groups are likely involved in local illegal bunkering schemes and various other types of crime. One interviewee noted: "other attacks closer to shore have been perpetrated by lower-caliber groups that also have links to illegal oil bunkering."¹⁵⁹

Coastal pirate groups rarely operate far from their onshore hideouts and local communities. They appear to be generally accepted by local communities; law enforcement authorities have expressed frustration in the unwillingness of community members to collaborate with them in addressing crime in their communities.¹⁶⁰ However, communities' acquiescence to pirate groups is most likely more nuanced. Community members may not be aware of pirate camps: as indicated in an interview with a self-identifying pirate group member: "my camp is far from my community, so I stay in my community, and have my camp far away. So that even people from my local government may not know the kind of business that I am into."¹⁶¹ Importantly, adding to this, community members may fear violent reprisals for collaborating with law enforcement to combat these crimes.¹⁶² Coastal pirates are not hired or organized by high-level Kingpins or Sponsors, as with Deep Offshore pirate groups, further underscoring the criticality of community support (or non-objection, at the very least) for their operations. This is true to a lesser extent for low-reach pirates, described as more mobile; moving to more favorable areas as circumstances dictate.¹⁶³

Targets may differ among Coastal and Low-reach groups. Coastal pirates primarily, opportunistically target unprotected vessels close to shore, "almost right in front of the house,"¹⁶⁴ including local fishers operating in lagoons or along the coast. Coastal groups often target local fishing boats simply for 'racketeering' or extortion over stolen equipment like outboard engines or nets and fish catch, for which groups demand payment.¹⁶⁵ These groups regularly upgrade equipment essential to their operations, including optimized fiber speedboats, outboard engines, and sophisticated weapons such as AK47s. According to interviews, Nigerian law enforcement agencies rarely intervenes against this type of extortion of local coastal fishing vessels despite several reports about such incidents.¹⁶⁶ Yet, in Ibeno Local Government Area, for example, a 'Special Force Squad' was created to patrol the waterways and ensure "security of the shoreline for fishing activities to thrive".¹⁶⁷

Low-reach pirates mainly engage in robbery. Low-reach pirate groups are known to target industrial fishing trawlers, oil and gas support vessels and local cargo/tankers without security coverage. As one interviewee noted: "We normally hijack vessels that carried illegal goods ... If we know this is illegal, we go there, there is not much security."¹⁶⁸ These groups operate across a wider area than Coastal pirates. They attack offshore vessels mainly in Bayelsa and Rivers States' waters, without escort, in operation or in transit. Some Low-reach pirate groups appear to focus on specific types of vessels, for example, regularly attacking passenger vessels connecting Calabar, Oron, Malabo and Limbe in the Calabar River in Akwa Ibom/Cross River States in Nigeria. According to local press, this led the Cameroonian company operating passenger boats to cease commercial operations some years ago.¹⁶⁹

154 Interview #6

155 For these cases, interviewees note that "The fishing company managed directly with the coastal pirates."

156 Interview #6.

157 According to interviews with fishing operators, the pressure on fishing boats is more and more important, making activities weakly profitable.

158 Interview #6. Another added that for coastal pirates: "during abduction, the pirates are cruel, acting under drug and alcohol most of the time" (Interview #18).

159 Interview #15. Interview #4 similarly noted that these pirates "are 'multipurpose', they can act for maritime piracy but also illegal bunkering or illegal traffic". Also noted mentioned in interview #5

160 Abuja Validation Workshop, hosted by UNODC, April 2021.

161 Interview # REC022. Further, this self-identifying pirate group member noted: "community is not aware of our business, because it is not the kind of thing I may prove myself to the community that this is what I'm doing."

162 Interview #19, Interview #13. Thanks to WS participants and to an anonymous reviewer for highlighting this important point.

163 "Kidnapper Reveals How They Made N180 Million From Operations," Morenaija.

164 Interview #18.

165 Interview #6 and local media, see for example "6 suspected pirates killed in A-Ibom waterways," by Harris Emanuel, 8 March 2021, Vanguard (<https://www.vanguardngr.com/2021/03/6-suspected-pirates-killed-in-a-ibom-waterways/>)

166 Interview #6, Interview #8, Interview #32

167 "6 Suspected Pirates Kill in A-Ibom Waterways," Vanguard (2021)

168 Interview #REC012D

169 See for example https://www.terradaily.com/reports/Cameroon_ship_attacked_off_Nigeria_captain_taken_999.html

"Cameroonian authorities have attributed attacks and kidnappings off the Bakassi peninsula over the last three years to pirates. ... Several groups involved in these attacks have asked oil and shipping companies for the monthly payment of protection money."

RIVERINE CRIMINALS

Riverine Criminals, operate in the creeks of the Niger Delta. Due to limited onshore transport infrastructures like paved roads,¹⁷⁰ a substantial percentage of residents travel the Delta's nearly 2000 waterways by boat to move about the region. These same waterways serve as the Riverine Criminals' primary area of operations. One interviewee said his group operated in "Oyorokoto River, Ngo (Rivers State), Queen's Town (Opobo LGA), Bille area, Krakrama (Bayelsa State), Olon-Tombiama and Bakana (Rivers State)."¹⁷¹

Though Riverine Criminals are distinct from pirates under the UNCLOS definition of the act, local vernacular still often refers to them as such.¹⁷² Adding to the confusion, local media reporting on arrests of "pirates" by Nigerian authorities have largely referred to arrests of Riverine Criminals. One story reported that "sea pirates" had hijacked a boat but this case concerned an attack against a passenger boat near New Calabar River.¹⁷³ Other stories have highlighted the success of authorities;^{174, 175, 176, 177,} ¹⁷⁸ one headline reads: "ten suspected kidnapers and sea robbers have been nabbed in Calabar by the army and police."¹⁷⁹ They are better understood simply as criminals, however. They can be compared to "...criminals attacking people on the roads. Little cells, collecting little money and acting totally independently."¹⁸⁰ Importantly, many also self-identify as pirates during interviews conducted for this report. One interviewee described himself as "a freelance sea pirate mercenary known in the Bayelsa creeks."¹⁸¹ Another interviewee noted that the name of his criminal group is "sea pirate" – though he later specified that for his specific group "We don't do kidnapping. We go for operation, collecting somebody's property."¹⁸² (See Box #12)

The main objective for these groups is primarily theft of money and valuables. As another group member noted, his pirate group "only steals but do[es] not kidnap people."¹⁸³ They are purportedly "limited to these acts insofar as they lack means, knowledge, competency, structures, and intelligence."¹⁸⁴ These groups mainly attack passenger boats, which has resulted in lethal violence in some instances. Local Nigerian media reported in January 2021 that two passengers were killed and several others missing following an attack on two vessels on Bonny waterways near the Dema Abbey Community.¹⁸⁵ Similar attacks occurred within Calabar River in October 2020 with two passengers injured.¹⁸⁶

Except for infrequent attacks against passenger boats connecting Calabar in Nigeria to Limbe, Cameroon and Malabo, Equatorial Guinea, in the Calabar River, these crimes primarily affect local communities, having a profound impact on the local perception of insecurity. The total number of incidents of Riverine Criminality is difficult to quantify, in large part because incidents are believed to be underreported.

170 T.M. Ebiede, *Instability in Nigeria's Niger Delta: The Post Amnesty Programme and Sustainable Peace-Building*, Friedrich-Ebert-Stiftung Peace and Security, Dakar (2017).

171 Interview #REC022

172 As a group member noted, we operate in "Rivers State waterways" (Interview #REC026).

173 The "armed bandits had on gunpoint directed all the passengers to jump into the river" (Vanguard).

174 Ayodele, "Navy Arrests Four Sea Pirates in Niger Delta," *Punch* (2016).

175 Davies Iheamnachor, "Residents Cry Out, as Uniformed Sea Bandits Seize Rivers Kingdom," *Vanguard* (2019).

176 Davies Iheamnachor, "Pirates Hijack Passenger Boat, Whisk Away Some Occupants in Rivers," *Vanguard* (2020.)

177 "Bonny Sea Pirate Attacks: Bonny Island Pipo Protest Sea Pirates Attacks Wit[h] Frustration and Tears," *BBC* (2021.)

178 Ann Godwin and Chido Okafor (Warri), "Pirates Hijack Passenger Boat in Rivers, Kill One, Abduct Two," *BBC* (2020.)

179 Anietie Akpan Calabar, "10 Kidnappers, Sea Pirates Arrested in Calabar," *The Guardian* (2020).

180 Interview #18.

181 Interview #REC011.

182 Interview #REC022

183 Interview #REC022.

184 Interview #18.

185 Two killed, others missing in Rivers as pirates attack passenger boats [thenationonline.net] 08.01.2021

186 Patrick Odey, Uyo, "Two Shot, Scores Injured as Gunmen Attack Cross River Waterways Travellers," *Punch* (October 2020).

BOX #12. Riverine criminal attacks and underreporting.

In July 2019, local media reported that pirates dressed in military camouflage had taken over the waterways in an area of Rivers State, “killing, maiming and robbing natives and travelers, including security operatives and politicians on the waterways with impunity in the last two months.”¹⁸⁷ This news story is illustrative of the violence directed at various groups in local communities as well as the degree of underreporting of the crimes carried out by fully armed Riverine Criminals. As the news story reported: within the past two months, the groups “struck over eight times” including one attack in which “they attacked eight speedboats travelling to and from the community.”¹⁸⁸

CULTISM AND MARITIME CRIMINALITY

There are different interpretations of the possible links between the widespread phenomenon of cultism and piracy and maritime criminality distinguished in this report. Several interviews highlight a link between cultism and Riverine Criminal groups. Many Riverine Criminals interviewed¹⁸⁹ indicated membership in a cult group.¹⁹⁰ One interviewee said that he was initiated into a cult group called Iceland “12 years ago, as a precondition to join the pirate gang.”¹⁹¹ Another interviewee noted that “All sea pirates are cultists. To be [a] sea pirate you need to be a cultist.”¹⁹² Other interviewees dispute that riverine criminal activities are necessarily connected to cultism. Whatever the connection, cults appear to serve as “...a ‘structure’ that can help protect them.”¹⁹³

There is no clear indication of links between Deep Offshore piracy groups and cultism. Protection structures differ for Deep Offshore pirate groups,¹⁹⁴ as does the influence of cultism. In interviews with individuals likely to be Deep Offshore pirates, all stated that non-cultists can join their pirate groups. One noted that “we are not operating as a particular cult group... We have a mixed membership.”¹⁹⁵ Similarly, another pirate group member stated: “We don’t discriminate, anybody can be part of the group, whether cultists or not.”¹⁹⁶

From interviews with pirate groups members, intelligence experts and regional security experts, there are *three hypotheses* concerning cultism and Deep Offshore groups. One is that there are *no significant links, with cult group membership not being a prerequisite to joining Deep Offshore pirate groups*. This was the hypothesis most often confirmed during interviews with piracy group members (Bayelsa) and interviews with many external experts.

Two other hypotheses emerged during additional interviews and the validation workshop held in Abuja. One hypothesis suggests an emerging link, stemming from the possibility that Riverine Criminal groups are recruiting grounds for Deep Offshore groups.¹⁹⁷ The other hypothesis points to potential links to cultism but located at high levels in the Deep Offshore pirate group structure (Chapter 3), and not as a barrier to entry. One interviewee argues that cultism is critical to linkages between high-level pirate sponsors and kingpins and protection networks, such as connections with law enforcement authorities: “In a recent major hostage-taking, the cult group ‘Vikings’ appeared to be involved, connecting several pirate groups into a larger network.”¹⁹⁸ Such statements seem to be supported by the sighting of red and black flags (which are the group colors of the Vikings) on some of the pirate skiffs involved in a recent attack on *MT ROSA* on 20 April 2021.

187 Davies Iheamnachor, “Residents Cry Out, as Uniformed Sea Bandits Seize Rivers Kingdom,” Vanguard (2019).

188 Davies Iheamnachor, “Residents Cry Out, as Uniformed Sea Bandits Seize Rivers Kingdom,” Vanguard (2019).

189 For example: REC022: “pirate operations in the river” / Interview #REC023: “we do operations from water fronts to our river and we attack those who are coming from the market” and “we operate on the river” / Interview #REC026: “operate within Niger Delta territory” and “we carry out river operations” / Interview #REC027: “we operate only within Rivers State and we don’t cross borders” and “No, we do not kidnap”

190 Interview #REC022. [“Yes I am a member of a cult group” [...] “Iceland”]; Interview #REC026 also note that he is a member of a cult group, but for this interviewee, “the gang is also known as Greenlander.”

191 Interview #REC027.

192 Another similarly stressed: “you need to be a part of a cult first,” (Interview #REC024)

193 Interview #18

194 See Chapter 4.

195 Interview #REC023B

196 Interview #REC026B

197 Abuja Validation Workshop, hosted by UNODC, April 2021; Interview #01. This has not been confirmed but to the extent that it may take place, the link to cultism would emerge from this ‘breeding ground’, a development which may be worth paying attention to. One reason being the difference in approach. Riverine Criminals are described as ‘terrorizing’ their local community to a very different degree than for descriptions of Deep Offshore pirates.

198 Interview #1.

However, the links between piracy/riverine criminality and cultism continue to evolve. Accordingly, as also noted during the Abuja Verification Workshop, it is important when speaking about cultism and piracy/riverine criminality in the Niger Delta, to not convey these around fixed distinctions and classifications, but instead are best understood as “very fluid.”

BOX #13: Cultism.

Cultism” is complex and dynamic, one of many manifestations of non-state armed groups that emerged in Nigeria. Nigerian cults represent the confluence of several distinct movements in Nigerian society:

- Their direct antecedents were the university confraternities, some of which incorporated elements seen in traditional secret societies. These campus groups were politicized during the times of military dictatorships of the 1980s and 1990s.
- The university-based groups later spawned street wings, which display many characteristics of street gangs. These groups have also been apparently used for political agitation, voter intimidation, and election rigging.
- In some locations, the street wings have allegedly been coopted, or performed as, vigilante groups, extorting support from local businesses, including criminal businesses.

2.2 CRITICAL DISTINCTIONS: HOW MANY GROUPS? WHO IS ARRESTED?

Several interviewees underscored that when developing responses to piracy and maritime criminality in the Gulf of Guinea, it is critical “to understand their nature in order to address them in an effective manner.”¹⁹⁹ To this end, it is vital to distinguish between different types of piracy. The significance of the analytical distinction between Deep Offshore pirates, Coastal/Low reach pirates, and Riverine Criminals, is illustrated through two key questions:

- Which Niger Delta-based pirates are more often arrested and targeted?
- How many pirate groups are active in the Niger Delta region?

- Which pirates are more often arrested or targeted by Nigerian authorities?

According to local media, the Nigerian Navy has implemented a strategy of “conducting intensive clearance operations across suspected enclaves of pirates and cult gangs to deny them safe refuge and neutralize their activities and from all indications, it appears to have stemmed the activities of these pirates.”²⁰⁰ Yet, from hostage release locations and hostage debriefings, it seems that various Deep Offshore pirate camps remain in the Niger Delta. This may be explained by the Nigerian Navy’s clearance operations having focused largely on Riverine Criminals, as suggested by references to “cult gangs” in Nigerian Navy accounts.

In late 2020, two arrests of maritime criminals took place. In the first, reports indicate that the Nigerian Army handed over a “notorious kidnap kingpin [and] 7 others to the police in Calabar.”²⁰¹ In another case, it was reported that ten kidnapers and “sea pirates” were arrested in Calabar.²⁰² Yet, based on their location and the description of their criminal engagements, those arrested were highly likely Riverine Criminals operating in the Niger Delta, *not* Deep Offshore pirates. Photos of their equipment showed old-fashioned weapons, some locally crafted. The two arrests of Riverine Criminals in the span of one month (December 2020) stands in contrast to the handful of arrests of Deep Offshore pirates [see Chapter 5].

¹⁹⁹ Interview #15, #12, #3, #14.

²⁰⁰ Chiemelie Ezeobi. “Nigeria: Five Years of Bridging Maritime Security Gaps.” AllAfrica (2021).

²⁰¹ Ike Uchechukwu. “Army Hands Over Notorious Kidnap Kingpin, 7 Others to Police in Calabar.” Vanguard News [2020.]

²⁰² “10 Kidnappers, Sea Pirates Arrested in Calabar.” PressReader [originally appeared in The Guardian Nigeria], [2020.]

A recent review of the achievements of the Nigerian Navy to counter-piracy over the past five years stresses that “4,229 persons were arrested.”²⁰³ Arrests of Riverine Criminals is an important step to securing coastal areas in the Niger Delta, yet, arresting Riverine Criminals alone will not deter Deep Offshore piracy. In contrast to the previously discussed two arrests, official Nigerian announcements state that only three arrests related to Deep Offshore piracy were made in all of 2020: ten pirates were arrested on-board *HAILUFENG 11*, four pirates were arrested after the *AMBIKA* case, as was the negotiation team following the *AMERGER 7* case. Nigeria has known only one prosecution where the crime of piracy has been charged, the *HAILUNFENG 11*.²⁰⁴

- *How many pirate groups? Distinguishing before counting*

How many pirate groups are currently active? It may at first seem contradictory that some interviewees replied “three to four,”²⁰⁵ while others said “15”²⁰⁶ and more still said that, “we see new groups emerging almost daily.”^{207, 208} This range indicates that the answer to the question will vary considerably depending on the maritime criminality category to which the respondent is referring. It is possible that new Riverine Criminal groups emerge daily: interviews suggest that Riverine Criminals may be facing waning community support,²⁰⁹ so it would make sense that these groups are forced to reorganize somewhat regularly. Reflecting their adaptability, criminal groups may temporarily or permanently reorient their activities towards efforts on land and/or other kinds of criminality.

During the period covered in this report, the number of Deep Offshore Piracy groups seems to have remained relatively stable, between three and six. One interviewee from the insurance industry argued that “four or five PAGs [pirate action groups]” could be identified.²¹⁰ An interviewee from the negotiation business believes the number to be five,²¹¹ and another from the private security and negotiation business similarly puts the number “between four and six.”²¹² A fourth interviewee, also from the insurance industry estimated the number slightly lower at “three, based on cluster of attacks, including Togo, Nigeria and Cameroon.”²¹³ Without specifying exactly how many groups are active, one interviewee stated “what I can say is that we usually don’t see attack patterns in parallel, which we would see if there were many pirate groups. So this would seem to suggest that there are not that many active pirate groups.”²¹⁴ However, this may have changed in December 2020, with “piracy sequences showing that two and possibly three pirates groups were operating together at the same time” – this, one interviewee suggests, underlines “that the number of deep offshore sea pirates groups is around five to six.”²¹⁵

This estimate corresponds to the overall observation of 25 kidnapping cases by Niger Delta-based pirate groups in 2020, including those suspected to have been conducted by Coastal groups. If the number of Deep Offshore pirate groups is between four and six, this suggests a maximum of five kidnapping cases annually per Deep Offshore pirate group. At least four additional observations further support this analysis:

- According to various expert interviews, some members of Deep Offshore pirate groups have been engaged in piracy for numerous years.²¹⁶ According to interviews with released hostages and incident debriefings, pirates told hostages of their involvement in attacks against several vessels.²¹⁷ This level of experience suggests an exceptional operational capacity to operate deep offshore which may support the view that the experience requisite to participate in these kinds of acts is limited to a very small number of pirates.

203 Chiemelie Ezeobi. “Nigeria: Five Years of Bridging Maritime Security Gaps.” AllAfrica (2021).

204 As noted also by external intelligence sources during interviews (01) as well as by regional experts, the trial of persons linked to the kidnapping in the MV ELOBEY VI incident off Equatorial Guinea is not a straightforward case, as some of the individuals tried under Nigeria’s Suppression of Piracy and Other Maritime Offences Act, allegedly worked not for a pirate group but “for a legitimate security company and were professionally engaged in the kidnapping incident as professional negotiators or offering professional security services” (Kamal Deen 2020:17). The case is thus disputed as the Nigerian investigators/prosecutors see these individuals “as direct collaborators in the piracy incident” (Kamal Deen 2020:17)

205 Interviews: #1; #12; #15. E.g., “3-4 main syndicates and multiple smaller groups that also carry out other illegal activities on land.” (15)

206 Bertrand Monnet, Rencontre avec « Black Devil », le pirate du delta du Niger (2020).

207 Interview #21

208 Generally speaking, several years are needed for a group to operationally establish a deep offshore piracy capacity.

209 SDN interviews, summary report

210 Interview #1.

211 Interview #10.

212 Interview #18.

213 Interview #4.

214 Interview #12. At this level of the ‘triangle’, it is also “very difficult to establish the exact number of groups. You can look after patterns” (H.)

215 Interview #5.

216 Interview #1: “These groups are operating since long time”; also Interview #15, Interview #18.

217 Interview #24

- Risk to seafarers is significantly higher immediately following the release of a group of hostages as it has been observed, that relatively soon after a hostage release, Deep Offshore pirates are likely to return to operations in an attempt to kidnap new seafarers. As one interviewee said, "I am always much more alert following the release of hostages, especially if many onshore camps are empty."²¹⁸ If, for example, 15 pirate groups were active, this pattern of a significantly heightened risk following the release of a group of hostages (after approximately four to five weeks) would result in far more Deep Offshore pirate attacks than what has been observed.

- *Some of the same groups are likely involved in multiple attacks in a relatively short timeframe:* attacks against *LEVANTO*, *COOL GIRL*, *MINERVA EVOPRI*, *NEW RANGER* and *VERRAZANE* all took place between 2 December and 5 December 2020. Other security experts noted that one specific group of pirates is "believed to be behind at least five incidents in the region," in early February 2021 in the waters around Sao Tome & Principe Islands.²¹⁹ The pirate group responsible for the attack on *ERRINA* (23 October 2020) may have also been responsible for the attack on *TORM Alexandra* (7 November 2020): one interviewee observed that one of the attackers on *TORM Alexandra* was wearing a life jacket marked *ERRINA*.²²⁰ An abducted crewmember from *BL251* (23 February 2016) recognized a pirate in a photo taken by a seafarer from *OTTOMAN EQUITY* (10 April 2016).²²¹ Several seafarers from various vessels also reported one pirate wearing a red Father Christmas hat again observed on the last attack on *ROSA* on 20 April 2021 (picture from Italian Navy).

- The yearly ransom amount estimated in 2020 (\$4 million) split across 25 incidents makes the average amount collected per incident around \$160,000. "Necessary initial investments and the day-by-day cost to make piracy group work" suggests that a deep offshore sea pirate group needs to collect a yearly minimum of \$500,000-\$600,000 to make the business profitable. This financial aspect reaffirms the estimate of four to six groups.



²¹⁸ Interview #18.

²¹⁹ "Pirate Group Conducts Multiple Attacks in Gulf of Guinea Over 4 Days," *The Maritime Executive*, February 9, 2021.

²²⁰ Interview #25.

²²¹ Interview #24.



3.

PIRATE GROUP STRUCTURES

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As stated by our interviewees, **it is critical to understand that "all these attacks start and end on land."**

Being cognizant of the distinctions between different types of piracy and marine criminality in the previous chapter, this chapter starts in on land offshore piracy, exploring various incident scenarios, notable enabling factors and group structures with different levels of complexity.



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As stated by one interviewee, it is critical to understand that “all these attacks start and end on land.”²²² Having highlighted the distinctions between different types of piracy and riverine criminality in the previous chapter, this chapter zooms in on Deep Offshore piracy, exploring various onshore elements, notably enabling factors and group structures with different levels of actors involved.

3.1 ENABLING FACTORS

CONDUCT OF RESPONSIBLE ACTORS

Like in other countries, corruption and collusion are enabling factors in the commission of a range of organized crime activities, including K&R piracy and the oil theft business, particularly for top-level actors such as ex-militants, sponsors, and protectors.²²³ The leadership of the Nigerian Navy seems to be sharing this concern. Indeed, Vice Admiral A.Z. Gambo, who was appointed as Nigeria’s chief of naval staff in early 2021, announced in an official statement in February 2021, that he would take a “zero tolerance approach” and use a “heavy hand” against those in the Navy, who collude with criminals. He also said, that “the established policies and measures to sanction identified Nigerian Navy personnel that collude with economic saboteurs, drug traffickers/barons, bandits, kidnappers and armed robbers shall be overhauled and strengthened.”²²⁴

During the field research conducted for this study, multiple interviewees argued that it is important to consider the extent to which the conduct of these responsible parties (which includes corruption²²⁵) “fuels piracy”²²⁶ and allows specific “connected” individuals to evade the judicial process.²²⁷

PIRACY AND BLIND-EYE BRIBERY

“Blind-eye bribery” describes a possible type of collusion, where pirate groups are described in interviews made for this report as paying certain members of official security forces to “turn a blind eye” to various parts of the criminal activities of pirate groups.²²⁸ One K&R specialist interviewed twice for this report noted: “we had a case of a hostage release where they [abductors] told us that the waterways were safe because a high-ranking law enforcement officer had been paid off to do no checks for the next 24 hours – and if anyone stopped us [the release team], we should just tell them to call him.”²²⁹ Interviewed pirate group members offered accounts of possible collusion with some members of security forces: as an interviewee noted: “There is a mix of good and bad boys within the security forces.”²³⁰

RISKS FACED BY SECURITY FORCES IN CONFRONTING PIRACY GROUPS

Moreover, the continuance of piracy and maritime criminal activity cannot be explained solely with reference to possible collusion. Adding to this is an element of seemingly inadequate training and lack of equipment, contrasted with the often well-equipped pirate groups.²³¹ Sea criminals have, on several occasions, shown their willingness to kill security forces during confrontations in riverine terrain and creeks.²³² Indicative of this, one interviewee noted that it is “important to remember that often Nigerian security forces don’t have the means, the assets, sometimes not even the fuel”²³³ that pirate groups possess in specific locations.

222 Interview #5.

223 Corruption can take many forms and is typically the topic of discussion more often than it is thoroughly investigated. To correct that, UNODC conducted several studies on corruption in Nigeria. A list of related publications can be found at: <https://www.unodc.org/nigeria/en/publications-and-reports.html#Corruption>.

224 Camillus Eboh and Libby George, “Nigeria’s Navy to Toughen Punishment for Collusion with Kidnappers,” Reuters [2021].

225 Interview #2.

226 Maurice Ogbonnaya, From Nationalist Movements to Organised Crime Groups: The Trajectory of the Niger Delta Struggles, ENACT [2020].

227 Interview #09, Interview #18.

228 Interview #1, Interview #4, Interview #2, Interview #6

229 Interview #1. Similarly, though more vaguely, when asked about this issue, another interviewee, with detailed knowledge of the negotiation and release processes, argued that during release and ransom payment, we often see that “structures surrounding the release of kidnapped crew receive little part of profit.” [Interview #4] A third interviewee alleged that “high-level actors determine what is “allowed” and by whom, then at medium/low-level, [some elements of the] military or law enforcement staff on

ground receive money to cover/close the eyes on operations.” [Interview #2].

A fourth interviewee also used similar terminology, suggesting that certain individuals from “law enforcement agencies often close their eyes on this piracy. These pirates have means adapted to their operations with fiber speed boat, engines in good condition, weapons.” [Interview #6].

230 Interview #13.

231 One interviewee for example note about the different factors accounting for the perseverance of piracy amidst the presence of JTF and the Navy that “this is due to different factors as lack of equipment, lack of training, the immediate danger represented by pirates ... from time to time there are clashes” [Interview #8]

232 As one interviewee noted: “they [Deep Offshore pirates] are tough in confrontation with Navy/JTF ... Here you kill or you die...” [Interview #18]. This was also discussed during the Validation Workshop in Abuja, with one participant noting that when it comes to confrontations with the Navy, “the pirates are very tough,” adding that in one incident “they [the pirates] killed four of Navy staff” (April 2021) “but we do not fear them”. See also: Oyedele, S. “Pirates’ kill four navy personnel, kidnap foreigners in Bayelsa”. Punch Newspaper, January 2020.

233 Interview #5.

Several interviewees noted that pirate groups tend to know the riverine areas and waterways better than the security forces.²³⁴ One pirate group member described the waterways as "...systematic," saying his group has the experience to "detect when the river will flow and when the river will calm down" and that those who are not familiar with the river's idiosyncrasies will be in danger: "The sea will sink them down."²³⁵ Such factors must be considered when contemplating the role of the Joint Task Force, the Nigerian Navy and other central actors in combating Deep Offshore pirate groups based in the creeks of the Niger Delta.²³⁶

Interviews with pirate group members substantiated this notion of risks facing security forces in confronting piracy groups, with one interviewee describing how: "if we meet with security people we open fire on them."²³⁷ Another interviewee argued that security forces "tend to dread and avoid" engaging with "pirates."²³⁸ A third interviewee argued that sites of known hostages camps in Bayelsa state "are not patrolled by JTF/Navy as they are considered too dangerous."²³⁹ Adding to this, yet another interviewee argues that the Navy is "afraid to act against the pirates or to try to control their hideout as in the Opobo area for example. There are other areas that were also occasionally considered 'forbidden' for the Navy, for example along Sambreiro River, in Rivers State, and some other areas in Bayelsa state."²⁴⁰ The Nigerian Navy has since placed Security House Boats – permanently fixed assets – in some of these areas, including near Sambreiro River.²⁴¹

It is important to appreciate that despite these risks and challenges, Nigerian Navy and JTF forces continue to engage in fighting piracy. On several occasions, the Nigerian Navy and the JTF have paid a heavy price responding to incidents. In January 2020, four Navy personnel were killed during the attack on the dredger *AMBIKA* in Delta state and during a February 2020 attack on a military barge in Bayelsa creeks, four military personnel were killed, and several others injured. Media coverage describes how a JTF soldier was "shot dead and a boat driver sustained gunshot wounds after a heavy gunfire with suspected sea pirates."²⁴² Other news stories report pirates claiming responsibility for killing Nigerian soldiers: "Our gang ambushed and killed four soldiers in June 2020" and in a subsequent attack "we killed four military officers attached to the vessel."²⁴³ More news stories further describe how "armed men suspected to be sea pirates have reportedly killed three operatives of the Joint Task Force in the Niger Delta exercise code-named Operation Delta Safe (ODS) in a shootout" (June 2019).^{244, 245}

3.2 LEVELS OF ACTORS IN PIRATE GROUP STRUCTURES: FOUR LEVELS

It is also important to understand that Deep Offshore pirate groups are not simply groups of criminals in speedboats far out at sea, determined to kidnap foreign crewmembers from international vessels to earn ransom payments. As one interviewee argued, the extent to which counterpiracy efforts "remain focused on tracking and apprehending the perpetrators at sea, rather than the groups' leaders and facilitators,"²⁴⁶ constitute the main hindrance to effectively countering piracy.²⁴⁷

234 Interview #2 in reference to the Niger Delta region, noted that "the military personnel don't know all the rivers/waterways"

235 Interview #REC024.

236 Interview #18.

237 Interview #REC010D.

238 Stakeholder Democracy Network, "An Anatomy of Sea Piracy in the Niger Delta: From the Perspective of Active Members," February 2021.

239 Interview #1.

240 Interview #6.

241 Validation Workshop, Abuja

242 A soldier attached to the Joint Military Task Force, code named "Operation Restore Hope", has been reportedly shot dead and a boat driver sustained gunshot wounds after a heavy gunfire with suspected sea pirates along the Ogbia-Brass route of the Nembe waterways of Bayelsa state, Silverbird Television.

243 How we abducted expatriates, killed soldiers in Bayelsa, Rivers –Suspects - Punch Newspapers (punchng.com). Importantly, it must be added that apart from their own testimony, it has not been possible to identify other records of this June 2020 incident

244 Samuel Oyadongha, "3 Soldiers, Pirate Killed in Bayelsa Shootout," Vanguard (2018).

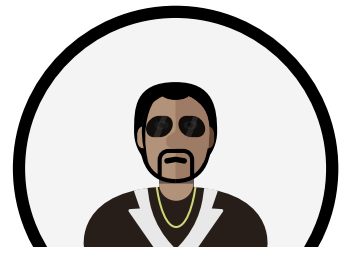
245 Besides fear of being killed by armed pirates, is fear of being kidnapped. Reports have emerged detailing how Nigerian troops "rescued a kidnapped soldier in the creeks of Otakeme community," in Bayelsa; Samuel Oyadongha, "Troops Rescue Abducted Soldier in Bayelsa Creek," Vanguard (2016.)

246 Interview #15

247 Similarly, David Johnson, CEO of maritime risk consultants EOS Risk recently argued: "It is not just guys in a speedboat." See "EOS Risk – Piracy Strategies for Gulf of Guinea," Tanker Operator (April 2021).

STRUCTURE OF A PIRATE GROUP:

 **METROPOLITAIN**



PROTECTOR(S)



INFORMANT

 **ONSHORE**



ONSHORE LOGISTICS



CHIEF



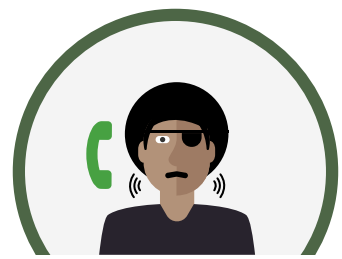
ONSHORE GUARDS



DOCTOR



SPY

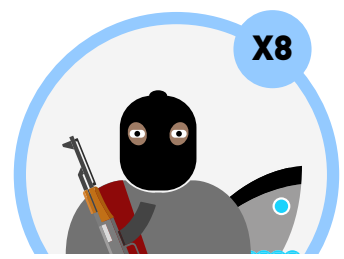


NEGOCIATOR

 **OFFSHORE**



**SEA PIRATES
OPERATIONNAL
MEMBERS**



**SEA PIRATES
OPERATIONNAL
MEMBERS**

1: HIGH-LEVEL FACILITATORS

SPONSORS AND INVESTORS

According to several sources, Deep Offshore pirate groups often have a “sponsor,” or investor, who generates – partly or totally – the initial finances needed to initiate a maritime piracy operation.²⁴⁸ Interviews suggest that sponsors likely “have legitimate employment or own a business entity trading in the formal economy”²⁴⁹ and are “not involved in the day-to-day operational matters.” Instead, the sponsor may determine the target and can provide, directly or indirectly, necessary intelligence regarding a vessel’s name, location, and makeup of the crew. According to one interviewee, the investor “...set[s] the range of ‘acceptable’ return on investment for a case or a set of cases.”²⁵⁰ For instance, during hostage negotiations, delayed agreement on ransom amounts might indicate that pirate leaders report back to high-level sponsors on whether to accept an offer.²⁵¹

Sponsors are believed to have an integral role in the pirate enterprise, “responsible for protecting the model and re-investing revenues into equipment and supporting infrastructure.”²⁵² The investments are needed “... to buy fuel, service engines, service our tools...”²⁵³ Consequently, sponsors are said to reap the largest percentage of ransom payments vis-à-vis other group members. One interviewee noted: “We have people finance the business from the start, and they also have their own share when we come back.”²⁵⁴

With the shift from Petro-piracy to K&R piracy, the sponsors supporting operations likely also changed. Petro-piracy requires a considerable amount of organization and investment, from pre-operation planning, boarding a vessel, transfer of refined product and the final sale of the product,²⁵⁵ whereas K&R piracy requires considerably less. As an interviewee noted about the shift from Petro-piracy to K&R piracy, this is “a transition to the lower-risk, less logistically challenging operations of kidnapping seafarers from merchant vessels,” a transition which “removed the need to involve brokers for stolen oil products ... and foreign buyers.”²⁵⁶ This is not to say that there are no logistical requirements for K&R piracy. Indeed, when conducting piracy acts, the groups involved also have “something of a logistics operation behind them in the lead-up to an attack, including choosing which vessels to attack, finding people to physically conduct the attack, finding people to look after hostages in camps, and negotiators.”²⁵⁷

HIGH-LEVEL EX-MILITANTS

High-level ex-militants likely have their hands on piracy operations in several ways, from providing financial support or protection to pirate groups, to greenlighting specific operations. One ex-militant leader is described in various expert interviews as having “a lot of influence in the area, based on his lead during militancy and also by his financial power,”²⁵⁸ as “one of two or three main actors in this area,”²⁵⁹ with an interviewee arguing that “no piracy can happen in this area, unless [he] agrees.”²⁶⁰ Some argue that this prominent ex-militant leader collects fees for all illegal activity in his area of control.²⁶¹ Some interviewees indicated that ex-militants receive a cut of their profits: “when we’ve finished an operation, we share with the ex-militant leaders,”²⁶² which in some cases is the return on an initial investment in an operation. Other pirate group members interviewed said that they do not pay ex-militants before an operation.²⁶³ However, it is possible that fees paid to high-level ex-militants are not known to low-level pirate group members or that interviewees have differing ideas of the definition of “ex-militant leaders.”

248 Interview #1, Interview #3, Interview #4, Interview #7, Interview #8, Interview #15, Interview #18, Interview #30. Other sources also mention the role of sponsors, see for example <http://www.marsecreview.com/2012/12/nimasa-joint-task-force-take-battle-to-sea-bandits/>

249 Interview #15.

250 Interview #15.

251 Interview #18, Interview #28

252 Interview #15.

253 Interview# REC023B. Another interviewee similarly noted: “Normally we need funds [...] We need to buy fuel [...] We need to get the equipment we need for our work.” (Interview #REC025B)

254 Interview #14R.

255 On the international dimensions of Petro-piracy, including “established international markets for stolen oil” please see Asuni 2009:1. Judith Burdin Asuni “Blood Oil in the Niger Delta” (August 2009.)

256 Interview #15

257 “EOS Risk – Piracy Strategies for Gulf of Guinea,” Tanker Operator (April 2021).

258 Interview #8

259 Interview #7.

260 Interview #7

261 Interview#16 (“The sea pirates cannot act if they don’t have the “agreement” from militants leaders. The sea pirates must pay back the militants to act and to receive protection from them.”)

262 Interview #26R.

263 Interview #REC023 KII.

Other interviewees believe that the involvement of high-level ex-militants is not simply about financial benefits. One interviewee posits that a specific ex-militant “is ‘covering’ the activities of these pirates not because of financial interests but because, in some cases, these pirates are ‘brothers in arms’”²⁶⁴ – or, in other words, that a relationship between this ex-militant leader and pirate groups was established when high-level pirate group members were previously involved in militant group activity.

Interviews with pirate group members suggest a key function of high-level ex-militants may be to “greenlight” or permit pirate group operations: “The rule is that without order from the boss we cannot move anywhere, what he says goes.”²⁶⁵ Whether or not such requests are given the go-ahead may depend, in part, on how this would affect other onshore business in which a high-level ex-militant is involved. It is likely that when an important illegal bunkering operation is in progress in the creeks, the area is off-limits for K&R-piracy to avoid possible disturbances. In one case, the threat loomed of a military operation to rescue abducted seafarers during a hostage negotiation, bringing unwanted attention to an area in which illegal oil bunkering/theft also took place.²⁶⁶

Accounts reported ex-militant leaders demanding – on direction from political leaders – that pirates accelerate a hostage negotiation, when it was seen to generate “issues that disturbed their high-value business.”²⁶⁷

PROTECTORS: HIGH-LEVEL ILLEGAL ACTORS

Deep Offshore pirates are believed to benefit from the protection of former militant leaders. One interviewee asserted that Deep Offshore pirates “are ‘covered’ by ex-militants leaders who allow the pirates to act without restriction.”²⁶⁸ But as another interviewee explained, this function may not exclusively involve ex-militants: “high level illegal actors (politician, militants) are not directly involved in the maritime piracy activities but can cover/support the groups acting, as they are part of the armed groups allowing them to remain on their positions.”²⁶⁹ Protection arrangements between high-level ex-militants and pirate group members do not appear to be one-way; rather, group members appear to be sometimes engaged to facilitate the illegal bunkering business onshore. Moreover, local politicians are said to occasionally hire armed groups, most likely including pirate group members, to provide armed protection, apply pressure to political opponents or voters, for example during “actions against polling stations.”²⁷⁰ A self-identifying pirate group member, asked to describe how his group relates to politicians answered, “For the politicians they hire us for business,” to which the interviewee added that this ‘business’ includes actions against political opponents.²⁷¹

2: LEADERS & NEGOTIATORS

ONSHORE GROUP LEADERS

According to internal reports and interviews, Deep Offshore pirate groups generally consists of “30-50 members”,²⁷² including special function pirate group members,²⁷³ as well as members at hostage holding areas, and with one designated leader.²⁷⁴ The average age of group members is between 20 and 40 and the youngest members generally do not take part in attacks at sea.²⁷⁵ It seems from interviews and

²⁶⁴ Interview #18.

²⁶⁵ Interview #REC013D.

²⁶⁶ Interview #28.

²⁶⁷ Interview #18.

²⁶⁸ Interview#2: “They are ‘covered’ by ex-militants leaders who allow the sea pirates to act without restriction. They are also covered by the different political leaders. They can be part of groups protecting local politicians during political campaign.” The issue of ‘cover’ by political leaders is explored in Chapter 5.

²⁶⁹ Interview#14

²⁷⁰ See for example Enact [2020] “From nationalist movements to organized crime groups the trajectory of the niger delta struggles”: “In 2007 the Niger Delta Vigilante Force (NDVF) led by Ateke Tom was formed. One of several groups to enjoy strong backing from politicians, who used them to help rig elections, the NDVF was involved in some of the heaviest clashes in 2007 in the oil hub of Port Harcourt.” [2020:8]. See also Owen Akenzua (Asaba) et al., “Militant Behind Killing of Military Personnel Surrenders, in JTF’s Custody,” *The Guardian Nigeria* [2018]. This is explained in more detail in Chapter 5.

²⁷¹ Interview #REC023; another interviewed pirate group member noted about the group’s connection with politicians that “During election they can come to us and buy us to play their politics” [Interview # REC011D].

²⁷² According to a unique and centrally placed interviewee, “a group can comprise around 30-50 members including different sub-groups of camp guards” [Interview #15].

²⁷³ Specifically for these group members, interviewees put the numbers between 15 and 20. For example, one interviewee noted: “The pirate groups are structured on 15/20 operational sea pirates operating onboard 2 or 3 speed boats” [Interview #7], and another interviewee similarly noted about a specific incident, that “16 men were involved in [that] hijacking” [Interview #9].

²⁷⁴ Interview #4, Interview #15, Interview #18.

²⁷⁵ Internal reports from the private maritime security industry and hostage debriefings

hostage debriefings that pirate group leaders may be appointed based on background, competencies, courage or intelligence.²⁷⁶ According to interviews, a leader may have one or two 'deputies' (see illustration below).

Some leaders oversee initial attacks against vessels, but then delegate onshore operations to deputies, often providing instructions for negotiations. The group leaders prefer not to live in the mangroves, which is generally required for those at lower levels.²⁷⁷ Group leaders commonly have dual strategic and operational functions, including responsibilities to oversee operations and equipment sourcing. However, they are not personally involved in logistics on land or in attacks at sea.²⁷⁸ The group leader is often responsible for steering negotiations, though in most cases does not act directly as the negotiator. The pirate group leader also distributes proceeds from a ransom payment among lower-ranking members. According to one interview, in certain instances, pirate group leaders may also be involved in laundering money related to ransom payments.²⁷⁹

Subordinate/Deputy

Those actors at the deputy level provide operational support through surveillance and intelligence gathering - on military operations, rival groups, vessel movements and other external actors. According to interviewees, Deep Offshore pirate groups often include one leader and one deputy.²⁸⁰ To the extent that targeting takes place, these two share intelligence and develop a plan of attack. Several internal reports from maritime companies and national security agencies indicate that pirate groups collected information about anchorage and security coverage prior to attacks.

NEGOTIATORS

Pirate groups most often use a negotiator to carry out negotiations for the release of hostages.²⁸¹ Interviews suggest that negotiators typically possess a wealth of experience and specific knowledge about the shipping industry, possibly from holding previous roles in the formal economy or government. This specialized expertise may explain why certain negotiators may be contracted by multiple groups, as indicated in interviews:²⁸² "pirate group negotiators seem to increasingly be the same people, the same names that we hear, which suggests that there are a few professional communicators that are good at this and used often."²⁸³ Yet, as another interviewee pointed out, it is not entirely clear whether there are only a few individual negotiators *or* whether few names are used by multiple individuals, which would mean that the number of negotiator name that circulate is low but not necessarily that the number of individual negotiators using those names during negotiations is correspondingly low.²⁸⁴ A number of interviewees point to a level sophistication at this tier of pirate group actors, mentioning for example how the English language capabilities have improved and substance abuse has declined (see also Chapter 1).²⁸⁵

Negotiators likely work on commission and do not appear to have direct working relationships with lower-ranking group members. As one pirate group member noted during an interview: "The person who comes for negotiation comes from outside, and he also has connection with us."²⁸⁶ Despite the impression that organized crime groups involved in piracy are strictly hierarchical, there is a certain level of flexibility with the formation of functions within the group. In some cases, interviewees mention a deputy or back-up negotiator, subordinate to the main negotiator, but this is not always the case. According to one interviewee, there have been instances where the negotiator attempted to build into the ransom agreement an additional share for himself, without the knowledge of the pirate group.²⁸⁷

²⁷⁶ Debriefing reports, Interview #1, Interview #7, Interview #18

²⁷⁷ Interview #8, for example, notes specifically that some of the sponsors live in "main cities."

²⁷⁸ In the case of KERALA/GARE, the pirate group leader on-board the vessel GARE - used as a semi-permanent mother vessel - was reported to regularly call someone onshore for further orders. Calls were made via a Satphone, which had been registered in a previous piracy case. See: "Nigerian Pirates Fool Naval Command," Maritime Security Review, July 2014.

²⁷⁹ Interview #15.

²⁸⁰ Interview #7, Interview #15

²⁸¹ In some cases, negotiators may also act in a group leader capacity.

²⁸² Interviews #10; #18.

²⁸³ Interview #10. ²⁸⁴ Interview #29

²⁸⁵ Interviews #10; #15; #18.

²⁸⁶ Interview #REC010D.

²⁸⁷ Interview #18.

3: SPECIAL FUNCTION PIRATE GROUP MEMBERS

The attack team (i.e. the seven to ten, usually armed, pirates in speedboats who carry out the attack at sea) is a specific team within the group structure. The weapon commonly used is the AK47, though several reports, photos and hostage debriefings also suggest the use of M16s or M4s.²⁸⁸ Often, pirates have multiple weapons magazines and plenty of ammunition. Increasingly, attack team members are sober. Pirate group members often wear paramilitary-style or black clothes, and in some cases, civilian clothes and are often barefoot, which facilitates climbing²⁸⁹ the hull and vessel superstructure.

Different internal functions and different types of team members within an attack team are common. As an interviewee noted, these teams are a combination of “smart people and low-level people,”²⁹⁰ which corresponds with the claims about the pirate group during interviews that some “had studied and graduated from a higher education institute.²⁹¹ For some acts of Deep Offshore piracy, “you need to have some educated people” on the team. A description of some of the different internal functions of such K&R piracy attack teams is discussed in the following section.

ATTACK TEAM LEADERS

Each smaller pirate attack team at sea has a designated leader. The team consists of one or two speedboats, with a total of seven to ten men onboard. This allows space on the speedboats for numerous jerricans of fuel as well as for hostages should the attack team succeed in its mission. In some cases, as many as 15 pirates were observed onboard speedboats. Attack teams represent an array of different functions, backgrounds, and competencies. One interviewee described one pirate group as having two educated pirates who boarded the vessel, “one educated with navigation skills... a trained sailor” who stood next to the vessel’s captain under attack, “ordering him on what to do.”²⁹² The other was a computer scientist who was referred to as “the manager” who “played a role in ensuring that the correct amount of AGO/oil was transferred.”²⁹³

SPECIAL FUNCTION MEMBERS

Members with a specific skillset may be considered “special function” members. Such roles may include the vessel’s pilot or engineer.²⁹⁴ The role of the boat’s pilot in Riverine Criminal groups is of particular importance for their “perfect knowledge of the rivers and waterways;”²⁹⁵ some are able to navigate rivers by night. Pilots also know how to cross the waves at the entry of the rivers to avoid capsizing the speedboat.

Special function roles exist at every tier of the pirate group structure. Different types of informants span the structure, from low-level informants – including women and children as young as ten years, to high-level informants. One pirate group member, for example, stated, “we sent girls to view the area to check whether they have two army or three army.”²⁹⁶ At the same time, “We have informant once they hear that ship is coming from outside, so-so area, before Lagos, they have to give us information, we will be there before that ship ... some men that do business with us.”²⁹⁷ Another pirate group member distinguished between spies and informants: “in our group: we have a chairman, and then 2IC, then we have the Armourer, *we have spies, we have informants as well. We have operation leaders and commanders.*”²⁹⁸ Interestingly, one interviewee noted: “Spies don’t get as much [money] as the people who carry the gun and carry out the operation.”²⁹⁹

288 Several 5.56mm cartridges have also been recovered on-board boarded vessels, according to undisclosed sources.

289 Stakeholder Democracy Network, “An Anatomy of Sea Piracy in the Niger Delta: From the Perspective of Active Members,” February 2021.

290 Interviews #18; #9.

291 Stakeholder Democracy Network, “An Anatomy of Sea Piracy in the Niger Delta: From the Perspective of Active Members,” February 2021.

292 Interview #9. For example, In the recent attack against MOZART in January 2021, almost all navigation equipment was destroyed on the bridge, it then the pirate group leader who gave general bearing to the remaining crew to sail toward Gabon.

293 Interview #9.

294 Interview #18.

295 Interview #26. Another interviewee also noted: “The pirates have maritime competencies allowing them to navigate within the creeks, to move inbound/outbound river, to be crossing the dangerous threshold, and to be sailing deep offshore in full autonomy” (Interview#1)

296 Interview #REC010D.

297 Interview #REC010D.

298 Interview #REC011D. The exact meaning of some of these terms are unclear. 2IC may mean ‘Second boss’, and ‘Amura’ likely refers to the person in charge of weapons and ammunition.

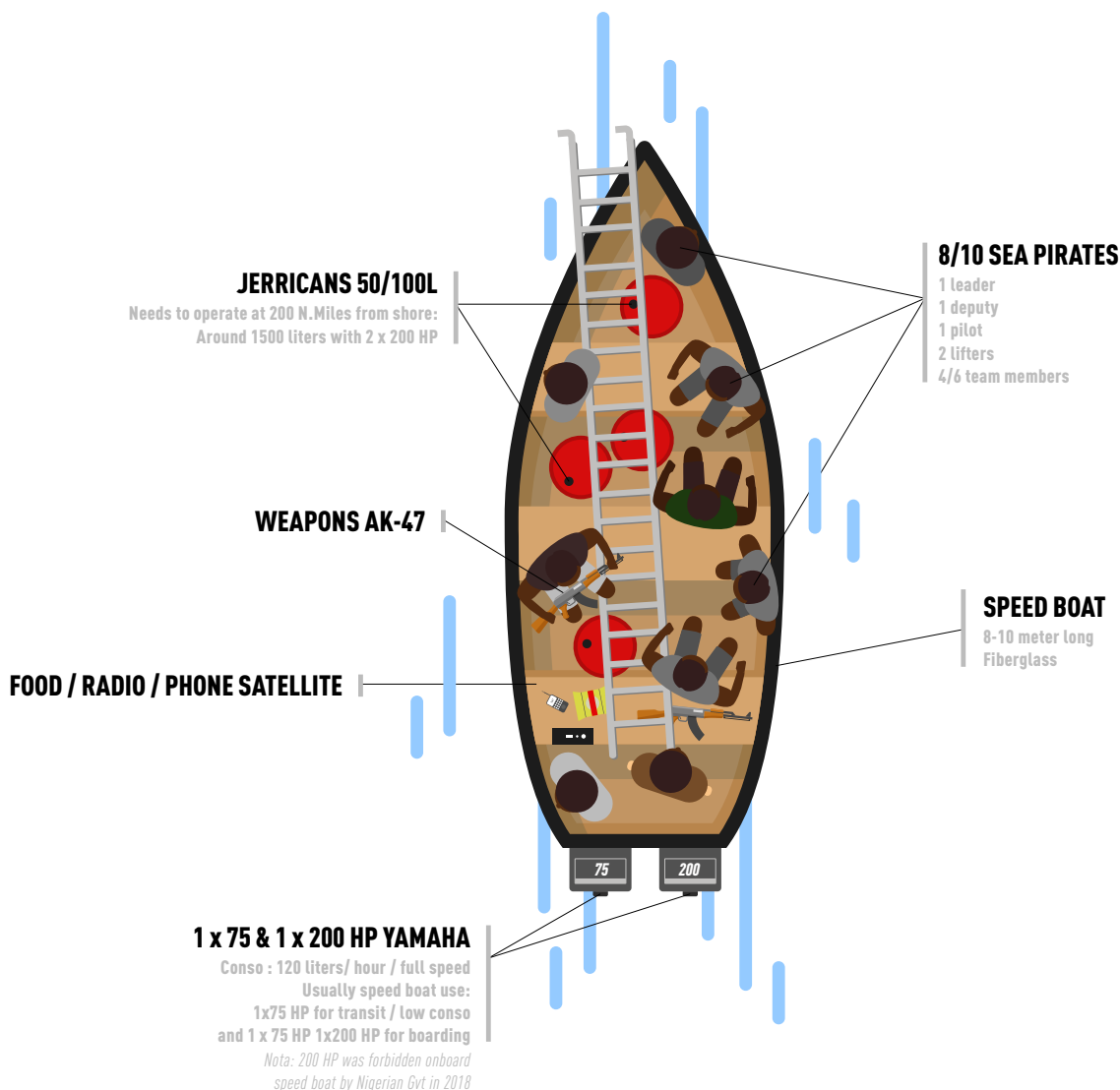
299 Interview # REC012D

BOX #15: WOMEN.

Based on interviews with pirate group members in three different states in the Niger Delta region, women can serve at least four functions for pirate groups operating in the region: as cooks, running “errands,” gathering information and attracting future recruits. All of those interviewed about women’s participation in piracy operations mentioned women’s role in preparing food³⁰⁰ and almost all mentioned their role in gathering intelligence, as “informants.”³⁰¹ Other interviews indicated that women play a role in maintaining operations at pirate camps, including the care of weapons³⁰² or fetching water.³⁰³ Some of those interviewed went so far as to describe women as a “vital” part of their operations, because of their contributions.³⁰⁴ It does not appear from the information gathered from interviews that women have directly taken part in piracy missions from and around the Niger Delta.

Other special functions include dedicated “shooters” and “lifters,” i.e. those who lift and place the grappling ladder. From photos, video footage and first-person accounts, two pirates are often responsible for hooking the ladder on the vessel under attack. Four or five pirates usually board the vessel, with three to five members of the team remaining on the speedboat, to alert the boarding team in case of security or Navy vessels responding. Deep Offshore pirates know the general structure of vessels, in particular, the antennas and the tracking and alert systems,³⁰⁵ suggesting that some attack team members possess previous experience as fishers, seafarers or other maritime industry roles using similar equipment.³⁰⁶

TYPICAL SPEEDBOAT NIGERIAN PIRATES :



300 Interviews #REC023B, #REC026B, #REC027B, #REC024B, #REC010D.
301 Interview #REC027B.
302 Interview #REC023B.
303 Interview #REC026B.

304 Interview #REC024B.
305 Interview #18
306 Interview #24; debriefing of abducted seafarers

MEMBERS AT HOSTAGE HOLDING AREAS

Following a successful mission, hostages are brought to an onshore camp where they are held as ransom negotiations take place. Various roles exist specific to the camps. Another function in the Deep Offshore pirate group structure is that of camp guard. Guards protect the hostage camp: “The pirates’ onshore camp is secured by several armed men fully dedicated for this task. Usually, these ‘guards’ realize the task on rotation with several days on, and several days off.”³⁰⁷ Albeit at roughly the same level in the structure, low-level attack team members and camp guards are typically separate in that the guards do not generally participate in attacks.³⁰⁸

Finally, some interviewees noted that medical support is needed occasionally and is also part of the structure: “We have doctors and nurses inside our group (syndicate) so whenever anything comes up, we can treat (gunshots especially).”³⁰⁹ In several cases, when abducted seafarers were in bad health, a local man with basic medical skills came to the hostage camp to advise on medical treatment.³¹⁰

4: FOOT SOLDIERS

As observed during a debriefing with released hostages about their experience in the pirate camp, “the pirates, estimated total number 30, are structured in *two parts*: experienced and novices.”³¹¹ Pirate camps are supported by several group members involved in various low-level logistics tasks. Reports and hostage debriefings indicate that abducted Nigerian nationals for which no ransom has been paid, may be taken as ‘slaves’³¹² who serve a range of functions in support of onshore pirate camps, including supplying food and fuel. Members at this low-level in the structure are commonly much more loosely linked to the pirate group. Various interviewees noted that some low-level members are involved in other forms of crime on land, such as kidnapping and burglary, which are not necessarily connected to the pirate group.³¹³

Some low-level foot soldiers have earned ‘rank’ within their group, e.g. as “aspirant or novice.”³¹⁴ To graduate in the structure, “the chief’s” blessing is required. Hostage debriefings indicate that ceremonies may take place: “One ceremony had been organized for some of novices (four or five) to enter within experienced group.”³¹⁵ “This ceremony to enter within the experienced group allows them to use weapons. Prior, the novices are dedicated for logistics mainly, until they change category.”³¹⁶ Such ceremonies may be what pirate group members referred to in discussions of rituals. Yet, the question of whether such rituals are linked to cultism needs further investigation. As one pirate group member for example noted when asked about cultism and rituals of his pirate group: “We have our rules and codes. They may be similar [to those of cult groups] but they are different.”³¹⁷ Finally, each Deep Offshore pirate group will have variations to this structure. As one interviewee noted: “The leadership structure of every organization differs and the mode of operations, too, so there is bound to be variation.”³¹⁸

307 Interview #18.

308 Interview #24; debriefing of abducted seafarers

309 Interview #REC025B.

310 Interview #24

311 Debriefings; Interview #24.

312 Interview #18.

313 Describing this, one interviewee argued that “these pirates are ‘multipurpose’, as they may carry out maritime piracy but also illegal bunkering or other illegal activity, sometimes including engaging in ‘criminal’ support of politicians” [Interview #4]. A number of interviewees mentioned this point about low-level pirate group members being engaged in other types of crime than ‘only’ K&R piracy (e.g. Interview #3, Interview #5, Interview #8, Interview #11, Interview #16, Interview #18, and Interview #30).

314 Interview #18.

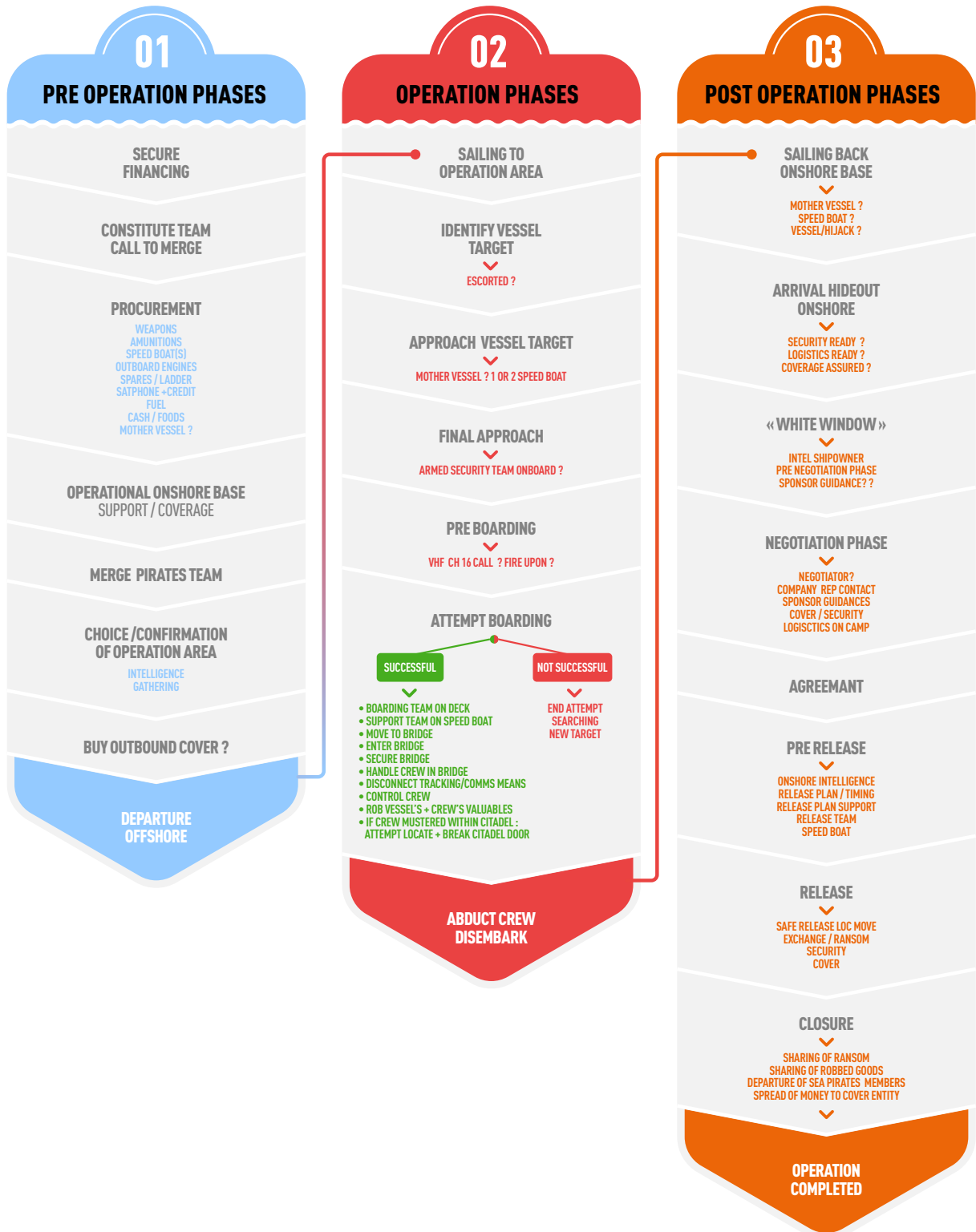
315 Interview #24

316 Interview #24

317 Interview #REC024B

318 Interview #REC024B.

SEA PIRATES OPERATION FULL ACTION PLAN:



VARIATION AND FLUIDITY

The contours of a Deep Offshore pirate group structure are not entirely fixed. Individuals may move within the pirate group structure. Interviews suggest the possibility of advancing within the group: “gaining higher status is obtained after demonstration of operational competencies.”³¹⁹

The group structure described in this Chapter refers to Deep Offshore pirate groups. There are also indications of moving between the three types of piracy/maritime criminality described in Chapter 2: Deep Offshore, Coastal/Low-reach, and Riverine Criminality. As explained in Chapter 2, it has been argued that Low-reach groups may, to some extent, serve as recruiting grounds for Deep Offshore pirate groups.³²⁰ It was also observed during the Abuja validation workshop that some Riverine Criminals previously arrested “...are no longer Riverine, they are now operating further offshore.”³²¹

Based on interviews with pirate group members, some pirate group members may shift between piracy and other types of employment – both legal and illegal. One interviewee noted that “most members remain integrated in their communities and some have legitimate employment in the formal economy.”³²² Another interviewee agreed: “They don’t only do illegal but sometimes also legal jobs: in the private but also penetrating the public sector.”³²³ Similarly, it is understood that pirate group members may shift between piracy and other types of criminal activities, but the degree to which this happens is not known. When questioned about participation, two interviewees responded that their group “...is not involved in bunkering [...]. We do kidnapping for ransom and sometimes security escorts, too. We also exchange oil for guns on the sea.”³²⁴ Another said: “Attacking/hijacking fishing trawlers, kidnap for ransom, hijack bunkering vessels, we do all kinds of things as stated above and they pay ransom. We also provide escort services for companies.”³²⁵

It is unclear whether engagement in parallel criminal activities is more pronounced for Riverine Criminals than for Deep Offshore pirate groups. Interviews indicate that both Riverine Criminals and Deep Offshore groups are involved in other illegal businesses, at different levels.³²⁶ Further, the potential involvement of pirates in other types of crime is likely to vary across different levels in the group structure. At the lower levels in the pirate group structure, a guard at a hostage camp may also be involved in the transport of illegally refined oil.³²⁷

3.3 HOSTAGE CAMPS

Interviews with K&R experts and intelligence experts as well as debriefings with released seafarers indicate that Deep Offshore pirate group hostage camps are not simply makeshift structures but places with a degree of permanence.³²⁸ Camp conditions differ between groups. There are permanent structures in some pirate group locations, such as the “permanent abduction onshore camps installed in Bayelsa state.”³²⁹ As one interviewee noted: “We have, for example, seen actual, proper camps being set up in the border region close to Cameroon. Someone has indeed invested in establishing this camp ‘infrastructure.’”³³⁰ Interviews, hostage debriefings and intelligence reports detail well-organized pirate camps accommodating up to 50 people.³³¹ Hostages may be held in wooden barracks, with mattresses and mosquito nets, with generators and established pedestrian paths. Inhabited villages located close to pirate camps, may allow villagers to become “accepted” in the camp. Girlfriends and “wives” have been observed.³³² According to released seafarers and self-identifying pirates interviewed for this report, camps may be protected by permanent watch posts.³³³ Some debriefing reports and some interviewees, describe how it is sometimes the case that the main threat to the camp is opposing groups.³³⁴

319 Interview #24

320 Interview #1, also pointed out by law enforcement participants during the Validation WS in Abuja, April 2021

321 Validation workshop, Abuja, April 2021

322 Interview #15.

323 Interview #11.

324 Interview #REC024B

325 Interview #REC025B.

326 E.g. Interview #5, Interview #8, Interview #14, Interview #15, Interview # REC025B, Interview REC026. In addition, some interviewees suggest that such ‘convergence’ may not only involve low-level group members – one interviewee for example noted that “key elements in ‘oil theft’ groups and kidnapping for ransom groups are broadly converging, i.e. high-level facilitators” (Interview #15)

327 Interview #18

328 Interviews #1, #4, #10, #15, #18. Deep Offshore pirate groups do not easily shift from one location to another, but commonly stay where they have protection cover. Interviews suggest that Riverine criminal groups are more flexible and mobile in their locations.

329 Interview #18.

330 Interview #10: Adding that this is “not just something that any person in Nigeria could afford.”

331 Interview #1, Interview #10

332 Interview #22; Interview #13

333 Interview #REC027B, for example, noted that: “We occupy our camp [on surveillance always] so nobody/group can come there and conquer us.”

334 Interview #10, Interview #15, Interview #18, hostage debriefing report.

CAMP INFRASTRUCTURES

Wood / Zinc / Generator / Boats / Fuel

15.000 USD



Other typologies of camps are more improvised, which speaks to different types of pirate groups possessing different levels of sophistication and likely also different levels of community protection and support.³³⁵

According to statements from seafarers and rescue teams, it is possible to point to several probable onshore pirate hideouts. Pirates usually establish abduction bases inside a designated “safe area” onshore, which will typically meet the following criteria:

- a) Accessible by speedboats to allow easy movement and quick escape
- b) Isolated from high-traffic areas, and
- c) Located within a ‘friendly’ community, village and/or within the territory of an ex-militant leader who provides protection.

Though rare, pirate groups are anecdotally known to use hideouts outside their territory. In these cases, caution is crucial. In some cases, pirates and hostages remained inside the speedboat for over two weeks.³³⁶ In another case, debriefings revealed that pirates threatened a hostage who loudly snored in his sleep, which was feared to attract the attention of other nearby criminal groups.

³³⁵ Interview #10, Interview #24.

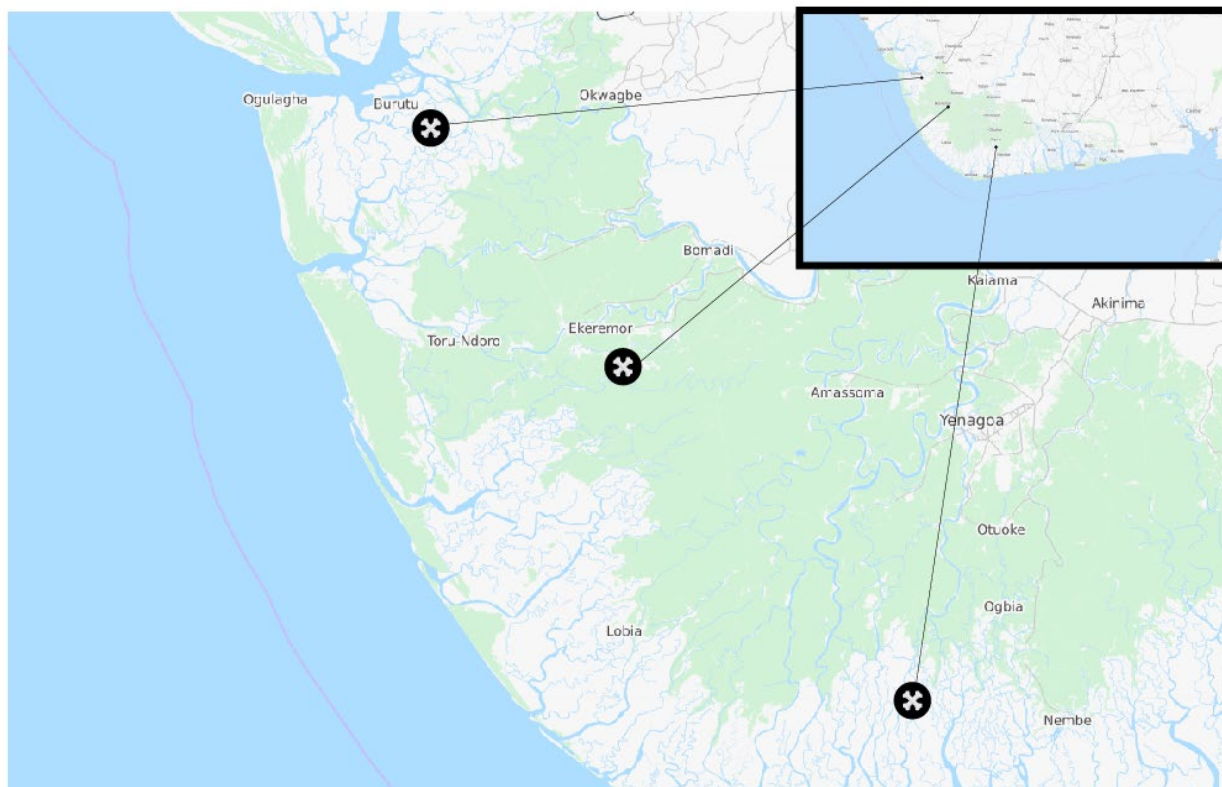
³³⁶ “Hostage of Pirates: the Poignant Testimony of a Breton Captain” (translated from French, original: “Otage de Pirates: Le Témoignage Poignant d’un Capitane Breton,” Le Télégramme, [October 2017].

Inter-group rivalry between pirate groups have been reported by local media when an “intruder cell” encroaches on a group’s territory, and conflicts may result simply in order to expel the intruder group³³⁷ or if the intruder group attempts to steal hostages. In one example, a pirate group from Bayelsa travelled to Rivers State creeks, outside their usual safe zone during negotiations over hostages. The pirate group and the hostages changed locations three times. They moved by night to avoid confrontation with other groups. At the last location, they stayed hidden in the bush, lacking even the most basic shelter.³³⁸ Below is an illustration of approximate and possible locations of hostage camps based on interviews, material acquired from hostage debriefings, information from drop team members (who are responsible for picking up the crew upon release), and data collected from GSM phones used by pirates.

Camp Locations

When asked where camps are located, most pirate group members interviewed for this report said: “We stay in a forest inside the mangrove” or in “the creeks where it’s isolated.” Groups can operate far from onshore bases: “...sometimes we might leave our areas and go to a very far distance and make operations then come back...”³³⁹ Other pirate group members said that they “operate all over Nigeria because we have different cells so that is what we do so far as there is water we can penetrate.”³⁴⁰ The four to six different Deep Offshore pirates groups based in the Niger Delta region, “can strike hundreds of miles away, from the waters of Ghana to those of Angola.”³⁴¹ Statements from released crew-members suggest that pirates often have main camps in a secure area with protection from local political and/or traditional leaders, in addition to several other locations in case they are forced out of main camps. Secondary locations likely lack the same level of protection.

Delta / Bayelsa states



337 Emma Amaize, “Creek War: How We Killed Eight Pirates, Kidnappers in Bayelsa – Militant Group,” Vanguard (2017).

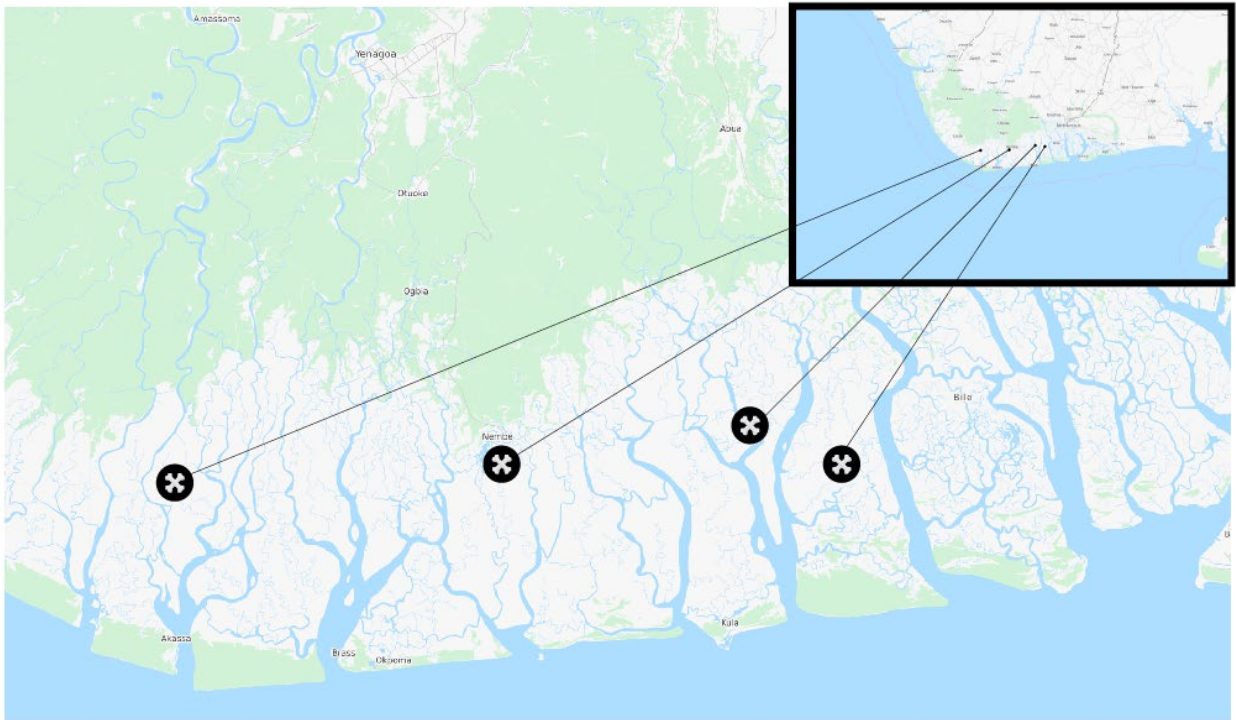
338 Debriefing with released crewmembers.

339 Interview #REC024B.

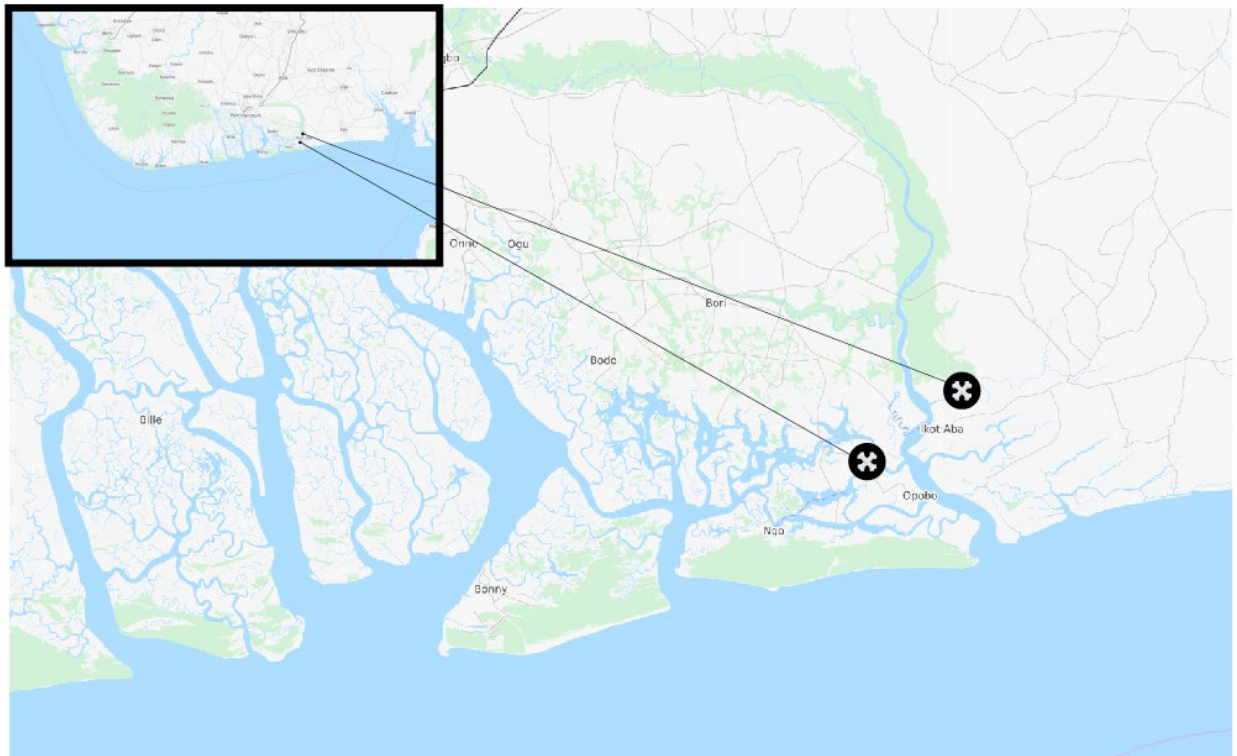
340 Interview #REC025B.

341 Bertrand Monnet, Rencontre avec « Black Devil », le pirate du delta du Niger (2020).

Bayelsa / Rivers states



Rivers / Akwa Ibom states



3.4 MOTIVATIONS: LOOKING BEYOND GROUP STRUCTURES

Understanding what motivates pirates to join these groups in the first place is essential to prevention and deterrence efforts. Further, understanding how local communities legitimize involvement with pirate groups is also critical. To what extent are pirates' actions perceived as criminal by the perpetrators and by local communities?

- FINANCIAL MOTIVATIONS: SUPPLEMENTAL INCOME, SIDE-BUSINESS, SURVIVAL

The potential for financial gain³⁴² is a major driver for would-be pirates. But a diversity of financial motives is apparent. At the highest level of actors, numerous interviewees noted that ex-militants who were initially politically motivated are now driven by the potential for wealth. One interviewee noted that ex-militants receive monthly allowances of approximately 65,000 Naira (currently approximately 160 USD) as part of the amnesty programme (see Chapter 1), but that amount is not considered sufficient,³⁴³ and thus, *as an income supplement*, they participate in K&R piracy. For K&R piracy sponsors, including ex-militants, ransom payments may not even be the primary financial focus. For example, one interviewee noted that high-level actors pressured a pirate group to speed up hostage negotiations, to protect other illegal activities, which *generate more money*, notably illegal oil operations.³⁴⁴

Unlike high-level actors for whom piracy serves as supplementary income, interviewed pirate group members at lower levels in the structure explain their involvement in K&R piracy in terms of survival. The socioeconomic situation in the Niger Delta today has not significantly improved since the World Bank referred to it as “poverty in the midst of plenty.”³⁴⁵ Numerous pirate group members stress that their participation *“is just for survival.”*³⁴⁶ Interviewed pirate group members stated that they engage in piracy because there is “no other way to survive;”³⁴⁷ “I find myself doing these things [piracy] so that I do not beg anyone for my survival.” Pirate group members “consistently reported that they depend on piracy to meet their basic needs, as well as those of their families”³⁴⁸ including, school fees and healthcare, or to buy a car or house.³⁴⁹ As one expert explains from an interview with a pirate group leader: “He has a wife and five children, three of whom are at university in the nearby town of Benin City. His family knows he is a pirate, but they accept it: ‘Without this money, how do I feed them? How do I educate them?’” Life in the Niger Delta without a job is unquestionably extremely difficult: as an interviewee noted, the average Niger Delta citizen “confronts a very difficult environment trying to survive within a very tough financial situation.”³⁵⁰

- CONFLICTING 'FISHERIES'-NARRATIVES?

Interviews with experts highlighted the issue of local fisheries suffering from catch shortages, one of whom noted: “I once visited a coastal community. The fishers I engaged with - including women - told me how they have to go as far as Equatorial Guinea to fish due to reduced catch (illegal by the way).”³⁵¹ Fishers in the Niger Delta are heavily affected by reduced catch due to factors, which include oil-related pollution.³⁵² There is a risk of locals joining pirate groups, or other kinds of maritime crime, when they can no longer make a legitimate living from fishing. Ifesinachi Okafor-Yarwood, a maritime security and governance expert, argued: “if coastal residents are left to feel dejected, it makes them susceptible to being recruited by organized criminal network (which sadly is happening).”³⁵³

342 Interview #11.

343 Interview #18.

344 Interview #18.

345 “Nigeria: Poverty in the Midst of Plenty: The Challenge of Growth with Inclusion,” The World Bank (1996).

346 Stakeholder Democracy Network, “An Anatomy of Sea Piracy in the Niger Delta: From the Perspective of Active Members,” February 2021.

347 Interview #25B.

348 Interview #REC025B. Further adding:

349 Stakeholder Democracy Network, “An Anatomy of Sea Piracy in the Niger Delta: From the Perspective of Active Members,” February 2021.

350 Interview #7. Other interviewees hinted at similar points stressing the challenging conditions confronting many people living in the Niger Delta region: “the population is suffering the situation without capacities to protect themselves” (Interview #14)

351 Interview #19.

352 Another observation concerning this ‘legitimacy narrative’ and motivations for engaging in piracy (lower levels) is the following: these same villagers, who have lost their livelihood, can at the same time see that “trawlers encroaching their waters, are not stopped” (Ifesinachi). Yet, this observation was note specifically made with reference to the Niger Delta – and thus points to an area in need of further investigation.

353 See for example “Fishing for crime’: Desperation, lack of opportunities behind Nigerian piracy, experts say,” By Sohel Uddin, Ronke Phillips and Henry Austin, NBC News, 9 Novembre 2013, <https://www.nbcnews.com/news/world/fishing-crime-desperation-lack-opportunities-behind-nigerian-piracy-experts-say-flna2d11569382>. See also ‘The History of Exploitation Behind the Gulf of Guinea Piracy,’ by Kizzi Asala with AFP, 8 February 2021, available at: <https://www.africanews.com/2021/02/08/the-history-of-exploitation-behind-the-gulf-of-guinea-piracy/>

Local media also reports that pirate groups have targeted fishing boats in the waterways of Akwa Ibom State, “impounding their equipment, including speedboats and collecting huge ransoms for the release of the confiscated items,” adding that authorities were unable to come to the fishers’ rescue.³⁵⁴ One interviewed pirate group member noted: “The River is ours and so we decided to go into the rivers in search of fish and money from fishing trawlers.”³⁵⁵ Some reports have even noted murders.³⁵⁶ As media reports indicate, incessant attacks have forced some fishers out of the sea entirely.³⁵⁷ After four riverine criminals were killed in March 2021 in Akwa Ibom waterways, the Chairman of Ibeno Local Government Area disclosed: “...Pirates have terrorized Ibeno waters in recent times thereby, crippling fishing and other economic activities in the area.”³⁵⁸ Though it remains to be seen, attacks against them may ultimately dissuade fishers from joining pirate groups.

- INSECURITY AND BELONGING

Insecurity poses another potential motivation for would-be pirates. This is particularly true for piracy linked to cultism: “[M]any boys ran to join [cultist] groups that they felt had the means to protect them.”³⁵⁹ Relatedly, “the group can serve as a surrogate family.”³⁶⁰ A surrogate family can provide a sense of belonging and protection. These motivating factors are not mutually exclusive; rather, pirates may experience several in combination: as in the case of seeking a surrogate family, which provides both financial gains (a share of the ransom money) and a sense of loyalty and protection.³⁶¹

MOTIVATIONS AND LEGITIMACY NARRATIVES AT DIFFERENT LEVELS AND FOR DIFFERENT TYPES OF PIRACY

FADING COMMUNITY SUPPORT?³⁶²

Conflicting perceptions exist regarding pirates’ status in their local communities. One recent intelligence report argued that pirates’ status among locals stems in part from how Deep Offshore pirates are seen to ‘give back’ to their local communities, in turn boosting their perceived legitimacy.³⁶³ Interviews and intelligence reports suggest that a degree of local support perseveres. Yet, at the same time, other interviewees indicated that “pirates currently lack community support.”³⁶⁴ It could be that these seemingly contradictory accounts are better understood as an indication of how legitimacy may differ for different types of piracy and maritime criminality. Riverine Criminals, for example, attack passenger boats and carry out racketeering, targeting local vessels, and local communities are in turn less likely to support the criminal groups. Deep Offshore piracy, meanwhile, does not have the same immediate negative impact on local communities and those groups are therefore less likely to suffer from lack of support.

IMPUNITY?

Shifting from community level to high-level actors, some security experts point to the issue of impunity as a motivating factor for some pirates. Several Deep Offshore pirate group members have been involved in the piracy business for many years and have brazenly shared on social media sites when they received large sums of money from ransom payments: “in one case, after ransom was paid, we could see one foot soldier posing with cash on Facebook.”³⁶⁵, ³⁶⁶ Issues of impunity were highlighted in various interviews: “All is corrupted, at all levels.”³⁶⁷ Admittedly, such observations cast doubt on deterring piracy with

354 Chioma Onuegbul Wuokpom, “Nigeria: Pirates Take Over Akwa Ibom Waterways,” CSO Alliance (2015).

355 Interview #REC013D; statement from FGD.

356 “Akwa Ibom Anglers Lament Killings, Attacks by Sea Robbers,” CSO Alliance (2016.)

357 Chioma Onuegbul Wuokpom, “Nigeria: Pirates Take Over Akwa Ibom Waterways,” CSO Alliance (2015).

358 “Police Kill 4 Suspected Pirates in Akwa Ibom,” Pulse NG, originally appeared in News Agency of Nigeria, March 5, 2021.

359 Judith Burdin Asuni, *Understanding the Armed Groups of the Niger Delta*, Council on Foreign Relations, New York (2009).

360 SDN Report – needs full citation

361 Though not specific to piracy but observed in studies of broader criminal groups, it seems that another motive worth distinguishing from the above concerns’ motivations linked to inter-ethnic struggles. Though it is beyond the scope of this report to lay out the complexities of ethnic tensions – others have already done so very eloquently (Judy 2008). The point to stress instead is the multiplicity of motivation at various levels in the structure (vertically) and probably across different types of piracy (horizontally). Put differently, livelihood challenges may be crucial in motivating actors at some but not all levels in these pirate structures. As a report by Stakeholder Democracy Network highlights, livelihood may in a broad sense be a critical motivating factor for joining cult groups in the Niger Delta region. See: Stakeholder Democracy Network, *Socio-economic Rehabilitation and Re-Integration of ex-Cultists*, SDN (2019.)

362 Stakeholder Democracy Network, “An Anatomy of Sea Piracy in the Niger Delta: From the Perspective of Active Members,” February 2021.

363 Internal report from private maritime security industry, February 2021.

364 Stakeholder Democracy Network, “An Anatomy of Sea Piracy in the Niger Delta: From the Perspective of Active Members,” February 2021.. “An anatomy of sea piracy in the Niger Delta: From the perspective of active members,” February 2021

365 Interview #5

366 Interview #15

367 Interview #8, Interview #13, Interview #18

livelihood programs alone: if a pirate's activity is generally perceived as low-risk and high-reward, the barriers to entry may appear superficial to would-be pirates. Providing alternative livelihoods for those involved in piracy at lower levels may be a cornerstone to addressing piracy's root causes. Because motivations vary at the highest levels, this will not be a panacea, though these programs remain critical. Looking ahead, new, targeted programs to address Niger Delta-based piracy will need to account for the *constellation of diverse motivations driving piracy in the region.*

3.5 CONCLUSIONS: VERTICAL DIMENSIONS OF ONSHORE PIRACY

Information about pirate group structures may help to illuminate when arrests happen outside of the structures; for example, interviews suggest that in at least one case (*ELOBEY 6*, April 2020) several arrested for piracy were not even *part of* the pirate structure, but instead individuals tasked with delivering the agreed ransom payments and picking up released hostages.³⁶⁸ These nuances are essential for understanding the effects of arrests and trials of 'Deep Offshore' pirates.

Relative to broader pirate support networks, it should be mentioned, that while the focus of this report is on Niger Delta pirate groups, a number of interviewees alluded to potential linkages *beyond* Nigeria. Little is currently known about the geography and the nationalities of piracy networks beyond Nigeria. From interviews, only tentative indications emerged. One interviewee observed that contemporary K&R piracy involves "a lot of layers of criminal networks, including cross-border allies – e.g. in Ghana."³⁶⁹ Another noted that although this all "starts from Nigeria" the piracy business "extends to Togo, Benin, Ghana."³⁷⁰ Indeed, this is an area of current discussion and in need of further investigation. Illustrative of recent debates, one maritime security expert recently argued, that "the gangs are not exclusively Nigerian. Crewmembers who have been kidnapped and released have said that not all the pirates in the gang spoke the same language,"³⁷¹ while industry representatives stressed that this remains to be proven, considering that many different languages are spoken in Nigeria, which implies that this indication alone is insufficient.³⁷² It is possible that Niger Delta-based piracy possesses "international dimensions (with regional characteristics) but so far very little has been done to target such activity across borders."³⁷³ In interviews and focus group discussions with pirate group members, the opposite was also communicated: "we do not have international connections."³⁷⁴ Niger Delta-based piracy may, perhaps only for some groups, have overlooked dimensions beyond Nigeria.



368 Interviews #1; #18. See also "3 Foreigners, 6 Nigerians Arraigned Over Hijack of Vessel," Vanguard (2020.)

369 Interview #17.

370 Interview #11.

371 "EOS Risk - Piracy Strategies for Gulf of Guinea," Tanker Operator, April 2021.

372 There have been only very few reports and hostage debriefings indicating that, for example, French was being spoken by pirate group members. Interview #18.

373 Interview #15.

374 Interview #REC013D, FGD with sea pirates.



4.

K & R

PIRACY: MONEY STREAMS

focuses on the issue of Deep Offshore piracy money streams.

While focusing on the K&R business model and how ransom money is spent, though an important aspect of K&R piracy, intelligence experts interviewed for this report made quite clear that the money stream is not the primary focus of the piracy industry. Historically, the majority of international piracy financing was attributed to the international business who have benefited disproportionately from the government security programs. The further respondents noted, "We as military people (and the big ones behind it, who through cash, they carry cash" (27) following the initial focus on piracy, the primary focus was not to carry out attacks and killing crew members, the release of such hostages results in ransom payments to the specific pirate group. Such ransom money is then, partially, allocated to pirate group operations. Currently the proceeds accumulated from years of criminal activity and ongoing payment of ransoms -- which tend to go up with the increasing number of crew kidnapped on average per attack -- provide a sufficient financial security for the "business model" (28)



This chapter focuses on the issue of Deep Offshore piracy money streams, initial financing, the K&R business model and how ransom money is spent. Though an important aspect of K&R piracy, intelligence experts interviewed for this report made quite clear that “there is very little reliable information about the financing of piracy in the Gulf of Guinea.”³⁷⁵ When asked about piracy financing, one interviewee responded that: “Historically, the financing of some groups can be traced back to former militants leaders who have benefitted disproportionately from the government amnesty programme.”³⁷⁶ Another respondent noted: “the ex-militant guys [are] the big men behind it, who send small men out to do this. This is done through cash, they carry cash.”³⁷⁷ Following the initial financing of K&R piracy, enabling ‘small men’ to carry out attacks and kidnap crew members, the release of such hostages results in ransom payments to the specific pirate group. Such ransom money is then, partially, reinvested in pirate group operations: “currently the proceeds accumulated from years of criminal activity and ongoing payment of ransoms – which tend to go up with the increasing number of crew kidnapped on average per attack – provide a sufficient financial security for the ‘business’ model.”³⁷⁸

4.1 AN EVOLVING BUSINESS MODEL

In 2020, pirates boarded 39 vessels in the GoG,³⁷⁹ resulting in abductions from 25 of them, including four from vessels at anchorage.³⁸⁰ It is likely that ransoms were paid for all of these cases except for one.³⁸¹ The average time in captivity for seafarers is approximately four to five weeks: 31 days in 2019 and 36 days in 2020.³⁸² Only one source puts the duration of hostage situations higher, at 60 days.³⁸³ In 2020, two kidnapping cases lasted almost five months, which is unusual given the prevailing trend of less than two months in captivity (*DJIBLOHO- RIO MITONG*).³⁸⁴

Regarding ransom payments, two recent changes have been observed:

CHANGE #1. INCREASING RANSOM AMOUNTS

Security experts, insurance companies and negotiators describe K&R piracy in the GoG as a “supervised” market, with ransom demands corresponding to certain criteria, such as the kind of vessel and the number and nationalities of crewmembers onboard. Ransom amounts in the region were relatively low until 2015 and 2016, generally between \$120,000 to \$200,000 for a group of foreign seafarers, which is considerably lower than ransom amounts paid for hostages held captive by pirates off the coast of Somalia. In exceptional cases, ransom payments exceeded the average amount. In 2013, two US nationals were abducted from a supply vessel operated by Edison Chouest Offshore and contracted by oil major Chevron. After being held captive for 18 days, they were released when a ransom of nearly \$1 million was paid.³⁸⁵ As the Nigerian *Naira* started to lose value in mid-2016, Deep Offshore pirate groups began

375 Interview #15: Knowing this, the report proceeded by examining ransom figures, interview data, including with pirate group members, local news sources and articles, as well as reports by experts based in or regularly visiting the Niger Delta region.

376 Interview #15.

377 Interview #11.

378 Interview #15.

379 MDAT-GoG / MICA Center, annual report 2020

380 Vessels from which crewmembers were abducted include ALPINE PENELOPE; MINERVA VIRGO; ELOBEY 6; MSC TALIA F; TOMMI RITSCHER; MEVAHOPE; AMERGER II & VII; RIO MITONG; DJIBLOHO; HAILUFEN 11; PREYOR 1; PANOFI FRONTIER; SENDJE BERGE; KOTA BUDI; CURACAO TRADER; AP 703; WATER PHOENIX; METHANE PRINCESS; ZEN HUA 7; AM DELTA; STELIOS K; MILAN; AGISILAOS; CAP SAINT GEORGES; SERVA.

381 This number is based on the following data: 25 cases of piracy kidnappings in 2020. The exception is the AMBIKA case, where “three crew members – taken hostage by pirates on 6 January 2020 – were freed not following ransom payments but “after a three-hour gun battle with a [Nigerian] naval task force,” <https://tathamlaw.com/knowledge/nigerian-piracy-have-we-reached-a-tipping-point-2/>

382 Evidence of releases from maritime communiqué, foreign countries ministry or embassy media.

383 Bertrand Monnet, Rencontre avec « Black Devil », le pirate du delta du Niger (2020).://www.lemonde.fr/series-d-ete/article/2020/08/01/black-devil-le-pirate-du-delta-du-niger_6047876_3451060.html

384 These exceptional cases of DJIBLOHO and RIO MITONG cases, in which crew were held for 149 days, were discussed in Chapter 1.

385 Adam Gabbatt, “White House Notes Increase in West Africa Piracy as Americans Held Hostages,” The Guardian [2013].

to use USD as the currency of reference in negotiations. In some cases, the terms of a hostage release negotiation indicate that the ransom be paid with one part in US dollars and the rest in Nigerian Naira. Typically, in such instances, the USD share goes directly to actors at the top of the hierarchy, while the Nigerian Naira share is split among lower-level group members. Physical ransom payments in Nigerian Naira began to pose a challenge as 380 million Nigerian Naira in banknotes (equivalent \$1 million) has a volume of one cubic meter.³⁸⁶ According to K&R experts, bringing this amount of cash to the creeks of the Niger Delta poses a significant challenge. Further, subject matter experts who participated in the Abuja Verification Workshop for this study indicated that a ready market exists, enabling the exchange of US dollars.³⁸⁷

BOX 16: An Emerging Trend, electronic currency as Ransom?

During an interview with one K&R expert as well as in the validation workshop for this report in Abuja, it was mentioned that a *possible* development to monitor is pirate negotiators requesting for ransom money to be paid in electronic currency. The interviewee noted that although no cases of ransoms being paid in electronic currency have yet to be observed, there was one case where the pirate negotiator initially demanded that ransom money be paid in electronic currency: “only one attempt, but it was quickly closed during negotiation.”³⁸⁸ Participants at the validation workshop noted that this development has not been observed for onshore kidnappings in Nigeria. Also worth stressing is the possibility that arrests made when ransom money is paid in return for the release of hostages (in the case of *ELOBEY 6*, April 2020), may incentivize pirate groups to look for new ways of securing payments. This, however, is not a development thus far observed for ransom payments to Deep Offshore pirate groups.

CHANGE #2. RANSOM VALUE PER HOSTAGE RATHER THAN PER GROUP

Starting in 2017, pirates began to treat abducted seafarers as individual hostages rather than as a group, likely to give themselves more leverage during negotiation. Subsequently, the number of seafarers abducted per pirate attack increased, while the number of successful K&R piracy attacks stayed roughly the same. The average number of seafarers kidnapped per incident has increased from 3.5 to more than 6 in only a few years. Illustrative of this increase are the attacks on *NAVE CONSTELLATION* (3 December 2019) and *Duke* (15 December 2019) where pirates successfully kidnapped 19 and 20 seafarers, respectively, from each vessel.³⁸⁹

This trend has raised the overall amounts paid to pirate groups, as evidenced by one December 2019 case, in which \$50,000 was demanded for each member of the 20-person crew, bringing the total ransom to \$1 million for the group. According to a media report, the captain of *DUKE* disclosed that the ransom paid for the release of the 19 crew members (1 died during abduction) was \$300,000.³⁹⁰ More recently, 15 Turkish seafarers abducted from *MOZART* on 23 Jan 2021, were released after payment of \$320,000 for the group after 20 days in captivity, according to media.³⁹¹ Exceptions remain, however; pirates agreed to \$18,000 for the release of five Ghanaian seafarers in a case dated 2020. Considering the number of crew kidnapped annually and the upward trend in ransom payments, the annual amount of ransom money paid in 2020 to various Niger Delta-based pirate groups is estimated at around \$4 million.³⁹²

4.2 PIRACY MONEY: BEFORE, DURING AND AFTER

This section will further explore pirate money streams: the finances needed for or profits from K&R piracy.

³⁸⁶ Interview #18.

³⁸⁷ The amount is shared between various piracy stakeholders or “partners”, and thus the amount is quickly fractioned in numerous reduced parts – some much larger than others. Asked how members of the group spend their money, the interviewee replied, “Some of our members have children, most of them have families and they are paying school fees” (Interview #REC023B); and ‘houses’ were mentioned by two pirates (likely Deep Offshore pirates) when asked how members of the group spend their money, “Most of our members are living well. When you come to the city you will see that they are living well, they have houses, cars, etc.” (Interview #REC026B)

³⁸⁸ Interview 28.

³⁸⁹ In 2020, again, 13 seafarers abducted on-board *CURACAO TRADER* 17 July 2020 and 14 others on-board *ZHEN HUA 7*, 13 November 2020.

In 2021, 15 seafarers abducted onboard *MOZART* 23 January 2021, and 15 seafarers abducted onboard the *DAVIDE B* the 11 March 2021.

³⁹⁰ Saudamani Jain, “Indian Sailors are Being Caught in a Piracy Boom off West Africa. One Captain Held Hostage Shares His Story,” CNN, March 20, 2021.


³⁹¹ Internal report from private maritime security industry; Interview #18, Interview #28.

³⁹² This calculation is made based on the confirmed amount of ransom paid for more than half of the cases, as the basis for arriving at this figure for all kidnapping cases confirmed in 2020

BEFORE: PRE-ATTACK MONEY FLOWS

Several investments are needed to execute a K&R piracy operation, including boats, powerful engines, weapons, ammunition and camp infrastructures to keep hostages and house guards. Rough estimates for these investments are summarized in the table below for one pirate group of 40 men using two speedboats. Certain investments, like speedboats, engines and weapons can be used for years, and will not have to be acquired for each attack.

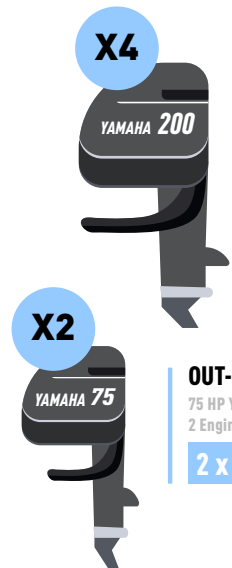
PRE-ATTACK MONEY FLOWS:



X2

SPEED BOAT
2 or 3 speed boats + eventual canoes for camp services

2 x 20.000 USD



X4


OUT-BOARD ENGINES
200 HP YAMAHA
2 X 2 Engines + Spare

4 x 15.000 USD

X2

OUT-BOARD ENGINES
75 HP YAMAHA
2 Engines + Spare

2 x 8.000 USD



X40

WEAPONS AK-47
40 Units

40 x 250 USD



X40

AMMUNITION
4 MAGAZINE / 100 / MAN

40 x 50 USD



X2

SATPHONE THURAYA

2 x 1200 USD

CAMP INFRASTRUCTURES

Wood / Zinc / Generator / Boats / Fuel

15.000 USD



TOTAL : 145.000 USD

The sponsors “...who finance this are not the people who are on the boats.”³⁹³ One interviewee suggested that K&R piracy is linked to other types of crime through diverse funding streams from “high-profile members of organized crime groups” who sponsor additional crimes including “oil bunkering regionally [which] serve[s] as an additional revenue stream to finance pirate attacks.”³⁹⁴ Another interviewee points out that there is a cost to positioning a hostage protection team in a camp before the group’s arrival days later with hostages. Sometimes these expenses are paid, at least partially, in cocaine, according to one interviewee.³⁹⁵

WEAPONS: EXEMPLIFYING A WIDER PIRATE ECONOMY

In Nigeria, it is not uncommon for farmers and herders to carry weapons, according to reports.³⁹⁶ Though citizens carrying weapons is atypical, the number of weapons in Nigeria means they are easy to acquire.³⁹⁷ Weapons are a requirement for K&R piracy missions and are acquired in a variety of ways. Some Deep Offshore pirate group members are likely to already possess their own private arms. Ransom money may be invested in new weapons for future operations. In contrast, some of the weapons used by Riverine Criminals are made locally.³⁹⁸ It worthy of note that when security forces are attacked and overwhelmed, their weapons and ammunition are systematically stolen. In other cases, weapons are acquired through exchange networks. Three examples include:

- **Oil for Weapons.** Interviewed pirate group members noted that they engage in weapons trafficking where they “give oil (from illegal bunkering) and receive weapons in return.”³⁹⁹ Another pirate group member said his group was “into crude oil theft” and that they would exchange the crude for arms and ammunition with cross-border groups⁴⁰⁰ – something echoed by other interviewees.⁴⁰¹ Accounts from the Petro-Piracy period detail exchanges at the level of oil syndicates and group leaders. A 2009 report noted that “the sale of stolen oil from the Niger Delta has had the same pernicious influence on that region’s conflict as diamonds did in the wars in Angola and Sierra Leone. The proceeds from oil theft are used to buy weapons and ammunition, helping to sustain the armed groups that are fighting the federal government.”⁴⁰²

- **Attacks bringing Weapons:** Sometimes pirate group members acquire weapons through attacks against JTF and Nigerian Navy. One media report detailed an attack against Nigerian soldiers: “Our gang also ambushed and killed four soldiers in June 2020 and took away their rifles... We killed four military officers attached to the vessel and went away with their rifles.”⁴⁰³ Several news reports highlight similar incidents: a 2015 case in Calabar saw “armed pirates [attack] the Nigerian Marine Police Armoury” and seize “a large cache of weapons.”⁴⁰⁴ According to a few sources, there are anecdotes about JTF-personnel selling weapons and ammunitions to pirate groups.⁴⁰⁵

- **Election Violence and Weapons.** Finally, as discussed in Chapter 5, other weapons may come via participation in election violence. In these scenarios, some reports highlight that certain politicians may supply weapons and ammunition to those hired to both protect them and ensure political success.^{406, 407}

These weapons exchanges suggest that while piracy profits are re-invested to purchase weapons, food, and other supplies, the broader “pirate economy” transcends money (e.g. ‘oil for weapons’ exchanges).

393 Interview #11.

394 Interview #15.

395 Yet, none of the pirate group members interviewed for this report mention involvement in trafficking drugs, people, or counterfeit goods and medicines. (See Stakeholder Democracy Network, “An Anatomy of Sea Piracy in the Niger Delta: From the Perspective of Active Members,” February 2021.)

396 International Crisis Group, “Stopping Nigeria’s Spiraling Farmer-Herder Violence,” International Crisis Group Africa Report No. 262 (July 2018).

397 According to GunPolicy.org, in 2017, the rate of private gun ownership per 100 people was estimated at 3.20, and in a 2007 estimate, was ranked 34th of 178 countries for number of privately owned guns. GunPolicy.org, “Nigeria – Gun Facts, Figures and the Law.”

398 Lovina Anthony, “Police Kill Four Suspected Sea Pirates, Armed Robber in Akwa Ibom,” Daily Post (April 2021). Pictures circulated with images of the arrested criminals with the type of weapon showing the group was arguably riverine.

399 Stakeholder Democracy Network, “An Anatomy of Sea Piracy in the Niger Delta: From the Perspective of Active Members,” February 2021.: 32. A pirate group member, for example, explained how his group engages in “kidnapping for ransom, exchange of oil for firearms” (7B)

400 Interview #REC022.

401 Interviews #REC024

402 Judith Burdin Asuni, “Blood Oil in the Niger Delta,” United States Institute of Peace (2009) 2. Furthermore: “[MEND]made plans and actually committed its ideological members to procure and ship sophisticated weapons and ammunitions aided by their network in the illegal bunkering syndicate. Previous international syndicated buyers of illegal crude were summoned and a deal was struck to obtain an increased amount of arms. These arms were shipped and kept at strategic points within the immediate control of the various armed leaders who maintained disbursement to the boys at their discretion for tactical armed attacks on oil installations.”

403 “Our gang also ambushed and killed four soldiers in June 2020 and took away their rifles. All our rifles are kept by Moriekeme. We attacked a merchant vessel named Ambica in Dodo River. We killed four military officers attached to the vessel and went away with their rifles.” See: Afeez Hanafi, “How we abducted expatriates, killed soldiers in Bayelsa, Rivers –Suspects,” Punch NG (2020).

404 Edem Darlington, “Pirates Raid Nigeria Police Armoury, Seize Weapons,” Premium Times Nigeria (2015.)

405 Interview #18. This claim, however, was only noted by one interviewee and must be considered in view of strict registration procedures for weapons management claimed by the Nigerian military forces. However, this type of behaviour were observed in 2016 in Nigerian army. The Maj. Gen. Lucky Irabor, the theater commander in northeastern Nigeria, told a news conference that military authorities have confirmed that some soldiers were selling arms and ammunition to Boko Haram. “Nigerian Military: Some Officers Selling Arms to Boko Haram,” Voice of America (September 2016.)

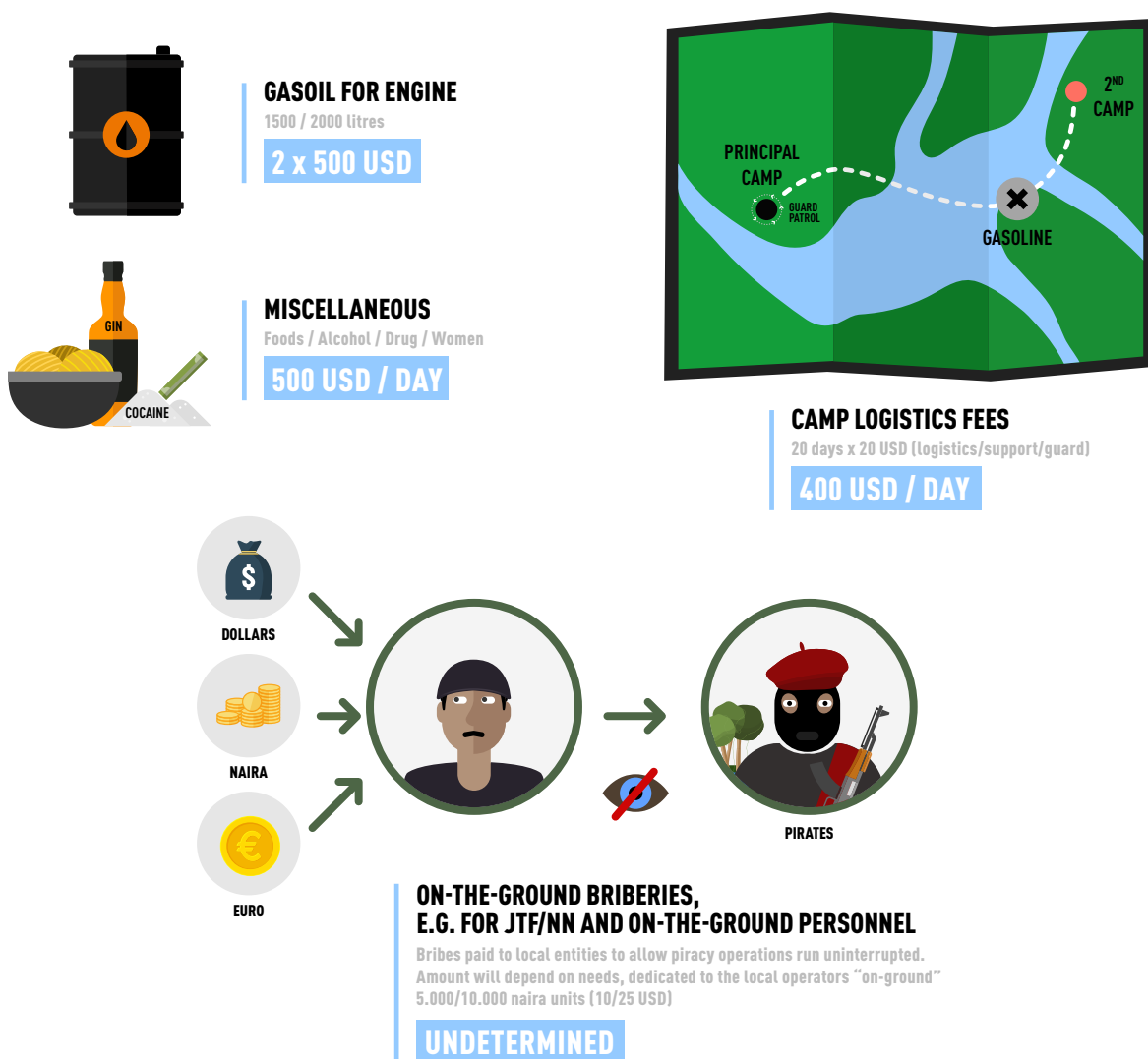
406 Caroline Duffield, “Who are Nigeria’s Mend Oil Militants?” BBC (October 2010).

407 Taiwo-Hassan Adebayo, “Elections: Niger Delta Politicians Arming Thugs for Trouble – Nigerian Army,” Premium Times NG (February 2019).

DURING: MONEY ENABLING K&R PIRACY

Bribery remains an important aspect in K&R piracy. The topic of bribery resulted in diverging accounts: on the one hand, numerous pirate group members interviewed said separately that no ‘taxes’ or fees are paid and that “there are no taxes that are paid to anyone, we are the only ones that can make that taxation from people and if they don’t comply we do what we wish to and they will not like the outcome.”⁴⁰⁸ Yet, on the other hand, one expert argues that “most money go[es] to bribery for passing checkpoints, for protection/ turning a blind eye.”⁴⁰⁹ Another interviewee noted that in one instance, “a Nigerian Navy patrol boat was right next to the pirates when they gather[ed] ransom money.”⁴¹⁰ Importantly, the Navy is dedicated to proactively addressing collusion with pirate groups: the Nigerian Chief of Naval staff, Vice Admiral AZ Gumbo, said in February 2021 that Nigeria’s navy will strengthen measures to **root** out and punish personnel who collude with kidnapers and criminals.⁴¹¹ Beyond bribes, several mission-specific expenses exist. These are detailed in the graphic below:

SPECIFIC MISSION INVESTMENT + DAY BY DAY (7 DAYS OPS):



408 Interview #REC024B.

409 Rencontre avec « Black Devil », le pirate du delta du Niger. Bertrand Monnet. 01 août 2020, Le Monde

410 Interview #1.

411 Camillus Eboh and Libby George, “Nigeria’s Navy to Toughen Punishment for Collusion with Kidnapers,” Reuters (2021); see also “Nigerian Navy Officers are Colluding with Criminals,” Dryad Global (2021).

AFTER: POST-RELEASE RANSOM SHARING, SPENDING, AND EMERGENCY FUNDS

Several sources argue that to avoid group disputes, pirate groups have established rules for splitting money once a ransom has been paid.⁴¹² Shares are often far greater for top-level actors. As intelligence experts noted about K&R piracy and ransom sharing: “High-level facilitators take the highest amount,”⁴¹³ adding these actors are “reaping the largest proportion of the ransoms vis-à-vis other subjects within the structure and responsible for protecting the model.”⁴¹⁴ Below these top-level actors, ransom sharing seems to be a function of the skills and expertise of group members: “different members have different skills that make the operation to go well,” influencing shares of ransom.⁴¹⁵ One interviewee indicated that “Group leaders onshore are believed to collect an amount roughly equal to the negotiator’s cut.”⁴¹⁶ Adding to this, another interviewee suggested that: “structures ‘surrounding’ the abduction receive little part of profit.”⁴¹⁷ Generally, ransom shares are based on the following framework:

SPONSOR OR KINGPIN

When a pirate group is supported by a kingpin or sponsor, this individual may collect a return on his initial investment. It is, however, difficult to determine with any certainty the exact size of this share. Experts put the percentage at around 15-25%.⁴¹⁸ Similarly, for the negotiator, it is also “impossible to estimate with a great degree of accuracy”⁴¹⁹ the exact share that they receive. Though a smaller share than for kingpins or sponsors, expert estimate that negotiators “take a sizeable cut of the proceeds.”⁴²⁰ In several negotiation cases, the negotiator attempted to clandestinely obtain a parallel payment.⁴²¹ Generally, when pirates demand ransom, they also often demand complementary goods on top of the agreed-to ransom, which may include Thuraya satellite phones with credit, smartphones, and alcohol.⁴²² The smartphones are considered as gifts or bonuses, whereas the satellite phones are for future piracy operations as the pirates do not anymore use phones with GSM during negotiation to avoid revealing their locations.

PIRATES GROUP MEMBERS

According to interviews, a share of the ransom is spent on the salaries of pirate group members who carried out the attack.⁴²³ This amount is purported to range from several hundred to a few thousand dollars per attack.⁴²⁴ Interviews with self-identifying pirate group members detailed how the salaries (or share of the ransom money) is a function of a group member’s status, experience, competency and responsibility – ultimately their specific rank within the pirate group structure (see Chapter 3). As one pirate group member noted: “We come together and share among ourselves according to hierarchy.”⁴²⁵ Another similarly described how: “Proceeds are shared amongst members according to your level of hierarchy and contribution to the organization.”⁴²⁶ Several interviews with pirate group members and intelligence experts indicate that pirate group members generally receive an agreed-to percentage of the ransom to reduce the risk of fights over disagreements about sharing ransom proceeds. Indicative of this, a pirate group member explained how: “we follow hierarchy, so we don’t have any problem sharing funds.”⁴²⁷

PIRATES GROUP ‘SUPPORT MEMBERS’

Support members serve a broad range of functions, from onshore guards, to cooks and logisticians, to supporting roles in camps. This collection of roles receives a ‘services salary’ agreed with the pirate group leader. These support members are loosely hired depending on specific needs, including camp

⁴¹² This fixed sharing process is also established onboard vessels selling propulsion fuel illegally. For example, Captain and Chief engineer have three parts each, Chief mate two parts, other officers and bosun one part, others crew members 0.5 parts [Interview #18].

⁴¹³ Interview #15.

⁴¹⁴ Interview #15.

⁴¹⁵ Interview #REC024.

⁴¹⁶ Interview #15.

⁴¹⁷ Interview #4.

⁴¹⁸ Interview #18, Interview#15

⁴¹⁹ Interview #15.

⁴²⁰ Interview #15. This was also mentioned during the Abuja Validation Workshop.

⁴²¹ Interview 18

⁴²² Interview #1, Interview #10, Interview 18

⁴²³ Interview#7

⁴²⁴ Interviews #7; #15.

⁴²⁵ Interview #REC026B

⁴²⁶ Interview #REC024B

⁴²⁷ Interview #REC025B

preparation before hostage arrival and support during abduction and negotiation. As one interviewee noted: "The guards are also paid several hundred dollars' worth for the hostage holding duration. Due to the fact that there can be several groups of guards working shifts, and also due to the nature of their limited responsibilities, their pay is naturally low."⁴²⁸

In some cases, interviewees noted that support roles are paid in alcohol or drugs.⁴²⁹ A recent regional intelligence briefing disclosed that one pirate group in the Bakassi area requested money to pay a spiritual authority upon the success of an attack.⁴³⁰ Pirate groups may also benefit from what is essentially free labor: hostages for whom no ransom has been paid are kept long-term in camps to carry out various support services, without payment and under slave-like conditions.⁴³¹ It is not clear how many hostages are held in these conditions.⁴³²

EMERGENCY FUNDS AND COMMON FUNDS

One part of each ransom collected is dedicated to an emergency fund for exceptional circumstances, such as bribery payments to release arrested group members,⁴³³ to hire lawyers, treat injured pirate group members or in support of the family of a pirate killed during an attack.⁴³⁴ The idea of reserve funds was mentioned in numerous interviews with group members (both Deep Offshore, Coastal / Low-reach and Riverine Criminal group members), who noted that emergency funds were set aside in a specific purse for emergencies.⁴³⁵ Contributions to this fund are estimated at around 10% of the ransom amount according to some interviewees.⁴³⁶

Common funds are dedicated to the day-to-day needs of pirate group members, supporting members and camp necessities. Relevant to permanent Deep Offshore pirate group camps, interviewees noted that "part of the money go[es] into the community"⁴³⁷ and that some is spent in the surrounding community to support "dozens of families living in his delta village."⁴³⁸ And, as an interviewee noted, once people know that there is money, "someone always wants a share."

4.3 RANSOM SPENDING

When asked about how members of his group spend their money, one interviewed pirate group leader replied: "we have different ways of living our lives so we only give advice: use this money very well, we cannot continue forever. One day we may die, or you may leave the business. So, use it wisely so that when you are leaving the business, you will have something to survive with."⁴³⁹ Spending patterns appear to significantly differ between the highest and lowest levels in the pirate hierarchy.⁴⁴⁰

⁴²⁸ Interview #15

⁴²⁹ Interview #10.

⁴³⁰ Regional intelligence sources.

⁴³¹ Debriefing with released seafarers.

⁴³² This situation has been reported by foreign seafarers released in Bayelsa and Akwa Ibom state, noting the presence of Nigerian, Cameroonian and Togolese seafarers in such conditions, according to debriefing reports to which the researchers had access.

⁴³³ For example, when asked whether any money is being reserved, one pirate group member replied: "Yes, that is the money we save. If they arrest our member, we have lawyers, we have many things, we have Pastors, we have Reverend Fathers. If you arrest one person, ... within one day we bail him out, because we have the money" (Interview #REC011D).

⁴³⁴ Interview #REC02B, for example, explains how: "once payments are made from negotiation ... we keep some funds in our purse for emergency purposes." Interview #REC027B similarly notes that: "We save for cases of emergency," and Interview #REC025B also explains that a small part of proceeds made from ransom payments are saved "In case of any emergency."

⁴³⁵ For example, one interviewee (Interview #REC022) describes how "we have an individual pot that at the end of everything we do, we have a safe. Let's say we have done a business of N100,000, we save N10,000 before doing anything. Because we know that incidents can happen at any time." Another interviewee (Interview #REC027B) noted "Yes! We save for cases of emergency."

⁴³⁶ For example, one pirate group member noted: "Yes, we have an individual pot that at the end of everything we do, we have a safe. Let's say we have done a business of N100,000, we save N10,000 before doing anything. Because we know that incidents can happen at any time." (Interview #REC022)

⁴³⁷ Adding to this, one interviewee notes that "The gain is spread between sponsors, community/family and the pirate's group team." Interview #7. And another interviewee argues that if they did not spend small parts of ransom proceeds in the community, then the local support that they need would likely wither: "It can be hypothesized that if the vast majority of proceeds were invested abroad and exited the local communities where pirates hail from, the community opposition to their activities may increase." Interview #15

⁴³⁸ Bertrand Monnet, Rencontre avec « Black Devil », le pirate du delta du Niger (2020).

⁴³⁹ Interview #REC025B.

⁴⁴⁰ One theme, which was often mentioned in interviews, is education. Yet, this theme was described in different, not mutually exclusive, ways. Pirates often justify their criminal engagements by needing money for things like education for their children. Yet at the same time, in discussions about education and piracy, pirate group members who are themselves educated, with degrees from university or polytechnic school, discuss education with reference to their frustration of not finding jobs even despite having achieved [expensive] degrees. (SDN report) This is pinpointed by an interviewee who notes that what he describes as a critical 'root cause' is a mix of "young energetic men with no jobs" and "professional mariners with no jobs" that are being "hijacked by their so-called leaders" to engage in this piracy business (Interview 26).

At the top level,⁴⁴¹ ransom money is reportedly frequently spent on properties. When asked how members of the group spend their money, two pirate group members (likely Deep Offshore pirates) mentioned houses; one replied that “almost all our members have their personal houses.”⁴⁴² Similarly, in a separate interview, another member noted: “Most of our members are living well. When you come to the city you will see that they are living well, they have houses, cars, etc.”⁴⁴³ As was highlighted during the Abuja Verification Workshop, often, money is strategically spent little by little. In one case, money was discovered to be flowing from a pirate camp in a remote area in the creeks of the Niger Delta into various construction projects in small instalments after intelligence led Nigerian police to arrest a construction worker who had been picking up some of those small instalments.⁴⁴⁴ This was also indicated during an interview with a pirate group member, who noted, when asked about ransom spending, that group members: “are building houses for our families.”⁴⁴⁵

According to one common narrative, pirates give small shares of ransom proceeds to their local communities to earn their support and protection. This was illustrated in various interviews with pirate group members. One interviewee noted the connection between his group and the local community: “Yes connection, any time we are passing, we give them money - the youths, leaders etc. We buy uniform for students to give to the chairman to share to the community.”⁴⁴⁶ However, it is neither clear what fraction of ransom proceeds are shared with local communities, nor to what extent sharing ransom money with the local community contributes to solidifying alleged community support and protection.

Different categories are listed below to provide an understanding of the multiple ways in which the report’s sources suggest that ransom is spent. Exploring these money flows may also contribute to a better understanding of the legitimacy narratives and motivations for joining in and continuing with K&R piracy.

FAMILY

Providing financial support to family members for food, schooling and medical care is often cited as a motivation for piracy. Several interviews with pirate group members indicated that shares of takeaway pay are spent on the needs of their families. Asked how members of the group spend their money, one interviewee replied that “Some of our members have children, most of them have families and they are paying school fees.”⁴⁴⁷ More detail can be found in Chapter 3.

COMMUNITY

As indicated earlier, it seems that pirates occasionally distribute small amounts in villages to gain status, support, and legitimacy with local communities. Ex-militant leaders are known for “cash gifts to youths, women and the poor” in their communities.⁴⁴⁸ Though this takes a different form with K&R-pirate groups, this has been observed since the days of early militant groups like MEND according to interviewees. As one noted: “proceeds from piracy to an extent remain within the communities where the criminals are based, providing much needed cash flows in destitute areas despite being obtained through illegal acts.”⁴⁴⁹ One interviewee argued “this is why some organized crime groups involved in piracy benefit from the support of the local communities where they are based and furnishes them with a degree of ‘legitimacy’ among the locals.”⁴⁵⁰ Spending on the community appears to be a high priority for pirate group leaders, who receive a bigger share of the ransom and are responsible for galvanizing community-level support and protection; such spending allegedly elevates the status of the pirate group leader within the community.⁴⁵¹ A few interviewees also call attention to the *probable* spending of ransom money outside of Nigeria and the role of local churches in money laundering.⁴⁵² However, this has not been confirmed and thus calls *for further investigation*.

⁴⁴¹ Please see Chapter 2.

⁴⁴² Interview #REC027B: “If you come to the city, almost all our members have their personal houses and they take care of their families too.”

⁴⁴³ Interview #REC026B.

⁴⁴⁴ Abuja Verification Workshop, April 2021

⁴⁴⁵ Interview #REC013D

⁴⁴⁶ Interview #REC010D. Other examples include a pirate group member describing how his group gives “tokens” to some of the young kids (as young as 10 years) “because their parents are lacking too” (Interview #REC023B)

⁴⁴⁷ Interview #REC023B.

⁴⁴⁸ Fair Transnational Investigation, *Pirates, Smugglers and Corruption Tycoons: Social Bandits in Africa* (2011).

⁴⁴⁹ Interview #15.

⁴⁵⁰ Interview #15.

⁴⁵¹ Other interviewees similarly argue that “the pirates are acting for their own interests + necessary “financial spread” for their “environment” (Village/family/communities/helpers)”

⁴⁵² Interview #1.

DRUGS, ALCOHOL, AND SEX WORKERS

There also exists a compelling counter-narrative to pirates giving money to local communities. Local communities spend influxes of pirate money in different ways: “the boys buy prostitutes, they buy drinks and spend this money on a lot of other things.”⁴⁵³ Accounts of “drugs, alcohol, sex workers” indicate the importance of assessing the “harm of the proceeds from piracy.”⁴⁵⁴ Unfortunately, this can lead to dependencies on drugs or alcohol. Further, one interviewee argued that markets for sex work could be observed emerging in certain areas linked to piracy spending.⁴⁵⁵ These negative outcomes seem to cut across different types of maritime criminal groups.

INVESTING IN THE PIRACY BUSINESS

As alluded to above, part of the ransom may be re-invested in subsequent attacks, to ensure the survival of the business model: “With ransoms, I buy ammunition and fuel for speedboats.”⁴⁵⁶ Part of the ransom is “used to purchase equipment, munitions, fuel.”⁴⁵⁷ Group leaders reinvest in subsequent piracy missions and hostage camp settings to ensure the continuity of the K&R business model.

4.4 CONCLUSIONS

The piracy business model and money streams are important to understanding the phenomenon of piracy, but these cannot be understood in isolation from one other. Accordingly, the following chapter examines broader economies and mutually beneficial protection networks. Understanding the broader networks provides an idea of the range of actors who benefit from K&R piracy in ways that transcend ransom profits.



⁴⁵³ Interview #13.

⁴⁵⁴ Interview #15.

⁴⁵⁵ Interview #13.

⁴⁵⁶ Bertrand Monnet, Rencontre avec « Black Devil », le pirate du delta du Niger (2020).

⁴⁵⁷ Interview #15.



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IGERIA

BEYOND K&R MONEY STREAMS. PROTECTION WEBS & PARALLEL BUSINESSES

The study contextualizes Deep Offshore piracy proceeds in two ways.

The study contextualizes Deep Offshore piracy proceeds in two ways. The first is to identify the various ways in which piracy proceeds are generated, including the collection of ransom payments and the sale of stolen goods. The second is to identify the various ways in which piracy proceeds are protected, including the use of offshore banks and the use of parallel businesses.





This chapter contextualizes Deep Offshore piracy proceeds in two ways. First, it explores mutually beneficial protection networks in which piracy is involved, expanding the definition of pirate money streams beyond ransom payments and expenses, and shifting attention to upwards links, like the involvement of actors peripheral to pirate groups – though not necessarily less important to the perseverance of this type of maritime criminality. Second, it situates K&R piracy in relation to other businesses, some of which indirectly thrive because of the insecurity caused by K&R piracy.

In strictly financial terms, K&R piracy is a comparatively small criminal enterprise (estimated at around \$4 million in 2020), but one which is harmful in multiple ways.⁴⁵⁸ Benefit streams, protection networks and parallel businesses are key to understanding why a relatively small business like K&R piracy is difficult to disrupt. In other words, disrupting K&R piracy necessitates understanding not only piracy types (chapter 2) and group composition (chapter 3), but also the broad networks of actors involved and their diverse links to Deep Offshore pirate groups.

This chapter explores three types of mutually beneficial networks central to understanding the resilience of Niger Delta-based K&R piracy. First, the chapter explores how the K&R business may be linked to the provision of services related to electoral violence in return for protection. Then, a wider protection network is examined, with specific attention to the juridical system. Finally, the K&R business is contextualized vis-à-vis various parallel businesses and potential disincentives to ending the piracy business that serves as an implicit basis for such parallel industries.

5.1 PROSPEROUS POLITICS: “THE POLITICAL IS IMPORTANT, AS KEY TO FORTUNE AND POWER”⁴⁵⁹

The issue of oil wealth has an important political dimension in the Niger Delta. Nigeria remains economically dependent on oil and gas production. “Oil revenues, which constitute the bulk of the Nigerian government revenue, are collected by the federal government and shared among the states of the federation.”⁴⁶⁰

The local share of this oil wealth accumulates in the hands of a few powerful political figures.⁴⁶¹ Based on derivation alone, data from the Central Bank of Nigeria, reveal that from 1999 to 2016 oil-producing states in Nigeria – Akwa Ibom, Rivers, Delta, Cross River, Edo, Bayelsa, Abia, Ondo, Imo, Anambra, and Lagos State – received 7.006 trillion Nigerian Naira as payments under the 13 per cent Derivation principle.⁴⁶² Yet, these states still suffer from infrastructure decay, widespread poverty and environmental degradation.⁴⁶³ For example, a report highlight that “one local government chairman habitually deposited his government’s money into his own private bank account. Another has siphoned off money by allocating it towards a football academy that he has not built.”⁴⁶⁴ Although these accounts are from 2007 and 2008, recent sources suggest that the situation remains largely unchanged.⁴⁶⁵ Some experts argue that the “intense struggle for power in the Niger Delta region is fundamental to gaining control over the massive wealth in the States.”⁴⁶⁶

⁴⁵⁸ “Not only for seafarer but also for individuals implicated in illegalities” Interview #13

⁴⁵⁹ Interview #18.

⁴⁶⁰ Chux Ibekwe, Corruption in Oil Revenue Distribution and Conflict in Bayelsa State (Kennesaw State University, 2014).

⁴⁶¹ This point was mentioned in different ways by various interviewees. One interview person, based in Nigeria, argued that “high levels of corruption prevent a good distribution of revenues from oil production in Nigeria. As such distribution is not realized, this means that good conditions are not provided for the local population, and then all the system is destabilized. Then each try to collect their basics needs by legal and, when not possible, by illegal mean [but] these illegal means are not always considered “illegal” by the local population, it’s just the attempt to collect back what is collected/robbed by politicians and oil companies” (Interview #2). Other interviewees also mention this point about oil wealth accumulation (e.g. Interview #7, Interview #14, Interview #22).

⁴⁶² Michael Eboh, [2017]. ‘13% derivation: Oil-producing states receive N7trn in 18 years’. Vanguard. Available: <https://www.vanguardngr.com/2017/08/13-derivation-oil-producing-states-receive-n7trn-18-years/>

⁴⁶³ Fair Transnational Investigation, Pirates, Smugglers and Corruption Tycoons: Social Bandits in Africa (2011).

⁴⁶⁴ Human Rights Watch, Chop Fine: The Human Rights Impact of Local Government Corruption and Mismanagement in Rivers State, Nigeria, Human Rights Watch, January 2007. According to Human Rights Watch, “these problems mirror the situation in most of Rivers’ local governments” As do the dynamics of ‘buying’ armed groups to ‘assist’ elections victory.

⁴⁶⁵ For example, during discussions about drivers of insecurity in the Niger Delta at a recent meeting [28 January 2021] of key stakeholders in the Niger Delta region, including religious leaders, “A religious authority pointed to “greed among leaders” as a cause for concern. “15th Niger Delta Dialogue,” report from Regional Meeting on Insecurity in the Niger Delta (January 28, 2021), Hotel Presidential, Port Harcourt. Similar points were raised during various interviews: Interview #14, Interview #13. See also Fair Transnational Investigation, Pirates, Smugglers and Corruption Tycoons: Social Bandits in Africa (2011).

⁴⁶⁶ 11th NND, 11th Niger Delta Dialogue report, November 2018. Presentation by Patrick Naagbantou “Incentivizing violence in the Niger Delta: Political Office as Booty.” (2018.)

A critical dimension of this fierce competition for lucrative political positions⁴⁶⁷ is the practice of politicians attaining “positions of power through violence”⁴⁶⁸ by engaging “hired guns” to intimidate the opposition. During a January 2021 meeting, a traditional ruler in Bayelsa state noted that the political ruling class is “furnishing the boys with weapons and ammunitions to help them procure electoral mandate.”⁴⁶⁹

BOX #17: Electoral Violence in the Niger Delta.

A recent report on the challenge of election violence in the Niger Delta region noted how “elections at all levels [state and national] are often compromised in the Niger Delta by irregularities that can include vote-buying, count manipulation, violence and intimidation, and ballot-box snatching.”⁴⁷⁰ Adding to this, accounts recently emerged of how newly trained election observers “reported cases of vote buying, electoral manipulation, and violence [especially in parts of Ekeremor, Yenagoa, and Southern Ijaw Local Government Areas, all in Bayelsa State].”^{471, 472} Indeed, “Some election observers were unable to report their polling units’ results due to insecurity in the area or because the election official could not paste the results publicly because they were under pressure from a political party not to.”⁴⁷³ Concerning the potential link between pirate groups and electoral violence, it is necessary to appreciate the history of such violence in the Niger Delta. According to some reports, “the killing of opponents began to surge in early 2004,”⁴⁷⁴ with “state governments in the Delta armed [arming] militias to carry out widespread rigging during the 2003 elections.”⁴⁷⁵ The “high levels of armament and fighting,” which emerged with the inter-ethnic rivalries in 2001–2002,⁴⁷⁶ served an overlooked function: skilled armed fighters were used in political competition. This was observed in both the 2003 and 2007 elections.⁴⁷⁷ According to experts, different politicians hired youth, including cult members, to rig elections and intimidate the opposition.^{478, 479, 480, 481}

TODAY: ELECTION VIOLENCE AND CURRENT K&R PIRACY?

According to various sources, elections violence is still widespread in the Niger Delta today.^{482, 483, 484} This had and continues to have an impact on election participation, as many voters fear even going to the ballot boxes to avoid encountering violence.⁴⁸⁵

The explicit link to K&R piracy remains unknown but it is possible that pirate groups, or more likely individual members rather than entire groups, as for other non-state armed group, may be instrumentalized for electoral violence. One interviewee argues that “pirates ‘change costume’ when they leave the K&R piracy job and join the armed groups supporting the politicians.”^{486, 487}

467 Fair Transnational Investigation, *Pirates, Smugglers and Corruption Tycoons: Social Bandits in Africa* (2011).

468 Adding to this, a participant at the 11th Niger Delta Dialogue meeting suggested that “Making political offices less lucrative is a good step to ending violence in the Niger Delta region.” 11th NND, 11th Niger Delta Dialogue report, November 2018. Presentation by Patrick Naagbantou “Incentivizing violence in the Niger Delta: Political Office as Booty.” (2018).

469 “15th Niger Delta Dialogue” (2021:6) report from a Regional Meeting on Insecurity in the Niger Delta (January 28, 2021), Hotel Presidential, Port Harcourt.

470 Stakeholder Democracy Network “Bayelsa West and Central 2020 by-elections for State House of Representatives Training election observers.” (2020.)

471 Stakeholder Democracy Network “Bayelsa West and Central 2020 by-elections for State House of Representatives Training election observers.” (2020.)

472 Michael Bratto, “Vote Buying and Violence in Nigerian Election Campaigns,” *AfroBarometer* (2008.)

473 Stakeholder Democracy Network, “Bayelsa West and Central 2020 By-elections for State House of Representatives” (2020).

474 International Crisis Group, *Nigeria’s Elections: Avoiding a Political Crisis* (2007)10.

475 Andrew Walker, “Blood Oil” Dripping from Nigeria,” *BBC* (2008).

476 Inter-ethnic rivalries in Nigeria among groups in Nigeria have much of their roots in unequal access to political resources and educational and economic opportunities, which largely date back to British colonial rule. Some scholars argue that divisions between ethnolinguistic groups are exploited by politicians to “raise the stakes” of elections into zero-sum competitions. For further reading, see “Ethnic and religious crises in Nigeria” by Haldun Canci and Opeyemi Adedoyin Odukoya (2016).

477 This, for example, include accounts of how during the 2007 elections in Delta State, armed groups “operated as mercenaries, carrying out acts of political violence for well-connected officials” (Asuni 2009:11). Judith Burdin Asuni, “Understanding the Armed Groups of the Niger Delta” Council on Foreign Relations, September 2009

478 “Violence also played a part in the 2007 Delta State elections, ... armed youth were hired to help bring in the vote.” (2009: 13, italics added). Judith Burdin Asuni, “Understanding the Armed Groups of the Niger Delta” Council on Foreign Relations, September 2009 479 Patrick Naagbantou, “Funeral Song for Prince Igodo and Others,” *The Port Harcourt Telegraph*, June 6, 2007; Criminal Politics: Violence, “Godfathers” and Corruption in Nigeria: Case Study C: Rivers State (hrw.org); Ebienfa, Kimiebi Imomotimi. “Militancy in the Niger Delta and the Emergent Categories.” *Review of African Political Economy*, vol. 38, no. 130, 2011, pp. 637–643., Hakeem Onapajo, “Violence and Votes in Nigeria: The Dominance of Incumbents in the Use of Violence to Rig Elections,” *Africa Spectrum* 49:2 (2014); Human Rights Watch, “Nigeria: Presidential Election Marred by Fraud, Violence.” (2007); Enact, “From a Nationalist Movement to Organised Crime? Trajectories of the Niger Delta Struggle.” 2020; and Human Rights Watch, “Political Violence.”

480 A 2011-report note about the 2007-election said: “Ibori says that he is being persecuted for supporting former Nigerian President Umaru Yar’Adua and foiling those who challenged him in the 2007 presidential elections.” *Pirates, smugglers, corrupt tycoons and African development.pdf* (rts.ch) page 11.

481 As HRW also observed: “In mid-2006, one local government chairman in Rivers shot three of his constituents following an argument about a broken electrical transformer. He continues to occupy his office.” <https://www.hrw.org/reports/2007/nigeria0107/1.htm>

482 On-the-ground reporting from December 2020, provided by newly trained elections observers, point to irregularities around polling units [on-the-ground reporting of elections and to monitor any irregularities around polling units during December 5, 2020 Bayelsa West and Central by-elections]. Scholars from the Niger Delta also note this – for example an academic from University of Port Harcourt, Rivers State, argued during a meeting that: “Nigeria democracy faces the danger of being swallowed by election violence” [<http://aapw.org/wp-content/uploads/2019/06/11th-NDD-REPORT-ELECTION-VIOLENCE-FEB-28.pdf>]. A 2021 publication also emphasizes the continued prevalence of political [electoral] violence. For example, Aghedo & Osumah (2021:289) argue that “politicians, religious leaders and traditional rulers who are supposed to reinforce security and mitigate violence have colluded with non-state violent actors to undermine peace.” Adding that one aspect of such collusion concerns the issue of elections violence. “Insecurity in Edo State: Issues, Actors and Solutions,” in Ebiede, Tarila Marclint, Celestine Oyom Bassey and Judith Burdin Asuni, “Insecurity in the Niger Delta”, 2021.

483 As alleged in a 2018 report: “Politicians need groups of criminals and assassins around them to provide intelligence and do their dirty work.” Please see Stakeholder Democracy Network, “Agitators to Legislators: he Migration of ex-Militants into Niger Delta Politics” (2018) “Politicians need groups of criminals and assassins around them to provide intelligence and do their dirty work.” (2018:2)

484 Interviewees for example also indicated: “considered as “brothers in arms” by the local rulers (Militants / political / Kings / community) needing, from time to time, their “para-military support” as for pre-elections, elections, post-elections, follow-up actions against opponents.”

485 Chukwudi Akasike et al., “Corps Member Feared Missing as Thugs Attack Polling Unit in Bayelsa,” *Punch* (2019): Participation is weak as moving to vote is a real challenge because of attacks on polling stations and attacks on persons using waterways/passengers boats to go to the polling station.

486 Interview #18. See also Stakeholder Democracy Network, “Agitators to Legislators: The Migration of ex-Militants into Niger Delta Politics” (2018).

487 In one report, it has been alleged, that “Nigerian politicians are accused of covering up and protecting pirates in exchange for a cut of their revenue, which is then used to finance election campaigns.” Ionnis Mantzikos, “Piracy in Nigeria: Just Getting Going?” *African Arguments* (2014).

Developments in the possible links between ex-militant leaders and political godfathers are also relevant. Initially, ex-militant leaders “acted as political thugs or ‘godfathers’, to help mainstream politicians win elections, in exchange for payoffs, privileges, and the protection of their activities.”⁴⁸⁸ Now, however, different sources suggest that ex-militants are themselves entering into mainstream politics; “several ex-militant leaders have become kingmakers in local and ... state politics.”⁴⁸⁹ Importantly, as senior ex-militants have allegedly migrated into political positions, it appears to have become easier for politicians to mobilize ex-militant groups to protect and enforce their positions.

Interviewees repeatedly linked piracy to electoral violence in different ways. When asked whether local politicians know of the pirate groups, one interviewee noted: “for the level of the small boys, the pirate foot soldiers, community leaders don’t know exactly who these boys are. But, for the level of kingpins they know, and I can tell you why: because even before they came into powerful political positions, they asked these pirate kingpins for ‘assistance’. During and in the run-up to elections, they ask these groups for ‘support’ to forcefully ensure that a specific candidate wins.”⁴⁹⁰ One pirate group member from Bayelsa State, when asked about possible connections between his pirate group and politicians, answered that this was “only for election purposes.”⁴⁹¹ Another two pirate group members from Bayelsa State, similarly noted in separate interviews that the connections between their groups and politicians are collaborative, constant and financial or ideological.⁴⁹² Another interviewee added that: “Politicians have relationships with the gang during election because some ballot boxes pass through the river, which they ‘secure’ or snatch.”⁴⁹³ In another interview, a pirate group member said that politicians paid his group “to support them during elections”⁴⁹⁴ and another correspondingly noted: “The pirate gang [...] also work[s] with politicians that hire them during elections to snatch ballot boxes and help them win.”⁴⁹⁵ Indeed, interviews with current pirate group members seem to indicate, that, in return, for their participation with elections chicanery, well-connected political elites may then invest in future piracy operations.”⁴⁹⁶

ELECTION VIOLENCE IN RETURN FOR POLITICAL PROTECTION?

Importantly, for services of armed groups rendered during elections, in return, politicians likely provide some kind protection: “the candidates do the funding and even get the thugs and cult groups released when arrested, using their connections.”⁴⁹⁷ In return for their willingness to perpetrate electoral violence, it has been observed that “elected politicians as well as their appointees as beneficiaries... in turn provide cover for the actual perpetrators.”⁴⁹⁸

From this, questions emerge about *the extent to which individuals involved in K&R piracy benefit from political protection in return for involvement in rigging elections and electoral violence*. Is this potential link between piracy and electoral violence equally relevant for all three types of piracy and maritime criminality? Based on interviews with pirate group members, it seems likely that links between election violence and maritime criminal groups cuts across Riverine Criminals, Coastal/Low-level,⁴⁹⁹ and Deep Offshore piracy, though some statements suggest it is most common for Riverine Criminals to participate. A pirate group leader remarked: “The pirate gang being cult members also work with politicians that hire them during elections to snatch ballot boxes and help them win,”⁵⁰⁰ implicating Riverine Criminals more than Deep Offshore pirate groups. It is probable that individual pirate group members take part in the provision of electoral services without being directed by superiors in the group or “only as little cell”⁵⁰¹ rather than as a pirate group.⁵⁰² As an interviewee noted, “Some lower-level members are involved in other forms of crime on land – kidnapping, stealing, burglary, etc. that are not necessarily centrally directed by the pirate syndicate.”⁵⁰³

488 Stakeholder Democracy Network, “Agitators to Legislators: the Migration of ex-Militants into Niger Delta Politics,” [2018] 1.

489 Stakeholder Democracy Network, “Agitators to Legislators: the Migration of ex-Militants into Niger Delta Politics,” [2018] 4.

490 Interview #13. This interviewee further alleges: “this is done by intimidating voters to vote for that candidate [otherwise threats of reprisals] or, if the ‘wrong’ candidate wins, these guys will use force and violence against the election committee to change results etc.”

491 Interview #REC024B.

492 Interviews #REC025B; #REC027B.

493 Interview Summary #REC027.

494 Interview Summary #REC024.

495 Interview Summary #REC023.

496 Stakeholder Democracy Network, “An Anatomy of Sea Piracy in the Niger Delta: From the Perspective of Active Members,” February 2021.

497 CORRECTED VERSION OF NDD REPORT 28 FEB 2019+.pdf [aapw.org], 2018, page 5

498 CORRECTED VERSION OF NDD REPORT 28 FEB 2019+.pdf [aapw.org], 2018, page 5

499 For some interviewees the link is described as much more indirect than that of serving

as ‘hired guns’ tasked to intimidate the opposition, snatch ballot boxes, etc. Rather, some interviewees described a more subtle link with politicians paying them to gain support: “During election they can come to us and pay us to play their politics and support them” (REC010D); “We don’t have any connection with politicians. During election they can come to us and buy us to play their politics, but after that we don’t have any connection with them.” (Interview #REC011D)

500 Interview #REC023 KII. Similarly, having just described how his ‘gang’ “operate only within Rivers State and we don’t cross borders, we only operate in Bonny,” this person then noted that “In terms of election, some ballot boxes pass through the river that we will now secure them and snatch them.” (Interview # REC027)

501 Interview #18.

502 For this section, the authors of this report drew on reports (by HRW, Crisis Group, NDD, SDN, and others), interviews (with Niger Delta-based experts and pirate group members) and hostage debriefings.

503 Interview #15.

5.2 JURIDICAL LEVEL: THE LEGAL ENVIRONMENT, CHANGES, CHALLENGES, AND LOOPHOLES

5.2.1 CURRENT LEGAL ENVIRONMENT

In the last few years, several countries in the Gulf of Guinea have passed legal reforms enabling some countries to more effectively prosecute pirates apprehended on the high sea.

Nigeria passed the Suppression of Piracy and Other Maritime Offences (SOPMO) act in 2019. Until then, piracy was not defined in the Nigerian legal system. However, some cases were initiated by the Nigerian authorities. The MT *ADELINA JUMBO* was seized on 12 September 2018 for the alleged hijack of MT *PANTELENA* off the coast of Gabon on 13 August 2018. Fourteen suspects in connection with the case were apprehended. These suspects included a senior naval officer, and they were handed over to the Economic and Financial Crime Commission (EFCC) by the Nigerian Navy for prosecution.⁵⁰⁴ Similarly, MV *NESO II* was seized, and her 26 crew members were arrested by the Nigerian Navy in October 2019 for involvement in a planned hijacking. The case was handed over to EFCC for further investigation and prosecution.⁵⁰⁵ Likewise, a five-person syndicate specializing in vessel hijackings was intercepted in 2019, and the case handed over to EFCC.⁵⁰⁶ While all these cases refer to alleged acts of piracy, at the time, the Nigerian legislation did not include a definition of piracy and, considering the oil theft to which the hijacking was aimed, prosecutors used to charge the crime of “illegally dealing with oil products”, included in the Nigerian Miscellaneous Provisions Act.

The 2019 SOPMO Act (“Suppression of Piracy and Other Maritime Offences”) enables the Nigerian Federal Prosecution office to claim exclusive jurisdiction on piracy, sorting out a loophole in the Nigerian legal framework, which previously affected prosecution. According to the Nigerian Constitution, Federal Courts oversee Admiralty jurisdiction, but no legal provision allowed Federal courts to judge on cases of piracy, or even other maritime offenses like armed robbery and kidnapping. The SOPMO Act addresses this issue and, today, Nigeria can effectively prosecute acts of piracy at the federal level. However, the SOPMO act has thus far not resulted in successful convictions of arrested pirates, though one Court case is currently ongoing (*HAILUFENG 11*). The SOPMO Act has, however, resulted in the successful prosecution of arrested individuals for withholding information under Article 16.⁵⁰⁷

Only one case has been brought to Nigerian Federal prosecutors, even though the Nigerian Navy reports thousands of suspects apprehended in the last year. As discussed in Chapter 2, since these arrests are almost entirely of Riverine Criminals, it is possible that prosecutions were conducted using state legislations for common crimes, though UNODC was not able to collect evidence of these prosecutions for riverine criminals.

5.2.3 CURRENT ENABLING FACTORS

Pirates’ ability to evade justice has persisted for years. As one interviewee observes about the trial stage: “one of the defendants seemed to be a habitual pirate, this was not the first time he was arrested,”⁵⁰⁸ adding that “one Navy officer said to me, that this is not the first time he has been arrested.”⁵⁰⁹ Other interviewees similarly point to the “(still) low number of cases brought to court and successful prosecutions.”⁵¹⁰ Accordingly, this section describes some of the key enabling factors observed today, including bribery, the absence of investigations into allegedly implicated pirates, and connections between pirate leaders and powerful and politically influential people.

504 See: EFCC (2019). ‘EFCC Arraigns Naval Officer, Fourteen Others for Illegal Oil Bunkering’. Economic and Financial Crimes Commission - EFCC Arraigns Naval Officer, Fourteen Others for Illegal Oil Bunkering (efccnigeria.org). This was also discussed during the Validation Workshop in Abuja, April 2021 505 ‘EFCC Arraigns 26 Suspected Pirates, Vessel.’ (2019.)

506 Validation Workshop, Abuja, Nigeria – April 2021

507 The case is referred to as the *ELOBEY 6*. According to Part III – Incident Reporting and Evidence Preservation: Article 16 (1) of SOPMO Act (2019), ‘Any incident, which may constitute an offence under this Act shall be reported by any of the following persons or entities, provided the person or the entity has the following knowledge of the following...’ Also, see Chapter 3. This case was discussed during the Validation Workshop in Abuja, April 2021

508 Interview #9.

509 Interview #9.

510 Interview #15.

1. No investigation, no arrest

When high-ranking Deep Offshore pirate group members, sponsors or Kingpins are implicated in piracy attacks during Court cases, according to several interviewees, they are often not investigated.⁵¹¹ According to one interviewee: “Regarding the sponsors: they never conducted investigations in this direction,”⁵¹² further adding that: “A lot of important people were not apprehended.”⁵¹³ He continued, “they mentioned a man in charge of selling the oil ... a senior politician, but nothing was done to investigate any of these named people – we never saw any follow-up.”⁵¹⁴ With reference to this, the interviewee concluded that “the investigation was compromised.”⁵¹⁵ However, it is crucial to note that no generalizable conclusions can be based on these few interview statements. More research is indeed needed to determine the probability of such potential loopholes, as this was merely indicated by a few interview persons.

2. Escaping arrest

Political protection

Protection networks at the political level likely enable some arrested pirates to escape prosecution. Politicians hire armed men – possibly including individual pirate group members – to support their election bids through intimidation. If elected, these politicians may return the favor by protecting their armed men from arrest or aiding in their release if arrested. These “friends in high places” may also include “links to local law enforcement authorities.”⁵¹⁶

On a related note, one interviewee noted, referencing one specific piracy trial, that “the manager of the vessel was arrested,” and that “the owner of the vessel knew exactly what it would be used for. He was arrested but *subsequently released for reasons that I don’t know*.”⁵¹⁷ This interviewee added that “the owner of the vessel paid his way out”⁵¹⁸ and “these guys have money [...] they either pay to get out or pay to defend them with good lawyers,”⁵¹⁹ thereby escaping prosecution. Another interviewee reluctantly observed: “It is possible that public servants are involved. And that public officials are compromised. But I cannot say specifically which sector.”⁵²⁰

Challenges in hand-over and transfer

In some circumstances, pirates may avoid prosecution even after being arrested. Some interviewees point to challenges in collaborating with the Nigerian Navy in handing over cases:⁵²¹ “In one previous case, the Nigerian Navy did the arrest [...] then handed over to EFCC after a very long time. This case was not handled properly.”⁵²² Further examples of pirate arrests and interdictions is the MT *MARIAM* cases in 2015.⁵²³ Eight pirates were arrested by the Ghanaian Navy on MT *MARIAM*. The pirates – of Nigerian origin – were subsequently transferred to Nigeria after numerous failed attempts to try them successfully in a Ghanaian court.^{524, 525} The suspected pirates were deported to Nigeria after a prolonged legal process in Ghana, but UNODC was not able to identify any report of these same suspects appearing in Court in Nigeria.⁵²⁶ However, the pirates that were apprehended hundreds of miles from the Nigerian coast in the *MAXIMUS* hijacking, were presented at the Federal High Court in Lagos on 10 October 2017.⁵²⁷ The case has recently been decided with the suspects sentenced to seven years of prison in application of the provisions on “illegally dealing with oil products” included in the Nigerian Miscellaneous Provisions Act.

511 Interview #1, #9, #10

512 Interview #9.

513 Interview #9.

514 Interview #9.

515 Interview #9.

516 Interview #1.

517 Interview #9, italics added.

518 Interview #9.

519 Interview #11.

520 Interview #11.

521 As a Nigerian interviewee noted: “The number of cases we have fluctuates. We rely on what gets handed over to us by Nigerian Navy.” Interview #11.

522 Interview #11.

523 Kamal-Deen Ali, *Gulf of Guinea Piracy: The Old, the New and the Dark Shades* (2020).

524 “Ghana’s Navy Frees Hijacked Tanker, Arrests Pirates,” Reuters (2015).

525 “Eight Nigerian Pirates Deported,” *Maritime Security Review* (2016).

526 All the suspects were initially charged with conspiracy to commit piracy contrary to sections 23 (1) and 193 (4) of the Criminal Offenses Act 1960; [Act 29] and Piracy contrary to section 193 (4) of Act 29, 1960 of the Ghanaian Law. Once the criminal proceedings commenced, different factors were cited for the adjournment of three consecutive hearings and the subsequent failure of Ghanaian authorities to prosecute the hijackers, including the inability of the office of the Attorney-General to advise the state. An unsuccessful request for the suspects’ extradition for trial in Nigeria was submitted to Nigeria through the Ministry of Foreign Affairs and Regional Integration.

A deportation order was issued, and the suspects were deported to Nigeria. See: Ifesinachi Okafor-Yarwood et al., “Stable Seas: Gulf of Guinea” (Colorado, 2020), <https://doi.org/http://dx.doi.org/10.18289/OEF.2020.043>. pg.15

527 See: Okafor-Yarwood et al. pg. 46

BOX #18: the Suppression of Piracy and Other Maritime Offences Act 2019 and the Nigerian Navy.

The Nigerian Navy is the first respondent in most piracy and other maritime crime cases. The preservation of crime scenes, arrest and detention of pirates and other maritime offenders, and the initial investigation is within the purview of the Nigerian Navy. This is further encapsulated in Section 1 (4a) of the Armed Forces Act Cap A20 Laws of the Federation of Nigeria 2004. The Act charged the Nigerian Navy with enforcing and coordinating national and international maritime laws ascribed to Nigeria. It is against this backdrop that the Maritime Crime Investigation Desk (MCID) was established in 2017 to respond to piracy and other maritime crimes. The Desk was established to undertake this task with the INTERPOL National Central Bureau (NCB) and the Nigerian Police Force (NPF) forensic unit. Besides, Section 17 [3-5] of the Suppression of Piracy and Other Maritime Offences Act 2019 (SPOMO 2019) mandated law enforcement agencies operating in the Nigerian Maritime Environment (inclusive of the Nigerian Navy) to investigate, arrest and provide evidence for the prosecution of any maritime offender. The responsibilities ascribed to the Nigerian Navy to collect and preserve evidence is part of the investigation process. Also, Nigerian Navy personnel assigned to the MCID are trained and adequately equipped with specialized equipment for maritime crime investigation. These investigations are usually conducted in partnership with INTERPOL NCB.

When asked about key obstacles to their work in getting suspected pirates prosecuted, one interviewee related to the justice system replied: “the main hindrance is from the military. They don’t cooperate, don’t hand over, don’t comply with our findings and our directives. They are not willing to collaborate once they have handed over ... They don’t testify etc..”⁵²⁸ Other interviewees argued the opposite, however. One interviewee noted that in a specific trial, the Navy was cooperative and “very helpful,” in providing witnesses.⁵²⁹ Further, “they made my job easy.”⁵³⁰ An interviewee declared in 2020 that “I’m confident that the Nigerian Navy is now cooperating.”⁵³¹ These differing accounts are important in illustrating the significance of nuanced accounts of the role of the Nigerian Navy, acknowledging collaborative efforts, while finding ways to constructively engage possibly disinclined elements where these exist among Nigerian maritime security authorities.

Insufficient evidence

Insofar as follow-up investigations are lacking, piracy suspects can more easily escape prosecution. Several issues, pertaining to investigative material and evidence for trial purposes, have been highlighted during the data collection and analysis. One such issue concerns the sharing of relevant investigative material among agencies. The Nigerian Navy and other security agencies appear to be increasingly conducting debriefings of released hostages, and information from such debriefings is occasionally shared with law enforcement agencies. However, it also appears from interviews and from discussions at the Validation Workshop that more efforts are needed to allow specialized law enforcement agencies to access and use possible investigative material collected by non-specialized law enforcement agencies.⁵³²

“We have seen need for exchange of information among law enforcement and security agencies. Something is certainly changing, with the Nigerian Navy for example showing willingness in cooperating with federal prosecutors.”⁵³³ This suggests a positive development considering past instances where follow-up investigations appear to have only rarely taken place.^{534, 535}

Moreover, owing to practical reasons, notably the fact that the Navy is the first responder in most piracy and maritime crime cases, evidence collection has often been carried out by military officers acting as law enforcement officers. However, interviewees note that sometimes when conducted by unspecialized law enforcement agencies this evidence collection may not fully adhered to Nigerian standards for the collection of evidence permissible for use in trials.^{536, 537} During the trial of the *HAILUFENG 11* case, which is currently ongoing, the judge ruled the suspects’ confession inadmissible, resulting in a considerable amount of time lost due to this ‘trial within the trial.’ A decision in this case is expected before summer 2021. As a Nigerian interviewee also noted in relation to a different case; it was clear from the trial that “three guns, AK47s, had been found” on the crime scene and that “evidence had been contaminated ... exhibit should have been done properly.”⁵³⁸

528 Interview #11.

529 Interview #9.

530 Interview #9.

531 Considering that up to this point, only one case of piracy prosecution has been recorded (*HAILUFENG 11*), the interviewee referred mostly to cases of illegal bunkering, which is still a maritime crime but not piracy according to UNCTOS.

532 Abuja Validation Workshop, April 2021; Interview #30; interview #9

533 Interview #30

534 “Nigerian Pirates Fool Naval Command,” *Maritime Security Review*, 30 July 2014.

535 “MV-GARE Piracy Scandal: How Sea Pirates Hoodwinked Naval Command,” *CSO Alliance*, 30 July 2014.

536 One interview person for example note: “We’ve often seen reports which cannot be used in trial” (Interview #34)

537 Considering that the Nigerian Navy is not an ‘investigative’ agency in legal terms, cooperation with prosecutors and investigators and hand over of suspects and evidence is needed to initiate legal proceedings.

538 Interview #9.

In their interactions with UNODC, Nigerian Navy and other agencies have however always shown willingness to cooperate and ameliorate the capacities in terms of evidence collection and management. Worth noting in this regard, many law enforcement agencies are constrained by limited resources. According to one interviewee, a “lack of law enforcement resources and capacity” represents a key hindrance to combatting K&R piracy.⁵³⁹ The Nigerian Navy has promoted, in full collaboration with UNODC, the inter-agency drafting of an evidence collection and management addendum to the Harmonized Standard Operating Procedures, which aim at facilitating the handover of evidence and suspects to specialized law enforcement agencies for criminal investigation and prosecution purposes.

As stated above, it is critical to note that the legal environment in Nigeria has changed significantly with the introduction of SOPMO, which enables piracy prosecutions in a way that did not exist prior to the law’s introduction. Even with the new law, it is important to ensure that the justice system is efficient to ensure dispensation of justice.

3. Planning from prison

Finally, even if pirates are successfully prosecuted, it was noted during the Abuja Verification Workshop, that challenges may persist. According to a centrally placed source, Riverine Criminals have been observed planning and coordinating new attacks from prison.⁵⁴⁰ Such activity cannot be confirmed for Deep Offshore pirates. However, if the Riverine Criminals exhibit the capability of organizing from inside prison, it seems likely that other types of maritime criminals and pirate groups could, as well.

BOX #19: Protection structures at different levels in the group structure.

For pirate group members at different levels in the group structure (chapter 3), different protection systems appear to apply: interviewees note that some high-level kingpins have links to actors in high-level posts in the judicial system.⁵⁴¹ Illustrative of this, interviews with representatives of the Nigerian justice system are important: even if individuals are implicated through court hearings or informants, their alleged involvement may never be investigated.⁵⁴² In other cases, high-level individuals bribed their way out of the trial. From a counter-piracy perspective, it is vital to understand how individuals may be shielded by different types of protection networks. Indeed, for group members at other levels in the structure, their ability to escape arrests and prison time may result from lack of sufficient evidence, rather than from being shielded.

5.3 PARALLEL BUSINESSES

This final section focuses on businesses related to the K&R piracy business model. It argues that the K&R business cannot be understood in isolation from other criminal enterprises (such as illegal oil bunkering) or legitimate businesses which emerged in response to K&R piracy, notably (semi)-Private Maritime Security Companies.

K&R PIRACY & ILLEGAL SIPHONING/OIL THEFT/BUNKERING

It is often mentioned that 10% of Nigerian oil is stolen via illegal siphoning, also referred to as illegal oil bunkering.^{543, 544} The estimated value of the illegal siphoning is around \$10 million daily, which amounts to approximately \$3.5 billion annually.⁵⁴⁵ Illegal siphoning fuels related illegal activity, including illegal

539 Interview #15.

540 Abuja Validation Workshop, April 2021

541 According to one interviewee: “one identified pirate has connection with a member of the Nigerian supreme court, another with high level police member.” Adding that “Another sea pirate has relation with Calabar police” Interview #1.

542 Interview #9.

543 “Nigeria losing 200,000 b/d to crude oil theft as sabotage grows: NNPC,” 25 February 2021, available at: <https://www.spglobal.com/platts/en/market-insights/latest-news/oil/022521-nigeria-losing-200000-bd-to-crude-oil-theft-as-sabotage-grows-nnpc>. See also Christina Katsouris and Aaron Sayne, *Nigeria’s Criminal Crude: International Options to Combat the Export of Stolen Oil*, Chatham House, London [2013.]

545 Stakeholder Democracy Network, “Communities Not Criminals: Illegal Oil Refining in the Niger Delta – Trying to Understand an Informal Economy,” [2015]: To get a sense of the size of Nigerian oil production – which is estimated at between 1.5 and 2.2 million barrels per days – these figures represents 85% of the oil production of Gabon. This is done via cold-tapping/hot-tapping.

544 Jennifer Joel, *Political Economic Analysis of Oil Theft in Nigeria: Symptoms and Agenda Review of the Chatham House Report on Oil Theft* (February 2014).

545 Stakeholder Democracy Network, “Communities Not Criminals: Illegal Oil Refining in the Niger Delta – Trying to Understand an Informal Economy,” [2015]: To get a sense of the size of Nigerian oil production – which is estimated at between 1.5 and 2.2 million barrels per days – these figures represents 85% of the oil production of Gabon.

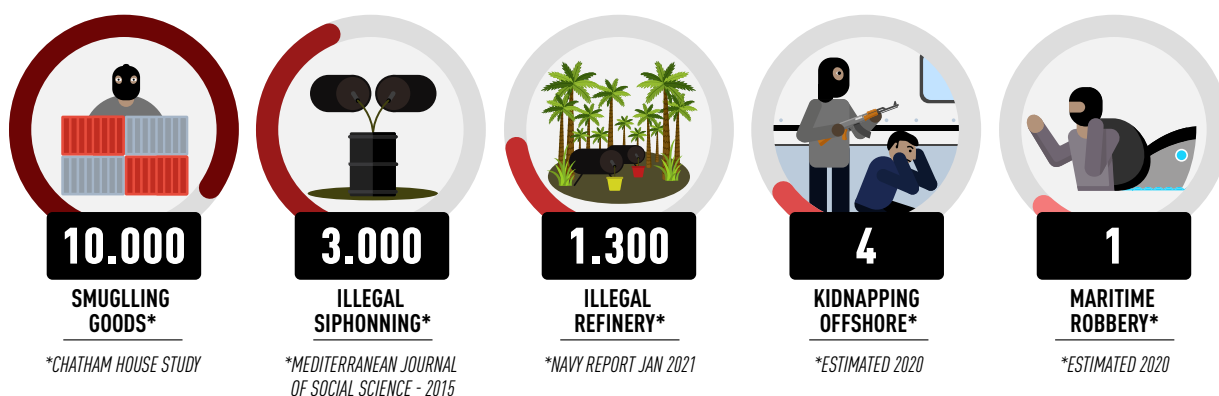
refining, illegal transfer and illegal trafficking. The oil stolen via illegal siphoning follows two main streams: either direct transport on local tankers or onshore transfer to illegal refineries.⁵⁴⁶ According to some reports, the oil is then marketed in local Nigerian filling stations or transferred onto local tankers for sale offshore (to fishing boats and other local vessels), to neighboring countries like Cameroon, Togo or Benin, where the refined product is three times more expensive, or to foreign markets.⁵⁴⁷ Beyond the illegal sales of stolen oil to neighboring countries, countries outside the African continent are also a favored destination for stolen oil. In discussing the key destination for Nigeria's stolen oil, a 2013 report by Chatham House noted that the "...sources interviewed for [their research] pointed to the United States, several West African countries, Brazil, China, Singapore, Thailand, Indonesia and the Balkans as possible destinations [stolen crude]."⁵⁴⁸

Between 2015 and 2020, the Nigerian Navy destroyed 5,099 illegal refineries and arrested 404 vessels, 439 barges and 531 speedboats, while 2,977 wooden boats and 12,008 storage tanks were destroyed.⁵⁴⁹ In 2017, according to media reports, the Nigerian Navy chief of staff said that the navy destroyed 181 illegal refineries in 2016, confiscating crude oil and diesel worth 420 billion Naira, which equates to roughly \$1.3 billion.⁵⁵⁰ The illegal trafficking of goods by maritime routes is primarily observed at the border between Nigeria and Cameroon. To provide some perspective, in 2020, the Nigerian Navy seized 77,680 bags of rice costing N20,000 per bag making approximately **\$4 million** (Nigerian navy Chief of staff Jan 2021).

Thus, *comparatively*, K&R piracy is better thought of as a 'niche business' than a 'big business.' Several interviewees made similar observations: "The proceeds from piracy – though growing in recent years – are still considerably smaller than the proceeds from other crimes such as oil bunkering and oil theft."⁵⁵¹ Others noted that: "K&R piracy is not really a high-level financial business compared to other illegal trafficking like human/oil/drugs/etc. Ransom money are small compared to one day of illegal bunkering/siphoning in Delta States generating around \$ 10 million by day."⁵⁵²

This is not to suggest that K&R piracy is insignificant in terms of the insecurity that it causes but to get a sense of the size of this business in relation to other illegal maritime business and, subsequently, parallel businesses that have emerged in response to K&R piracy. The question remains: if the business is relatively small, why is it so difficult to combat? Part of the answer to that question comes with understanding the insecurity generated by K&R piracy presents a business opportunity for some.

TYPES OF DIFFERENTS ILLEGALS ACT AMOUT (IN MILLIONS USD/YEAR):



546 See for example Ian Ralby 'Downstream Oil theft,' January 2017, The Atlantic Council. Available at : <https://www.atlanticcouncil.org/in-depth-research-reports/report/downstream-oil-theft/>

547 Judith Asuni 'Blood Oil in the Niger Delta' https://www.usip.org/sites/default/files/blood_oil_nigerdelta.pdf

548 Christina Katsouris and Aaron Sayne, "Nigeria's Criminal Crude: International Options to Combat the Export of Stolen Oil" (London, 2013).c

549 "Five Years of Bridging Maritime Security Gaps," This Day, 19 January 2021.

550 "Nigeria's Military Destroys 13 Illegal Oil Refineries," Reuters (2017).

551 Interview #15

552 Interview #18

COUNTER-PIRACY BUSINESSES

Numerous Nigerian agencies include maritime piracy in their mandates, including the Nigerian Navy,⁵⁵³ Nigerian Port Authorities (NPA),⁵⁵⁴ Nigerian Ministry of Transportation,⁵⁵⁵ Nigerian Marine Police (who are responsible for securing rivers, waterways and creeks)⁵⁵⁶ and the Joint Task Force (JTF) – a unit composed of Navy, Air Force and Army personnel created to fight militant groups like MEND and later tasked with combating illegal bunkering and other criminality in the creeks. Adding to this is the more recent Nigeria Maritime Administration and Safety Agency (NIMASA),⁵⁵⁷ where the Integrated National Security and Waterways Protection Infrastructure (otherwise known as the Deep Blue Project), is anchored.

*(Semi)-Private Military and Security Companies:*⁵⁵⁸ Nigerian authorities permitted certain private military security company (PMSCs) to operate offshore. PMSCs must be Nigerian-owned and must have a license from the Nigeria Security and Civil Defense Corps (NSCDC), which must be renewed annually.⁵⁵⁹ In order to operate offshore, a PMSC must establish a Memorandum of Understanding (MOU) with the Navy, also on an annual basis and receive approval for the use of specific security vessels, following inspection.⁵⁶⁰,⁵⁶¹ While a few foreign security companies have tried to provide offshore security services working around the relevant Nigerian laws and regulations, some foreign PMSC personnel vessels have been arrested by Nigerian authorities for illicit possession of arms.⁵⁶²

When contracted to provide security services, a PMSC can provide a security vessel with naval personnel on-board or provide Nigerian Navy personnel directly embarked on the contracting vessel.⁵⁶³ As an interviewee noted: “Nigerian Navy personnel, minimum of six men, are delivered to the PMSC based on Nigerian Rules of Engagement.”⁵⁶⁴ Importantly, these PMSC security services are limited to Nigerian waters. In 2019, 29 PMSCs were approved in Nigeria.⁵⁶⁵ The main clients of these PMSC services are companies that use PMSCs to escort supply vessels to and from offshore assets and to secure oil fields and commercial vessels transiting within Nigerian waters.⁵⁶⁶

554 The Nigerian Port Authorities are also taking part in maritime security management, in particular concerning the port and anchorage areas.

555 The Nigerian Ministry of Transportation regularly extends its actions within the Nigerian Maritime security domain and in particular when it concerns the ports and anchorage areas.

556 The operational limits of the Nigerian Marine Police are the rivers mouths or Fairway buoy, letting the Nigerian navy operate forward.

557 The Deep Blue Project, Command, Control, Computer Communication, and Information Centre (C4i) was officially launched at NIMASA's base in Kirikiri, Lagos in 2020.

558 TOTAL, as other O&G companies, hire security companies to secure their assets.

559 Interview #3, Interview #18, Interview #33.

560 “Use of Nigerian Navy for Private Security Remains Subject to Severe Restrictions,” CSO Alliance, 25 November 2015.

561 Philip Tinsley, “Nigerian Navy Bans Embarked Security Teams,” BIMCO, 10 October 2017.

562 Interview #12. See also DefenceWeb, “Nigeria arrests maritime security personnel for firearms possession,” DefenceWeb, 23 April 2019.

563 Though a representative of the Nigerian Navy noted that this would change, such changes have not subsequently been effectuated. There are regular embarking of navies personnel onboard commercial vessels currently

564 Interview #18.

565 Document shared by the Nigerian Navy with a list of companies granted Nigerian Navy MOU status (not officially published)

566 It has been observed that in some cases, PMSCs refused to board and clear a commercial vessel following a piracy attack

BOX #20: S.E.V. PMSC "use" SEV.⁵⁶⁷

1. A PMSC gets a contract with a client who then requests the PMSC to provide 'security escort' e.g. from Lagos to Port Harcourt
2. PMSC, having NSCD license and MOU with Navy, contact NAVY to have one group of Navy personnel for several days
3. Navy agreement for Navy personnel, PMSC pay for: six-armed navy personnel X days + general fees Navy
4. PMSC prepare (If they have security vessel) or hire a vessel approved by NAVY
5. PMSC embark Navy personnel on-board the security vessel and has vessel + crew + Navy personnel ready on time for client
6. This "package" become "SECURITY ESCORT VESSEL"

As one example of this PMSC model, OCEAN MARINE SECURITY Ltd (OMS Ltd) had a partnership with the Nigerian Navy, which allowed OMS Ltd to operate Nigerian Navy vessels as security patrol vessels. And in 2013, OMS Ltd entered into an agreement with the Nigerian Navy to create a Secure Anchorage Area (SAA)⁵⁶⁸ located at around 10 nm SSW off Lagos port.⁵⁶⁹ The security services provided by OMS Ltd were estimated around \$125 million annually. A Nigerian news report from December 2019 noted that: "vessels are charged \$2,500 for the first day and \$1,500 for other days for using the anchorage."⁵⁷⁰ Controversy followed as the Nigerian Minister of Transportation, Rotimi Amaechi stated that the SAA agreement was "laced with fraud."⁵⁷¹ Following the controversy, President Buhari terminated the SAA Lagos agreement in January 2021.^{572, 573} As interviewees note, the business model of Private Maritime Security Companies, implicitly hinges on maritime insecurity.⁵⁷⁴

UNINTENDED CONSEQUENCES OF PIRACY INSECURITY AS BUSINESS: SKEWED PROTECTION?

Various interviewees mentioned that the model of Secure Anchorage Areas and Security Escort Vessels has given rise to some unintended consequences - generating a business that inherently depends on pirate-insecurity and possibly distorting the very idea of security and attacks. A view expressed by one interviewee was that an unintended consequence of this SEV model seems to be that instead of all vessels enjoying protection, "there is a risk, that only those who purchase SEV services are protected."⁵⁷⁵ Interviewees noted that only when a SEV contract ended, did an attack occur: "Large presence private security vessel offshore, following a specific commercial vessel, which is consequently not attacked. Attacked vessels have not a private security vessel escorting."⁵⁷⁶ It is unclear if some businesses have an interest in maintaining a certain level of insecurity to sustain their services.

⁵⁶⁷ With different degrees of detail and specificity, the Security Escort Vessel model was mentioned in a number of interviews (e.g. Interview #3, Interview #9, Interview#12, Interview #18, Interview #29, and Interview #33).

⁵⁶⁸ Please see <https://ocean-ms.com/index.php/oms-group>

⁵⁶⁹ The 'LAGOS SAA' was a collaboration between the Nigerian Navy, OMS Ltd., technical advisors, UK-based maritime security specialists, and PGS Group.

⁵⁷⁰ Ebuka Oko and Urowayino Jeremiah, "Nigeria: SAA - League of Maritime Editors Condemns Attack on NPA MD at National Assembly," AllAfrica (2019).

⁵⁷¹ Uche Nnachukwu, "Outburst Over OMSL SAA Operations: A Move to Mortgage Nigeria's Waterways," Vanguard (2020).

⁵⁷² Ocean Marine Solutions, "Our Approach," <https://www.ocean-ms.com/>.

⁵⁷³ Please see <https://ocean-ms.com/index.php/oms-group>

⁵⁷⁴ Interview #3, Interview #9, Interview #12, Interview #18.

⁵⁷⁵ Interview #9.

⁵⁷⁶ Interview #24. Pirate group member said that they "make money from pipeline surveillance job", adding to this: "I am a member of OMS pipeline surveillance" (Interview Summary #REC024 - Riverine criminal) adding that: this work allows them to "relate with security operatives who are not aware that they are pirates."

5.4 CONCLUSIONS

The purpose of this chapter is to broaden and contextualize the report's specific focus on Niger Delta-based piracy. When seeking to understand why K&R piracy is proving difficult to root out, the wide range of actors connected to the business through the broader network is an important consideration.

One question emerging from this is: what factors impact the priority level Nigerian Authorities give to piracy? The development of businesses reliant on piracy as well as Nigeria's multiple security concerns both play a role. Various interviewees point to this challenge confronting Nigeria of having to devote attention and resources to a range of critical security challenges including threats posed by terrorist groups in Northern Nigeria, and the growing threat from land-based kidnapping, which affects local Nigerians much more directly.⁵⁷⁷ All of these broader factors are important when contemplating the extent to which counter-piracy may perhaps be viewed as a 'squeezed' priority considering other Nigerian security challenges and given the abovementioned characteristics of current Niger Delta-based K&R piracy.



⁵⁷⁷ E.g. Interview #1, Interview #3, Interview #14; Interview #17, Interview #22, Interview #30. This was also mentioned in internal intelligence report from maritime security industry as well as in various publicly available reports and news. See for example "Nigeria's Diverse Security Threats" Mark Duerksen, 30 March 2021, available at: <https://africacenter.org/spotlight/nigeria-diverse-security-threats/>, and "Nigeria's security challenges are quite extraordinary," 7 May 2021, The Nation, available at: <https://thenationonlineng.net/u-s-nigerias-security-challenges-are-quite-extraordinary/>



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6.

CON- CLU SION



It is critical to appreciate the key differences within 'piracy'

> Voluntarily and exclusively - is effectively illegal. Rape, child labor, piracy. Essentially, it is necessary to distinguish between different types of maritime piracy and measure criminality, define what is piracy by different objectives, motives and operating areas.



A) CRITICAL DISTINCTIONS

It is critical to appreciate the key differences within 'piracy' – horizontally and vertically – to effectively disrupt Niger Delta-based piracy. Horizontally, it is necessary to distinguish between **different types of maritime piracy and riverine criminality**, defined most notably by different objectives, capabilities and operating areas.

First, groups involved in attacks far from shore are referred to in this report as **Deep Offshore pirates**, of which there are estimated to be around four to six active groups, based in different hideouts in the creeks of the Niger Delta. These groups are responsible for the kidnapping of primarily foreign seafarers from vessels transiting deep in the Gulf of Guinea.

Second, is the category of **Coastal and Low-reach pirates** who operate closer to shore, up to 30-40 nm offshore. Their targets include local vessels for looting and kidnapping, such as coastal tankers, small cargo and Offshore Supply vessels, specifically, when unprotected. Local fishing vessels are also targeted for extortion or kidnapping. These groups generally attack opportunistically and demand lower ransom amounts. Due to their limited area of operation, the criminal activities of these Coastal and Low-reach pirates only rarely have a direct impact on international maritime industries.

Negatively impacting the local Niger Delta community more profoundly than the above two categories is a third category of **Riverine Criminals**. Though referred to locally as 'pirates,' they are not pirates as per the UNCLOS definition, but criminal gangs operating in the waterways of the Niger Delta region. Nigerian authorities and agencies regularly arrest these riverine criminals. Nevertheless, while such arrests are important to curb this type of crime, they cannot be expected to have disruptive effects against piracy attacks far from shore.

Given the difference in location, capability and objective – resulting in different types of insecurity for international and local maritime industries as well as local communities – these types of piracy and maritime crime represent components of a wider web of maritime and riverine insecurity in the Niger Delta and throughout the Gulf of Guinea.

Distinguishing between these three types of maritime piracy and riverine criminality allows for more effective counter-piracy efforts that can *assess* and *address*:

- The effects of counter-piracy **interventions** by Nigerian, regional and international actors on maritime crime in the region. Differentiating between Deep Offshore pirates, Coastal/Low-Reach pirates, and Riverine Criminals is key, for example, to understanding recent statements about the efforts of the Nigerian Navy in arresting "17 suspected pirates."⁵⁷⁸ As highlighted earlier, while these arrests help to curb significant security challenges affecting populations in the Niger Delta, based on the location of military operations, the seizures made and the descriptions of sea criminal endeavors, these 'pirates' were likely not Deep Offshore pirates but Riverine Criminals.

- Variation in the type of negative implication stemming from their different **target profiles**: Riverine Criminals attack passenger boats and thus harm citizens of the Niger Delta in creeks and waterways, Coastal/Low-Reach pirates mostly target fishing, service and cargo vessel operating in the nearshore areas of Nigeria, while Deep Offshore pirates perpetrate criminal acts primarily targeting foreign seafarers operating offshore.

- Variation in local tolerance or rejection of the criminal activities of different types of pirate groups/riverine criminals. Tolerance is a complex function of potential 'benefits'⁵⁷⁹ and other factors, like fear of reprisals from being seen *not* to tolerate the activities of criminals. For both dimensions, Riverine Criminals, Coastal/Low-Reach pirates and Deep Offshore pirates seem to strongly differ.

578 NAN, "Navy Destroys 15 Militant Camps, Nabs 17 Suspected Sea Pirates in Akwa Ibom," The Guardian (February 2021).

579 Even minor 'tokens': "We give them some tokens because their parents are lacking too" Interview # REC023B

- Variation also exists in the motives for joining maritime criminal groups, possible relationships with politicians, wider protection networks and other elements relevant for the design of programs aimed at disrupting each type of maritime criminality, whether deep offshore or in the waterways of the Niger Delta.

Focusing on Deep Offshore piracy, the report further highlights the importance of **distinguishing vertically** between different levels of the hierarchical structures of these pirate groups. Introducing these vertical distinctions across four levels helps to guide the discussion about perpetrators and impunity. This distinction is key to assessing two questions central to future counter-piracy interventions:

- **Who is being arrested?** The vertical distinction is key to identifying who is being arrested: high-level sponsors, group leaders or low-level group members? If high-level actors operate with impunity, arrests of low-level group members – such as those that work as hostage camp guards – are likely to have limited impact because actors at this level are more easily replaced than individuals at the higher levels in the hierarchy in powerful positions or with specialized skills.

- **Known or not?** Interviewees note that people living in communities that host pirate camps likely know who and where the pirates are.⁵⁸⁰ This presumption, however, comes with several caveats. First, recollecting the different levels in a pirate group structure underscores that even *if* camp locations are known to locals, this only exposes actors at certain levels, as sponsors, negotiators and other central actors do not inhabit the pirate camps. And crucially, requesting that communities share such knowledge is risky, as fatal reprisals may result. Second, focusing elsewhere in the pirate group structure, community members are not the most central individuals with possible knowledge of pirates. Interviewees insinuate that not all *high-level* actors are completely unknown,⁵⁸¹ as names of high-level actors may, for example be mentioned during Court cases.

B) ENABLING FACTORS

Several factors which enable piracy in the long-term, have persisted for years, including a small number of piracy prosecutions, which may unintentionally encourage pirates, as well as cooperation from security forces or government officials.

- **Lack of prosecution of pirates and other criminal elements:** Considering the number of piracy attacks and kidnappings, it is noted with concern how, following the implementation of Nigeria's Anti-Piracy Law in 2019, only one case – namely *MV Hailufeng 11* – has been tried with a charge of piracy.⁵⁸² This case is currently ongoing, pending conclusions. **However**, it is noteworthy that the pirates arrested onboard the *MT MAXIMUS* in February 2016, have been charged for seven years and jailed in 2021, though not under Nigeria's Anti-Piracy Law.⁵⁸³ Thus, even with Nigeria's new Anti-Piracy Law SOPMO in place, it would appear that challenges continue to persist in terms of its application to individual incidents of piracy.

- **Corruption in security forces.** A number of interviewees discussed how “corrupt practices by [certain elements of] Nigeria's maritime security agencies, [...] fuel piracy.”⁵⁸⁴ The field research conducted for this study found examples of how corruption may have protected pirates from detection, investigation and arrest (see for example Chapter 5). This point was also recently stressed by the Nigerian Minister of Transportation, Rotimi Amaechi, who noted in February 2021 that “corruption persists in the country because thieves are not jailed or severely punished.”⁵⁸⁵ That said, such examples are not generalizable but rather indicative of pockets of collusion.

580 NAN, “Navy Destroys 15 Militant Camps, Nabs 17 Suspected Sea Pirates in Akwa Ibom,” The Guardian Nigeria [11 February 2021].

In Feb 2021, Commodore Abdulmajid Ibrahim, Commander, NNS Jubilee, disclosed that the perpetrators of illegal maritime activities, live within the communities and were known to the people.

581 Validation workshop: “still these top-level guys – sometimes known names – were not brought to justice”

582 ELOBEY 6 did not result in a piracy sentence but in criminals being fined for withholding information under Article 16 of the SOPMO Act, but not to the effect of convicting pirates

583 9 February 2021 “A Federal High Court in Lagos has convicted and sentenced to seven years imprisonment each, the seven pirates who hijacked a vessel, *MT MAXIMUS* in 2016 and transferred petroleum products off it.” Seven ship hijackers jailed seven years | The Nation [thenationonline.ng.net] “Seven ship hijackers jailed seven years”, The Nation, February 9, 2021

584 Maurice Ogbonnaya, From Nationalist Movements to Organised Crime Groups: The Trajectory of the Niger Delta Struggles, ENACT (2020). The issue of corruption was for example mentioned by Interview #2, Interview#6, Interview #7, Interview #8, Interview #9, Interview #13, Interview #14, Interview #18, Interview #30.

585 “Why Corruption Persists in Nigeria,” Dryad Global (2021).

- **At the local political level**, this report called attention to *possible* links between pirate group members and political violence in the Niger Delta.⁵⁸⁶ As noted in Chapter 5, “natural resources generate rents that the political elites compete over.”⁵⁸⁷ Competition for political positions, which in turn provide opportunities for the extraction of illicit gains, may entice politicians to employ armed groups to intimidate competitors, traditional rulers, community leaders other influencers, and voters alike. Politicians may, in turn, offer protection to pirate group members enabling them to continue carrying out their criminal activities undetected and without interference.

- Finally, if left unaddressed, the combination of stagnant socioeconomic development, impunity for pirates and actual or perceived collusion may serve as **legitimizing factors** or motivations for the communities out of which the pirate groups are operating. As an interviewee noted concerning continued structural challenges facing people living in the Niger Delta: the people who remember the government’s promises in the original amnesty programme have likely grown increasingly frustrated to “see the same situation or worse: the economy is collapsing, corruption remains the same, demography high, and criminality is increasing.”⁵⁸⁸ Further, if pirates appear to suffer no legal consequences for their actions, would-be pirates may see few disincentives to participate.

In that sense, enabling factors, may both facilitate and motivate piracy, and as such must be kept in mind when focusing on delineating recent changes and developments in Niger Delta-based piracy.

C) PERMANENCE AMIDST VARIABILITY

Chapter 1 demonstrated how Niger Delta-based piracy has evolved since 2005. The analysis focused on **offshore changes**, including the shift from Petro-piracy to K&R piracy. Importantly, beneath these changes are various components that indicate a degree of permanence to Niger Delta-based piracy, despite the operational and material improvements of the Nigerian maritime security agencies and the operationalization of the Yaoundé Architecture. Several aspects of Niger Delta-based piracy exhibit a degree of durability, including: involvement of specific actors, geographic ‘permanence’, and socio-economic challenges that not only remain but may even have worsened.

- At the individual level, it seems that several key figures in the piracy business have been involved for many years, even as the business itself has evolved (see the section on ‘evolution’ in Chapter 1). Known high-level ex-militant leaders involved in early militant-piracy are allegedly still central today though in a less direct but no less important role. Moreover, interviews with pirate group members indicate that many have been involved for several years, possibly to support, but more likely, to provide cover.

- Geography also plays a factor. Although locations of piracy attacks at sea have changed, and continue to do so, partly in response to counter-piracy measures,⁵⁸⁹ onshore areas in which pirate groups position their camps and hideouts, appear to be more static.

- Broad illicit networks and protection networks represent a third element. As shown in the section on election violence, some protection networks display a degree of durability. Since 2003, election violence has been pointed out by external observers. The protection offered by high-level politicians in return for election violence ‘favors’ (which *may* involve pirate group members) is likely illustrative of broad illicit onshore networks within which the piracy business flourishes.

⁵⁸⁶ Several interviews with individuals who identify as pirate group members mention this point about a link to the political level, specifically concerning election violence. Asked to describe the nature of the connection, if any, between his pirate group and politicians, one pirate group member for example replied: “for election purposes” (Interview #REC024B). Another self-identifying pirate noted when asked a similar question about possible connections between his group and politicians, “In terms of election, some ballot boxes pass through the river that we will now secure them and snatch them.” (Interview #REC027). Others note that they relate with politicians “During elections, and during some period the politicians call us to do something for them and we have strong ties with them” (Interview #REC026). Also mentioned by other interviewees, e.g. Interview #REC022.

⁵⁸⁷ Chux Ibekwe, Corruption in Oil Revenue Distribution and Conflict in Bayelsa State (Kennesaw State University, 2014):95.

⁵⁸⁸ Interview #18.

⁵⁸⁹ Kamal-Deen Ali, Gulf of Guinea Piracy: The Old, the New and the Dark Shades (2020).

- **The continued underdevelopment of the Niger Delta region** is another important component of the relative onshore permanence of piracy. Several interviewees highlighted the continued pollution of the Niger Delta, lack of infrastructure, schools, jobs, and electricity. The lack of improvement may become a legitimating factor or motivation for individuals to engage with piracy,⁵⁹⁰ risking creating a new generation, eager for change, especially as this is juxtaposed with the proliferation of weapons in the Niger Delta, which enables violent criminal enterprise in the region.⁵⁹¹

It seems that the more ‘fluctuating’ elements of Niger Delta-based piracy are its offshore components. In contrast, many (though not all) onshore components display more durability. These components of the piracy business, widely understood, suggest a degree of onshore permanence to the piracy phenomenon, which should not be overlooked when attending to offshore changes in the expression of Niger Delta-based piracy. Therefore, when seeking to put an end to Niger Delta-based piracy, for a lasting impact, elements of the piracy business that are characterized by a significant degree of permanence should feature centrally.

D) ONE OF MANY PRIORITIES

Nigeria is faced with several security challenges, many of which are ashore rather than at sea. On 27 April 2021, Nigeria’s parliament called on the presidency, armed forces and police to address the country’s mounting security crisis, with the lower house urging President Muhammadu Buhari to declare a state of emergency, noting that the “*Nation is on fire.*” These security challenges include the threat from Boko Haram in Northern Nigeria, farmer-herder violence, the Indigenous People of Biafra (IPOB) crisis re-emerging, “street gangs, cultism, political and electoral violence, [and] communal conflict[s],”^{592, 593, 594} the recent SARS protests and a land-based kidnapping industry.

Piracy is seen by some as possibly representing a “satellite security issue” within this broader landscape of insecurity across Nigeria.⁵⁹⁵ What this means from a counter-piracy perspective is that Nigeria is understandably torn between giving priority to a vast and diverse array of security threats, with K&R piracy being one which, in its current form, does not cause direct harm and insecurity to the Nigerian population to the degree that other threats do.



⁵⁹⁰ Human Rights Watch, “Nigeria: Human Rights Developments,” Human Rights Watch, 1999. The creek communities are not connected to the electric grid, at the same time, proper sanitation and health care are available to less than 25 percent of the riverine dwellers.

⁵⁹¹ Mentioned during the Abuja Verification Workshop, April 2021

⁵⁹² “Rethinking Synergy Between Traditional Rulers, Security Agencies, Government Officials and Civil Society in Returning Security to the Niger Delta,” Niger Delta Dialogue [2021].

⁵⁹³ “Nation is on Fire”: Nigerian Lawmakers Demand Action on Security Crisis,” Reuters [27 April 2021].

⁵⁹⁴ “Nigeria Urges U.S. to Move Africa Command Headquarters to Continent,” Reuters [27 April 2021].

⁵⁹⁵ Interview #18.

ANNEX 1

SEMI-STRUCTURED INTERVIEW LIST: 34 in total

Nigerian/international/regional organizations and authority: 11, 17, 19, 20, 21, 23, 25, 30, 31, 33, 34

External intelligence/security experts and released hostage: 1, 4, 5, 3, 10, 15, 18, 24, 27, 28, 29

International maritime industry and industry working in the Niger Delta: 2, 6, 8, 12, 26

Regional and international academics/experts: 7, 13, 14, 16, 22

Debriefings from past hostage incidents have also been consulted, as have other internal reports from the private industry as well as from international and regional maritime security agencies.

Interviews with self-identifying pirate group members: 18 in total

Deep Offshore pirate group members (Bayelsa): REC023B, REC026B, REC027B

Riverine Criminal group members (Rivers State): REC022, REC023, REC024, REC026, REC027

Riverine Criminal group members (Bayelsa) [from cultist interviews]:⁵⁹⁶ REC012B, REC016B, REC017B, REC018B

Coastal/Low-level pirate group members (Delta): REC010, REC011, REC012, REC013,

Coastal/Low-level pirate group members (Bayelsa): REC024B, REC025B

⁵⁹⁶ REC018B: "We go for robberies, kidnappings, and illegitimate violence election activities [which are paid for]" / REC017B: "various operations from armed robbery to kidnapping" / REC016B: Robberies and kidnapping

PIRATES
OF THE
NIGER
DELTA

BETWEEN BROWN AND BLUE WATERS