Piracy and Maritime Crime in the Gulf of Guinea

Inhalt:

1. Introduction 3
3. Natural Resources and Oil 4
5. Armed Groups and Fights against the Central Government 5
   5.1. Movement for the Emancipation of the Niger Delta (MEND) 7
   5.2. Pirates 9
   5.3. Illegal oil bunkering 10
   5.4. Human trafficking of minors 11
6. Root Factors and Social Implications among Populations in the Gulf of Guinea Region: Networks for Supplying Sexual Favors to Oil Workers, Drug Trafficking, Illegal Fishing, Smuggling, Counterfeiting, and Corruption 12
7. Response of the International Community 16
8. How to Fight Piracy and Maritime Crime 17
9. Immediate Solutions 18
   9.1. Enforce Laws, Arrest Pirates 18
   9.2. Creation of a Gulf of Guinea Maritime Air Watch 18
   9.3. Assistance to Navies and Coast Guards 20
   9.4. Assisting Gulf of Guinea Law Enforcement Agencies 20
   9.5. Assisting the Judicial Systems 21
10. Long-Term Solutions 21
    10.1. Enforcing Action against Illegal Oil Bunkerers, Oil Workers, and Smugglers 21
    10.2. Efforts towards Civil Society Capacity-Building 21
    10.3. Cleaning the Niger Delta 22
    10.4. A Regional Register 22
11. Conclusion 23
12. References & Documentation 23

Serge Rinkel
Kieler Analysen zur Sicherheitspolitik Nr. 41
Kiel, August 2015

Impressum:
Hrsg. von Prof. Dr. Joachim Krause und Stefan Hansen, M.A.
Institut für Sicherheitspolitik
an der Christian-Albrechts-Universität zu Kiel
Westring 400
24118 Kiel

ISPK.org

Die veröffentlichten Beiträge mit Verfasserangabe geben die Ansicht der betreffenden Autoren wieder, nicht notwendigerweise die des Herausgebers oder des Instituts für Sicherheitspolitik.

© 2015 Institut für Sicherheitspolitik an der Christian-Albrechts-Universität zu Kiel (ISPK).
1. Introduction

The Gulf of Guinea has become the most dangerous maritime area in the world. The proliferation of pirate attacks off the coast of Western and Central Africa is a major concern for international maritime trade, with a serious impact on international oil and natural resource business, as well as on the interregional economy.

For an expert on this area, piracy is only the visible part of many different other criminal activities. Its origin is in fact related to the self-defense, with the aggressiveness of the population of the Niger Delta (south part of Nigeria). These people needed to defend themselves against the ravages of oil exploitation, especially pollution after many of the fishermen and farmers lost their means of employment. Gradually legitimate claim became violent, because social, economic and political stagnation related directly to the rising trend of violence. Thus followed murder, armed robbery, kidnapping, theft, embezzlement, drug trade, weapon trafficking, money laundering, extortion, car bombing, smuggling, oil theft, child trafficking, rape and forced prostitution, voluntary pollution, corruption, counterfeiting, illegal fishing, looting, poaching, and piracy. A chain of criminal activity exists now in the Gulf of Guinea and Niger Delta. Armed groups have enflamed things throughout the entire region.

Thus combating piracy requires combating all these other types of illegal activity. The struggle against all the criminal networks is too big for any one country to tackle alone. It requires a framework of partnership at all levels: the United Nations, the African Union, various international and economic communities, regional authorities and governments, international organizations, law enforcement agencies, armed forces, civil society, business community, and international experts. The process of reducing crime and threats will last long because the West African states do not share the same objectives and interests. Nigeria, by far is the most powerful country, which is judged by its neighbors as the main source of all the trouble. Its endemic corruption and poor governance have failed to stabilize the region of the Niger Delta and today it exports its own problem. But it is also the richest in the region so other states expect it to provide the greatest efforts. However, Gulf of Guinea states have to solve those issues in a collective manner, by sharing mutualized assets in the framework of a coordinated response. The civil society cannot be forgotten. It is the core of the issue and thus at the core of the solution. It needs solid functioning and democratic institutions grounded in the rule of law, without any corruption. Everywhere the fight against the culture of impunity should be a priority; too many children suffer from it, while young people are daily attracted down criminal routes.

2. The Gulf of Guinea: A Critical Energy Corridor

The Gulf of Guinea is the West African tropical part of the Atlantic Ocean. Geographically it covers the entire coastal area from Cape
Piracy and Maritime Crime in the Gulf of Guinea

Palmas, between Liberia and Côte d'Ivoire to the north to Cape Santa Maria on the south coast of Angola. Thus it includes Côte d'Ivoire, Ghana, Togo, Benin, Nigeria, Cameroon, Equatorial Guinea, Sao Tome, Gabon, Congo Brazzaville and Democratic Republic of Congo. The neighbors like Angola, Liberia, Sierra Leone and landlocked countries as Chad, Niger Burkina Faso, Mali and Central African Republic depend on this maritime area as well.

3. **Natural Resources and Oil**

The region is endowed with large reserves of mineral and marine resources, such as oil, diamonds, gold, fish, timber, bauxite, iron ore and agricultural products such as cocoa, fruits, etc. Nearly 70% of Africa’s oil production is concentrated in the region, playing host to large oil producers. Angola and Nigeria (with an oil of very high quality) are some of the world’s largest producers.

By 2020, oil production of the Gulf of Guinea is expected to surpass the total production of the Persian Gulf nations and reaching 25 percent of the world global oil production. Here is the fastest rate of discovery of new oil reserves in the world (Dec 2010 in Ghana: Jubilee oil field), Sierra Leone (Sep 2009: Venus) and São Tomé and Príncipe will begin soon the exploitation. Chad (Exxon Mobil rig) depends on this region to export its own oil production through Cameroon by pipeline.

The region’s untapped oil reserves hold the prospects of supplying significant quantities of oil to the global economy in the years ahead. Each day, the Gulf of Guinea ships 40% of Europe’s and 29% of the United States’ oil imports, 25% for China. Japan and India are clients as well. Thus keeping these shipping lanes open and safe is, therefore, vital for world supply.

All the Gulf of Guinea foreign trade arrives or is shipped by sea. The maritime transportation system accounts for a big part of the gross domestic product and therefore provides much employment for coastal workers. So the West and Central economy and its security depend upon safe and reliable maritime commerce in the whole region. European, American and Chinese interests, political and commercial, remain fully engaged.

Unfortunately, environmental pollution in the Gulf of Guinea coastal zone has caused eutrophication and oxygen depletion in the lagoon systems, particularly around the urban centers, resulting in decreased fish (reproduction) levels and waterborne diseases. Industry and specifically the Nigerian oil industry, are responsible for substantial amounts of hazardous waste and severe pollution, deeply rooted in the once-idyllic landscape of the Delta. The damage caused loss of livelihoods through poisoned land and fishing waters, high rates of respiratory disease and illness, disenfranchisement, and despair. As a direct consequence, the people are facing impoverishment. Proper governmental policies to reinvest state income from oil in the Niger Delta for social and economic development are desultory. The disastrous situation in many parts of the Niger Delta violates people's rights to health and a healthy environment, the right to an adequate
standard of living and the right to earn a living through work.

Nevertheless, the Gulf waters remain among the world’s richest maritime ecosystems. However, the region’s fisheries are among the most weakly protected and are extremely vulnerable to illicit commercial fishing, overfishing and unseaworthy navigation.

Rising rates of piracy and criminal activity and lingering political uncertainty in this area ravaged by recent civil wars and coups have made it a challenging destination for investors seeking to benefit from the massive resources.

4. The Niger Delta: The Epicenter of the Gulf of Guinea

The population in Nigeria, about 170 million people (2013) is divided into 350 different ethnic groups sharing two main religions: Christianity in the South and Islam in the North. The Niger Delta, as defined officially by the Nigerian government, consists at present day of six states included in the geopolitical area of “South Zone”: Cross River, Akwa Ibom, Rivers, Bayelsa, Delta, and Edo. Nevertheless three neighboring states (Imo, Abia, and Ondo, all minor oil producers) have been economically incorporated to the Niger Delta as the oil producing region. The nine states count for 140 different ethnic groups and a population reaching nearly 35 million people.

The geographical location of the Niger Delta region makes it inaccessible. It has savanna, marshes, swamps, creeks, mangrove, and forest. Oil is exploited inland and at sea, the latter via offshore platforms. The sector is dominated by joint venture operations between the Nigerian government and major international oil companies—Shell, Mobil, Chevron, Agip, Total, and Texaco. In 2006, a Chinese company, CNOOC acquired a 45% stake in a deep offshore bloc belonging to South Atlantic Petroleum.

5. Armed Groups and Fights against the Central Government

From the earliest exploitation of oil, the Delta region has been deprived of the benefits from this natural resource, which financed much of the federal government system at the national level. The oil industry, wiping out the traditional livelihoods of fishing and farming, exploited the area and polluted the environment, above all providing few jobs in return. The Delta has been impoverished – in spite of five decades of oil extraction. The oil industry is considered to have been installed at the expense of the coastal population.

This is why over the past forty years different sectors of the Niger Delta have been frequent flashpoints for interethnic tension, with outbreaks of warfare between the different ethnic groups. Violence has not been confined to one State or another. A desire to control oil or gas facilities along disputed internal borders has been instrumental in causing conflict across the entire region, so the Niger Delta has been a crossroad of armed groups fighting the government or fighting each other. The first reported case was in February 1966, when Isaac Adaka Boro, a student’s union president decided with a group of young law students and
Delta residents to create the first armed militia called the “Niger Delta Volunteer Force”. He considered that the local people deserved a fairer share of the proceeds of oil wealth. They decided to engage in an armed protest against the exploitation of oil and gas resources in the region. They declared the “Niger Delta Republic” on February 23, 1966 and battled the Federal forces for twelve days. Their uprising was crushed quickly by the armed forces, but their demands for greater autonomy and consideration for the Niger Delta residents inspired later other activists from different ethnic groups. Between July 1967 and January 1970, the Nigerian–Biafran War (a political conflict caused by the attempted secession of the southeastern provinces, as the self-proclaimed Republic of Biafra) resulted in economic, ethnic, cultural and religious tensions among the various groups of the people of Nigeria, all interested in controlling oil production. The federal government in 1979 established the oil deposits as a national asset, taking away any local ownership or control. It was another dangerous spark. While ethnic thinking is intense in the Niger Delta, its inhabitants are united by a sense of grievance about the exploitation and neglect of their region.

Multinational oil companies, especially Shell, have influenced the dynamics of violence, because they have a large part to play in the environmental pollution. They have contributed to the militarization of the conflict in the mid-1990s, by making use themselves of extremely brutal private security services. Some of these companies have also provided financial assistance to potential militant actors in order to “pacify” them.

It explains the feeling of the population and why several disgruntled student groups were formed on university campuses, becoming gradually involved in illegal activities such as drug dealing and illegal oil bunkering. They have been hired as political thugs or as auxiliaries of the oil companies’ security.

While some groups, such as MOSOP (Movement for the Survival of the Ogoni People), tried to address the environmental, political, social, and economic injustices through dialogue, others chose armed struggle. Oil installations and their employees were obviously easy targets. Attacks by armed groups occurred intermittently until about 2004, and were usually accompanied by demands for additional benefits from the oil companies. Since that date, the frequency and ferocity of the attacks have increased, showing more signs of planning and sophistication. Kidnapping has become endemic.

In many cases, the armed groups soon forgot their goal of promoting social justice and self-empowerment and focused instead on enriching themselves through criminal activity. A lucrative drug trade has been centered on Port Harcourt, the main city in Rivers State. One must realize that the armed groups were fed by illegal weapon trafficking networks and were formed themselves by drug users, drug dealers, drug traffickers and smugglers connected to international gangs. They have been hired as well by politicians to help rig elections, intimidate voters and attack opponents. Some of
them have had direct links with corrupted law enforcement officers or local security agents. Concerning the drug trade, while the first plantations of Cannabis sativa were implanted in the Delta, confraternity students created prolific gangs such as “Icelando” and “KKK” seeking to control the Port Harcourt market for cocaine, heroin, and marijuana coming from Lagos, where the major traffickers were based. It means at that time, networks have established connections outside the Delta, in Lagos, but also in neighboring countries such as Benin, Chad, Cameroon and Niger. Using local guerrilla tactics, the new armed gangs have resorted to more and more violence and caused many killings.

Illegal oil bunkering, which is simply oil theft and pipeline vandalism, became a new activity of the armed gangs, gradually generating huge profits, even higher than with drugs. Given its local abundance, petroleum was an attractive target despite the technical aspect of this activity. From an early stage, senior military and political figures took a lead role in bunkering, and a highly sophisticated international trade developed, often coordinated by foreigners, particularly from Lebanon (Hezbollah) and Russia.

As the illegal activity developed, so did its capacity to cause violence. Rival groups battled for control of the market, aided by importations of firearms purchased in the neighboring countries and paid with illicit bunkering profits. Nigerian street gangs have been fighting for domination of this market. The most notorious emerging figures amassed fortunes in the illicit business. They founded their own armed groups to defend their interests. Ethnic tension provided a conductive atmosphere for increasingly intense competition for resources, jobs, and other benefits from the oil industry. This created also fertile ground for ambitious activists, criminals, and corrupt politicians to exploit these tensions for their own purposes leading to the formation of armed militia and the proliferation of criminal activities associated with the oil industry that has sustained them.

5.1. Movement for the Emancipation of the Niger Delta (MEND)

The leaders of the armed groups have battled extensively between themselves and against government forces. But in this atmosphere of shady deals everything was possible, including large-scale corruption, ballot-rigging, kidnappings, hijackings, and murders of politicians. First attacks on ships took place in the late 1980s and were aimed especially at onboard robberies. These attacks hardened and increased dramatically. Criminal gangs sought out maritime specialists, like local fishermen or seamen, as the price of ransom and pillaging was more important aboard merchant vessels than ashore.

Finally, it is the arrest of corrupt politicians and a few leaders of armed groups which led to meetings between the rival gangs in late 2005. This led to the creation of MEND (Movement for the Emancipation of the Niger Delta). These were a group of lawless people, and served as an umbrella organization for several
armed groups and pirates. They pretended to represent only the interests of the Niger Delta population (the Igbo, Ogoni, Ijaw and other local ethnicities).

Immediately in December 2005 and in January-February 2006, they began a common action of spectacular violent attacks on oil installations and the abduction of oil workers. Then they engaged in other actions concerning murders, piracy, sabotage, theft, property destruction, guerilla warfare, and kidnapping aboard vessels or ashore.

On 18 February 2006, their leader, Godswill Tamuno, declared a total war on all foreign oil companies and their employees. His declaration of war came as militants and the army exchanged fire after a government helicopter gunship attacked barges allegedly used by smugglers to transport stolen crude oil. On the same day, MEND kidnapped nine employees of the U.S. oil company Willbros and threatened to use them as human shields.

Among MEND's demands were the release of two key law leaders but as their operations became more brazen and daring so did their political demands. MEND claimed a goal of cutting Nigerian output by 30 per cent. Within the first three months of 2006, $1 billion in oil revenues had been lost and over 29 Nigerian military had been killed in the uprising. By early July 2007, 700,000 barrels per day were deferred by growing political instability and insurgent attacks. The situation across the oilfields was as fraught as at any time since the onset of civil war in 1967.

There were no limits as organized crime could operate without fear of detection or apprehension. This rapidly developed into a state of anarchy. Some international experts thought that Niger Delta militants may be linked to syndicates seeking ‘illicit opportunities’ in ‘West Africa’s porous, chaotic environments, precisely because in a climate of anarchy everything is possible. Many actions against oil companies and the Nigerian Army followed with a lot of deaths until June 2009, when the President of Nigeria, Umaru Yar’Adua, signed an offer of unconditional amnesty for every militant. This offer was effective from 6 August 2009 to 4 October 2009.

On 16 October 2009, about 8,000 MEND militants accepted the amnesty and approximately 15,000 militants had given up violence according to the government officials. On 15 May 2010, through the amnesty program, the government promised to give the former rebels training, compensation funds and jobs. In addition, it was planning to offer the militants a pension, occupational training and microcredit. Finally, approximately 26,000 ex-militants of the Niger Delta enrolled in the amnesty program.

However, many ex-rebels claimed that the government failed to keep their promises. MEND dissidents have been and are still numerous and active. On October 1, 2010, during the 50th anniversary of Nigeria’s independence, MEND dissidents claimed responsibility for the bomb explosions during the celebration. Twelve people died in the blast. Henry Okah, one of the leaders of the group, was later ar-
rested in South Africa. He was finally sentenced in South Africa for thirteen counts of terrorism, including engaging in terrorist activity, delivering, placing, and detonating an explosive device.

Two years after the commencement of the amnesty program, during which several youths have been sent on training abroad, attacks on ships, illegal pipeline vandalism, and other illegal activities are still going on in the creeks of the Niger Delta where combatants and pirates are still very active. 185 mariners were taken as hostages in 2012.

5.2. **Pirates**

These criminals, without faith or law, continue to hide in the creeks and swamps. They are constantly prepared to attack ships, relying on information from corrupt maritime specialists, who target in advance and sometimes from information obtained from abroad. They attack under the influence of cocaine, ready to kill seamen who resist them. The night time is the most favorite period for attacks. They would use two or three high velocity speedboats. The attackers use AK47, MAG, machine guns of 12.7 mm, edged weapon. They first shoot at the bridge and then board the vessel to neutralize the crew. They would continue this piracy by destroying all fixed means of communication. Their attention is then centered on robbing the crew of money, mobile VHF radio, and personal effects. Finally the hostages are taken and imprisoned for ransom.

Their only goal is money, with the sense of power it gives to those who possess it. With this money they can order from Chad, the best weapons of war. Their female companions see them as heroes, who they venerate. Their family is not in need; indeed some leaders have invested ransom money abroad. This is facilitated, thanks to the laundering networks that drug, arms, and human traffickers have established. Some drive expensive cars in the streets of South Nigerian cities where they bought their respectability and where they do their shopping. Others use the proceeds of their plunder to go on daily fishing trips in modern speed boats. A phrase comes to mind, “Fisherman at Day, pirate at Night”. Some are still busy with oil bunkering or drug trafficking but are ready for any pirate’s operation.

It is easy to understand that there is a strong linkage between pirates, militias, armed gangs, cultists, and oil bunkerers. The boundaries between them may be fluid as one group could easily merge into the other. The pirates linked to the direct waterways robbery, are agents of larger bunkerers, guards to oil theft operations and guides to the boats, barges and ships of bunkers. They may be part of larger militias and armed bands involved in popular violence. So piracy is just one of the activities of a group. However, this activity will require some essential specialists capable to apprehend a merchant vessel, but not all are experts, if not in gun violence.

Their speedboats are equipped with powerful outboard engines and each pirate gang has its own engine experts. They have their caterers as well, who provide food to the hostages, because in some cases, shipping companies pay...
food for hostages pending the completion of negotiations.

The pirates maintain a network of foreign correspondents abroad, in Ghana, Benin Republic, Togo, Chad, Niger, and Côte d’Ivoire as attacks at sea sometimes require them to travel abroad. Training of foreign “militants” often takes place in Nigeria. This allows the targeting, movement, and attack on vessels all around the Gulf, including neighboring countries. They go far sometimes out of their territorial waters, with a record of more than 120 nautical miles off the coastline. They can approach their prey aboard a fishing boat, transformed into a mother ship. There are also a few gangs based in Cameroon, but up there the action is more restricted due to the strength of the Rapid Intervention Battalion (BIR DELTA, an elite unit of the Cameroonian army) lying in the peninsula of Bakassi.

Finally these pseudo sea workers consider their life almost normal. They do not realize they are simply killers, bandits who will one day be held accountable. They still hope that at worst, they will receive another measure of amnesty.

5.3. Other Criminal Activities in the Gulf of Guinea: Illegal oil bunkering

Piracy is the tree that hides the forest, in an area where a culture of impunity and corruption prevails. Pirates have special relationship with oil bunkerers, these pipeline vandals, and those who refine illegally and who sell oil on the black market. Oil bunkering and human trafficking are among the worst criminal activities in the Gulf of Guinea region.

Illegal oil bunkering has a particular modus operandi. Oil appears to be mainly stolen during the night by creating branch connections to a pipeline in which the oil is flowing under pressure. Or by blowing up a pipeline, putting it out of use long enough to attach a spur pipeline which will transport the crude oil, often over several kilometers, to a convenient creek, where it is released into flat bottomed loaders (barges) or long wooden “Cotonou boats”. All of the stolen oil for sale outside Nigeria is initially transported in surface tanks or barges. The barges make their way downstream, pulled by small tugboats, to meet awaiting tankers. Due to the topography of the Niger Delta, tankers can approach quite close to the shore at the mouths of major rivers. The vessels involved are typically in poor repair, usually leaking oil, many been officially declassed. In return for their oil, the bunkerers would receive money and weapons. The scale of this illicit trade is enormous. Illegal oil bunkering may look dirty, but it is generally considered legitimate.

A carefully structured system of bribes ensures that officials and community leaders at all levels of the operation allow the oil to pass by undisturbed. A large proportion of money received from the sale of illicit oil on the international market find its way back to Nigeria. This cash returns either on the boats that transported the oil in the first place, or via informal value transfer systems. The money may be moved and laundered through trade-based money
laundering: the under-and over-invoicing of goods on the same returning ships. Another particular pattern is the emergence of other forms of contraband as currency in connection to oil smuggling.

In 2009 this multi-national theft of oil was estimated to about 250,000 bpd (barrels per day) equivalents to the daily production of Gabon. It has also obviously significant linkages with instability in the region, and the assets generated are said to be used in the smuggling operations (arms, drugs, etc.). Indeed, illegal bunkering activities are the source of a substantial volume of the illicit funds flowing into, out of and around Nigeria to countries such as Benin, Cameroon and Ghana. In 2010 the Nigerian Navy engaged in hot pursuit a ship which had stolen crude oil and was then authorized by the Ghanaian authorities to intercept the target in their waters.

Large-scale oil bunkering obviously has links to corruption; funds flow to certain members of the Nigerian political and military establishment. There is an involvement of a number of retired and current military, navy and police personnel, as well as local government officials, high-level public servants and politicians. Within the region, hundreds of make-shift illegal refineries employing thousands of oil workers allow the oil to be converted to other petroleum products that are smuggled throughout West Africa: “Zouazoua” in Cameroon and K’Payo in Benin are examples. Smaller networks exist, such as in Gabon. To avoid paying local taxes, smugglers provide fuel at sea to local fishing boats, by discreet transfers at night from illegal mother-ships loaded directly on adapted platforms.

Tanker traffic is particularly dense. Nigeria lacks the capacity to refine its own product. Crude oil is thus transported out of Nigeria, refined elsewhere, and then imported back into the country where it is sold at below-market rates thanks to a government fuel subsidy. Nigerian criminal syndicates, backed by high-level political and economic patrons, are exploiting this situation by targeting specific tankers for hijacking, offloading their cargo to secondary vessels and then selling the product on the lucrative black market.

5.4. Other Criminal Activities in the Gulf of Guinea (II): Human trafficking of minors

In the Gulf, young children are taken by force and forced into prostitution, another sad activity connected to the armed groups. Another example of the culture of impunity: boats crossing the Gulf with young children who suffer this modern form of slavery, while no customs, police or security officials pay regard to their plight. There is no reaction or assistance given to these children by parents or local fishermen who see them passing by. Even in neighboring countries, the same attitude of indifference, the silence of the authorities is noticeable – even with boats carrying up to 100 children each.

Niger Delta experiences internal and external trafficking of children and constitutes a recruitment, transit and destination centre for external trafficking of women and children.
Internal trafficking means that Nigerian children are recruited predominantly from states of the Niger Delta and trafficked mostly by sea to Gabon, Cameroon, and Guinea to work on farm plantations. Children are also trafficked to Guinea, Mali, and Cote d’Ivoire to work as hawkers and domestic servants. Children from West African countries, primarily Benin, Ghana, and Togo, are forced to work in Nigeria. Many are subjected to hazardous labor in Nigeria’s granite mines.

Concerning external trafficking, Nigerian children are trafficked to European countries and the Middle East to be forced into prostitution and sexual exploitation. Thousands of Nigerian women and children have been trafficked to Europe, particularly Italy, where at least 10,000 Nigerians are engaged in prostitution. It concerns as well the rest of Europe. In France, despite the language barrier, fifty percent of black prostitutes come from Nigeria. These women are often victims of exploitative debt bondage, and may work without pay for two to three years to settle the costs of their illegal importation, this is despite the fact most have been forced.

Most of the trafficked victims of prostitution are children at the time of travel. The recruitment of girls for trafficking en route to Europe is predominantly from Benin City and the Niger Delta. The routes taken to the various destinations are dynamic and are as varied as the different syndicated gangs of traffickers. The most common routes are from Nigeria through neighboring countries or from neighboring countries to Nigeria and by sea.

The route to Europe crosses Sahel, Sahara, and North African countries like Morocco or now Libya (since the war in Mali at the beginning of 2013). The children reach the European coastline aboard speedboats. There is another route across the Suez Canal to the UK and other parts of Europe. At the beginning of the journey, the porous borders of West Africa facilitated by the ECOWAS Treaty, or the lack of maritime surveillance in the Gulf, allow easy passage for this disgusting and illicit trade.

6. Root Factors and Social Implications among Populations in the Gulf of Guinea Region: Networks for Supplying Sexual Favors to Oil Workers, Drug Trafficking, Illegal Fishing, Smuggling, Counterfeiting, and Corruption

In fact, the low level of the societal perception of children in West Africa makes African readily accept and ignore the criminality of trafficking of children for forced labour. Undoubtedly trafficking of human beings is a heinous crime according to Nigerian, African, and international laws. Unfortunately there have been very few recorded arrests and successful prosecutions of these traffickers. In reality, the traffickers of children for labour purposes (other than prostitution) are not regarded as criminals. Hence in Nigeria there is no record of any arrest of traffickers of children for domestic labour.

Isolated oil workers, usually confined to their facilities, need an access to women of easy
Piracy and Maritime Crime in the Gulf of Guinea

virtue in the evening. Their money flows from illegal bunkerers to uniformed men. These men use their power to extort young women, mainly students to provide sexual favours. The young girls use guest houses owned by landlords who reside in regional cities. They embark on a journey of about two hours on boats to sell their bodies to make money. In return these women sponsor oil bunkerers. They become powerful women, queens of the coast who have made millions of Naira.

West Africa also serves as a drug-transit area between Latin America and Europe. Nigeria is a major transit country and a center of criminal financial activity for the entire continent, despite it is not being an offshore financial center.

It must be remembered, that the drug trade is coalescing with the arms trade and that the Gulf of Guinea pirates are well involved in the local drug trade. This trade started with cannabis, but now involves cocaine, methamphetamines and heroin. Nigeria’s dangerous and ruthless criminals, whose reputation is second to none in Africa, are present everywhere in the world. They exist and exploit in countries and regions including China, Japan, South America, Pakistan, and Afghanistan and of course in Europe and the United States.

Armed groups in the Delta would not let drug smuggling pass through their domain without their knowledge and agreement. They have therefore been involved in the circuitry of cocaine from Africa to Europe. The delta's porous estuaries have carried not only smuggled guns but smuggled narcotics. These very flexible networks are changing constantly. There are clear indicators showing that drugs enter Nigeria and its neighbors through sea ports including Lagos. Regular deliveries of cocaine from South America are known to have passed through and smugglers have been arrested in the Delta.

Nigerian criminal organizations take advantage of weak laws, systemic corruption, lack of enforcement, and poor economic conditions to strengthen their ability to perpetrate all manner of financial criminal activity at home and abroad. They are present all over West Africa and their organizations have proven adept at devising new ways of subverting international and domestic law enforcement efforts and evading detection. Their success in avoiding detection and prosecution has led to an increase in many types of financial crimes, including money laundering, bank fraud, real estate fraud, identity theft, and advance fee fraud - also known locally as the “419 fraud”.

On the Gulf’s coastline, mother-ships arrive at thirty to forty nautical miles off the coast, where fishing boats or launches meet them at rendezvous points in order to cooper (transfer of the consignment). Smaller consignments of cocaine are then taken ashore. Drugs are re-packaged and transited to Europe through air and land borders. The border control of the Gulf of Guinea is therefore crucial in the fight against drugs trafficking. The porosity of borders and the scale of trade at seaports mean that drugs leave the Gulf in almost all directions; for instance shipments from Lagos move north across the Northern Niger, as the harsh
terrain presents particular difficulties for law enforcement; otherwise drugs hidden in dug-outs cross sometimes the Niger Delta in order to follow the new route to Cameroon, Chad, Libya, and Europe.

Illegal fishing, otherwise known as pirate fishing, includes unreported and unregulated fishing. It is a major concern for the Gulf especially for Gabon, Sao Tome, and Cameroon. Foreign trawlers come illegally in the territorial waters to fish without license. This illegal fishing is the scourge of the Sao Tome waters, because the country is not able to enforce the laws in its own waters. Illegal Chinese fishing vessels such as industrial trawlers are reported in the Cameroonian fishing waters as well as fishermen coming from Benin, Nigeria, and Togo. They dare to fish within the three nautical miles zone, which is the reproduction area of marine species. A few Japanese industrial trawlers have even been reported in the Gabonese waters fishing illegally whales in their period of reproduction.

Illegal fishing in the Gulf of Guinea is essentially out of control because there is no serious aerial surveillance. GG authorities are not able to quantify exactly the harm that such activities cause to the regional economy and to the sustainable development of national marine resources. Illegal fishing is really a crucial preoccupation for the countries’ maritime security.

Unseaworthy vessels are another problem. Sao Tome authorities, and a few other Gulf of Guinea countries, insist that there are many unseaworthy boats fishing in their territorial waters. This explains the presence of visible wrecks around the islands. The absence of maritime surveillance in Sao Tome attracts these sea adventurers and their miserable crews, especially when the fish always find purchasers in other African ports; an example being the Spanish Canary Islands, which is then illegally introduced into the European market.

The list of unseaworthy ships in the Gulf is incommensurable.

Gulf of Guinea authorities are also permanently concerned by the release of toxic products. The coastal population and local fishermen report many cases of dead fish on the beaches or on the surface of the sea.

Poor African nations have been used as the dumping sites for hazardous toxic waste materials from developed countries. Their intention is to reduce the costs of disposing or recycling of these industrial by-products. On the pretext of re-use, equipment which is clearly not suitable for any type of re-use is effectively being dumped in developing countries, hundreds of thousands of discarded items, which under European law must have been dismantled or recycled by specialist contractors, and have been packaged into cargo containers and shipped to countries such as Nigeria, Ghana, and Ivory Coast, where they are stripped of their raw metals by young men and children working on poisoned waste dumps. According to a recent report, a million tons of e-waste finds its way to five West African countries every year. Locals turn a profit by extracting precious metals from the waste, but release
hazardous chemicals in the reclaiming and recycling process.

Smuggling is omnipresent in the Gulf. Small boats are a perfect tool for this purpose, especially small canoes, which have no documents aboard and which carry passengers without identity cards. They are loaded with bulk in which you can find anything. This method of transport avoids any customs duty. Among the many loads are prohibited goods or goods subject to quota or justification, including rare timber, ivory, alcohol, tobacco, drugs, small arms, counterfeit products, gold, endangered species of animals, diamonds, video and electronic equipment, and stolen oil. Checks are infrequent and random. An important smuggling network from Equatorial Guinea delivers alcohol and cigarettes to the continent, other networks come from Nigeria with electronics and video equipment. There are too many circuits to describe.

The artificial and porous borders between neighboring countries have made for easy transportation of arms across these countries and so through the activities of states, arm brokers and mercenaries, thousands of weapons have been transferred into the Niger Delta region and used by state security forces, the security factions of oil companies, and insurgent groups. The current traffic is complex, but everyone knows that apart from Liberia, Ivory Coast, and Sierra Leone where the surplus is sold, there are intense arms smuggling circuits on the borders of Cameroon and Nigeria principally from Chad – this is the Sudan conflict involving the Darfur rebels. Arms are also smuggled across the Gulf of Guinea.

These examples show how serious the problem of porous borders in Africa especially when ethnic linkages cut across borders. Strong ties between families of the same ethnic groups across borders create a new form of regional insecurity as it can accelerate the flow of arms and other illicit acts including mobilization for conflicts.

Finally, on counterfeiting and corruption: Counterfeiting is a national sport in Nigeria, counterfeiting accounts for eighty percent of the pirated international music. As mentioned earlier there are so many types of counterfeit including medicines, spare parts and clothes. Products are shipped by vehicles or at sea to cross the Gulf of Guinea to various destinations. A recent report by the United Nations Offices on Drugs and Crime (UNODC) placed the annual value of the trade in fake and low-quality anti-malarial drugs at $438 million, while cigarette smuggling from West Africa (mainly made in Nigeria) to North Africa and Europe was estimated to net approximately $775 million per year.

Endemic corruption examples abound. Here is a governor who is arrested, there is a general, here is a politician, and there is a prominent chief of police or customs. We just have seen a preview of the fraud linked to piracy; maybe this inventory can enable stakeholders and analysts alike to realize the magnitude of the phenomenon. Piracy is a symptom of deeper maladies. We cannot treat piracy separately, but must be considered as with all other crimi-
nal activity in the region. Otherwise it would be futile. The pirates, who are already involved in other clandestine operations, can change their type of criminal activity overnight. It is important to note, that what matters for these criminals is to make money by whatever means are currently available.

The position of the international community here is different from what has been achieved in Somalia. Here piracy affects a multitude of states together with their territorial waters. These states are reluctant to share information because of the sometimes undistinguishable country maritime limits. Add the history of colonial origin, different languages, the past wars, the ethnic traditions and politics, then the possibility of serious collaboration diminishes rapidly. And of course, there is the question of the exploitation of natural resources, where states are reluctant to take responsibilities for their own exploitation. Thus from the beginning of piracy in the Gulf no state took control. Gradually INTERPOL, the UN Office on Drugs and Crime (UNODC) and World Customs Organisation have included Gulf of Guinea piracy in their analyses of organized crime in West Africa. This international attention acknowledges that maritime threats in West Africa exist as a component of transnational crime and have an impact far beyond the immediate region.

7. **Response of the International Community**

Nevertheless during the last decade the world maritime community, has already pressed for international solutions in the framework of the International Maritime Organization (IMO) seeking regional agreements enabling coastal states to deliver a common response by pooling their resources against piracy on the high seas whilst asking coastal states to take their part in preventive surveillance and possible armed responses within their territorial waters. The IMO has been involved in technical assistance projects relating to the maritime field in the region for many years and has established a regional presence in West Africa in 1999. IMO has been conducting a series of “table top exercises” aimed at developing and promoting a multi-agency, whole of government approach to maritime security and maritime law enforcement issues in States throughout the region.

The Gulf of Guinea Commission (GGC) (created in 2001 in Libreville) comprises of 8 member states with 7 belonging to the Central Africa sub-region (Angola, Cameroon, Congo, Gabon, Equatorial Guinea, the Democratic Republic of the Congo, and Sao Tome-and-Principe) and only Nigeria from West Africa. The Commission facilitates regional consultations to prevent, manage and solve conflicts which could arise (delimitation of maritime borders -economic and commercial exploitation of natural resources inside national borders).

The 28th Ministerial Meeting of the Permanent Consultative Committee of the United Nations in September 2008 evoked for the first time the need for the organization of an international conference on the maritime piracy in the Gulf
Piracy and Maritime Crime in the Gulf of Guinea. In 2010, the EU Commission sent a first exploratory group of experts in the Gulf, in order to following the objectives of the Indicative Programme 2009–2011 for the Instrument for Stability. The UN Security Council sent a mission later to visit the region as did the American government. The IMO has assisted ECOWAS in the drafting of the Code, which incorporates many elements of the IMO-developed Djibouti Code of Conduct, signed by 20 States in the western Indian Ocean and Gulf of Aden area, as well as provisions from the existing Memorandum of Understanding (MoU) to establish a sub-regional integrated coast guard function network in West and Central Africa, developed in 2008 by IMO and the Maritime Organization of West and Central Africa (MOWCA).

Signatories to the Code intend to co-operate to the fullest possible extent in the prevention and repression of piracy and armed robbery against ships, transnational organized crime in the maritime domain, maritime terrorism, illegal, unreported and unregulated (IUU) fishing and other illegal activities at sea with a view towards:

(a) sharing and reporting relevant information;
(b) interdicting ships and/or aircraft suspected of engaging in such illegal activities at sea;
(c) ensuring that persons committing or attempting to commit illegal activities at sea are apprehended and prosecuted; and
(d) facilitating proper care, treatment, and repatriation for seafarers, fishermen, other shipboard personnel and passengers subject to illegal activities at sea, particularly those who have been subjected to violence.

Whilst promoting regional co-operation, the Code recognizes the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

Finally, the June 24–25 2013 summit in Yaounde, Cameroon, brought representatives from the Economic Community of West African States, the Economic Community of Central African States, and the Gulf of Guinea Commission together to draft a code of conduct concerning the prevention of piracy, armed robbery against ships, and illicit maritime activity (signed by 22 states). September 2013 saw the launch of CRIMGO, a European mission on ‘The Critical Maritime Routes Programme.’ The focus of this European project is on the security and safety of essential maritime routes. Its objective is to increase maritime security and safety; thereby helping to secure shipping and trading lines of communication. In the long term, the programme aims to improve maritime governance. The programme started in fact in 2009 and is trans-regional, with activities concentrated in South East Asia, the Western Indian Ocean, and the Gulf of Guinea.

8. How to Fight Piracy and Maritime Crime

We have seen the involvement of the international community, in its broad outlines: preparing coastguard services and naval forces, to work together, to share operational information
and intelligence using a common data base fed with formatted and encrypted messages is a very good solution. Coast guard and naval force, must work together, in close co-operation.

Maritime insecurity absolutely affects the whole world and therefore concerns the international community. In the Gulf of Guinea, we must try to adopt measures of common sense, because with all the political rhetoric and the fragmentation of international structures we can easily get lost in the different issues to solve.

9. Immediate Solutions

9.1. Enforce Laws, Arrest Pirates

Piracy must be stopped as soon as possible because it kills or traumatizes innocent people, being thus an act of barbarism which must end. It also has great financial costs to the whole international community and it is a cancer which destroys gradually the civil society of the littoral populations. We need to enforce and to arrest pirates and they need serious punishment after legal procedure.

9.2. Creation of a Gulf of Guinea Maritime Air Watch

There is evidence that poor policing in the Gulf of Guinea waters makes the coastline attractive to criminal activity. Due to the circumstances and the tense situation in the area, deterring and responding to this issue requires an immediate coordinated maritime surveillance to enforce the law, to protect the coastal population as well as the sea workers and to intercept and arrest the transgressors. The ideal would have been to create a joint coast guard, but on one hand tempers flare quickly in this part of Africa and the countries still have many differences to overcome and on the other hand the Cotonou code of conduct of imposes the principles of sovereign equality and territorial integrity of states and that of non-intervention in the domestic affairs of other states. So there is no question to create a regional, mutual, and multi-national coast guard. International military support has already been stepped up in the area. Regularly coming every year, United States, France, United Kingdom, Brazil, and Spain have contributed during several years to bilateral partnerships and sent naval detachments to train and kit out the African navies so as to boost patrols; we have seen that the European Union is currently beginning to train coastguards in the framework of CRIMGO, but it is not enough. The naval assets of the Gulf of Guinea littoral states do not have enough budgets to maintain a permanent presence at sea of their cutters. What is important is to maintain a permanent watch, day and night in every area. But warships and launches at sea cost a severe amount of financial resources. Nigeria, for example is a country in war in its northern states. The war in the north of the country, against Boko Haram and other jihadi splinter groups, is a substantial financial drain and is the most serious threat to Nigeria. The military resources away from naval forces diminish the efforts made for joint maritime operations and usually amount to intermittent sweeps, rather than a continuous patrol pres-
ence. Outside of Nigeria, the level of maritime security capacity is even lower, as neighboring states have only a handful of patrol boats. A small island as Sao Tome with its territorial waters has only a small rigid hull inflatable boat. We must find a way to know what happens every day at sea to take the appropriate action. Any expert in the field knows that this is possible with a small air fleet, saving the cost of naval assets. This technical solution could take the form of a regional air surveillance unit, a reliable mutualized and multinational air watch which would be therefore an indispensable tool that would provide efficiently, a first combined maritime surveillance according to the principle that without eyes at sea, there are no sightings and thus no output. No government should fear such a regional unit. As a neutral regional maritime security agency, the GG Air Watch would use its unique competency, capacity, operational capability to track and monitor the ship’s and boat’s movements and to patrol the maritime approaches, the Economic Exclusive Zones, the territorial waters, coasts, ports access channels, rivers and isolated remote areas of the Gulf states. When states pool equipment, it is much cheaper. But such a service must depend only on the regional community and operate in accordance with objective criteria related only to the operational aspect. This implies no political interference and a real operational autonomy. Such action requires only a maritime air squadron equipped with bi-turbines aircrafts, which have a good cruising speed and are equipped with radar, good day/night vision and serious communication equipment, with flight autonomy of five to six hours of patrol. These aircrafts would transmit their sightings to the coordination center of Douala, and for information to all the national centers of vigilance (Maritime Security Operations Centers) located in every Gulf of Guinea state. With three to five aircrafts, the Gulf would be covered day and night and would be under permanent surveillance, which would limit really the incursions at sea of these criminal crews. Good intelligence and a sharp lookout are advised in waters where attacks occur, as there is some evidence that the attackers will haul off and not proceed with an attack if they see that they are observed in the sky or at sea.

In the case of suspect movement, any concerned National Maritime Security Operations Center would respond by immediately sending its own fast naval interceptors to stop and neutralize the target, inspect and rummage it legally and finally escort it ashore for legal proceedings. These interceptors could as well escort ships deemed to present or be at significant risk, enforce fixed security zones at maritime critical infrastructure and key resources. The international community could and should finance this Gulf of Guinea Maritime Air Watch, which in relative terms is not expensive. The staff, aviator mechanics and observers, can be initially composed of foreign experts mastering the art, such as young international retirees of coastguard aviation services, which could then train young African colleagues from the Gulf of Guinea countries. The status of the service should be civil and cer-
tainly not military. This service could be operated by an international non-governmental organization (such as BORDERPOL) or even by a private company under the umbrella of an African authority such as the African Union. As soon as funded, such a project could be operational 9 months later.

9.3. Assistance to Navies and Coast Guards

In addition to air support, the international community can still help the Gulf States, by providing the same type of naval interceptors that can be operational very quickly in every country for the benefit of the whole regional community. These naval interceptors such as fast rigid hull inflatable boats (RHIB) would be equipped with suitable basic and standard equipment (means of communication and evidence recording, radar, GPS, and weapons). Their use could be technically triggered as a result of aerial observations through the center of Douala, which could previously send an urgent request to the duty officer of the country where the situation requires intervention. The different national crews could be trained at the same time depending on the language groups (mainly English and French) in the framework of CRIMGO. The international trainers and advisers would teach the basic interception techniques as well as rules of international and domestic procedure and human rights, so that officers could act intelligently and professionally in accordance with international conventions and national law. A maritime intelligence data base could be developed on gangs of pirates, on kidnappers, on smuggling networks, suspicious persons including illegal bunkerers and refiners, suspect ships, vehicles and companies. CRIMGO is on the way to develop information sharing concerning sightings and maritime intelligence. It is but a first step. All over West Africa, from Dakar to Luanda, maritime services should be vigilant about coasters and tankers calling in their ports, which could be linked to illegal oil bunkering and other criminal activity. Canoes, who become suspect for their involvement in any illicit business, should be immediately boarded as well wherever it is.

9.4. Assisting Gulf of Guinea Law Enforcement Agencies

Another important part of this training should be devoted to the officer’s motivation, so that they are better aware of their role, in the service of peace in the Gulf of Guinea, so that they achieve the objectives of their work and they no longer feel isolated from the local population, young workers and foreign neighbors. And above all to change the law enforcement mentality and to restore the honor in public service missions and restore pride to these state’s officers.

9.5. Assisting the Judicial Systems

Even when suspected pirates are captured, they are rarely prosecuted; so the proper functioning of justice must also be considered as one of the cornerstones of the capacity building. Pirates, smugglers and criminals must be tried fairly but always condemned without complacency. Corruption and money laundering should also
be pursued. The best way is to promote at the same time the establishment of the rule of law in Gulf of Guinea countries by ensuring that the judicial (and law enforcement) system becomes free of corruption. This could be done by the dispatch of law enforcement and judicial advisors from developed countries that possess expertise in investigating and prosecuting corruption, organised crime and piracy cases. They could train judges, prosecutors and lawyers as well as law enforcement senior officers.

Another step to take therefore is to put quickly in place appropriate law that would empower the agencies in their work; such enactments should include the power to use force to subdue pirates and their eventual prosecution under the law. Any measure against piracy should therefore include sensitization and enlightenment of the littoral communities towards the danger in helping pirates in their criminal activities.

10. Long-Term Solutions

10.1. Enforcing Action against Illegal Oil Bunkerers, Oil Workers, and Smugglers

The government of Nigeria must begin to pursue and prosecute oil bunkerers, oil workers and public servants who are involved in the illegal trade. Gulf of Guinea states must start to track down the criminal networks, some of them being led by foreign nationals of neighboring countries, who direct bunkering operations. It should cooperate with international efforts to track down and apprehend vessels suspected of trafficking stolen oil. It should be more willing to share intelligence and work with nations where spot markets are based, encouraging them to play their part in cracking down on bunkering. In addition, there should be serious efforts made to target the corrupt political figures that form and maintain armed groups for political violence. The international community of oil producers could be associated to the funding of this particular activity.

10.2. Efforts towards Civil Society Capacity-Building

Conditions to bring back a peaceful and healthy life in the Delta imply a return to a transparent negotiation process, involving dialogue, broad consultation and involvement of all stakeholders. Good democratic governance must be established in the respect and promotion of the principles of fundamental human rights, the rule of law, rule by consent and public interest. Niger Delta civil society needs a democratic environment and an improvement of its relationship with neighboring countries. Ethnic differences have to be treated as an advantage by teaching mutual respect and understanding. A promotion of educational and awareness-raising campaigns should target the village communities and the educational system which should be used as the pillars of an information campaign to change mentalities. The main aspect of such program would be campaigns against banditry, robbery and the connected culture of impunity as well as against corruption, in order to restore the concept of pride and self-respect of the people.
Generally speaking the youth going daily to school is totally open to such campaigns. They hope for a better world and criticize the old generation involved in corruption, robbery and crime. The cost of such campaigns is relatively cheap. The international community should provide humanitarian assistance in order to help to enforce the rule of law in places where there is pollution, no water supply, no electricity and a shortage of firewood.

All Gulf of Guinea countries should boost job creation along the coastline, in particular by protecting artisanal fishing, stimulating the local fish processing industry, providing professional training to vulnerable sectors of the population (former combatants, former oil bunkerers and unemployed youth) and reinvesting assets seized from criminal and smugglers in development projects.

The government of Nigeria should initiate many new measures which enable monies earned in the gulf region to stay in the region or a much greater part that stays within region at present. This would remove one of the main grievances of the protestors against the governmental attitude. However, the money has to go directly to the local community to avoid diversions by corrupt politicians at state and local government levels. Several recommendations have already been made by Nigerian strategists for directly giving residents of all communities affected by the oil industry a stake in the oil and gas production that affects their region so strongly. They also said that residents would have a better reason to safeguard oil facilities if they had a greater sense of ownership of the industry. In addition, the federal government should keep its promise to improve the economic well-being of people in the Niger Delta and improve the woefully inadequate infrastructure of the region.

10.3. Cleaning the Niger Delta

The UN Environment Programme (UNEP) has announced in 2011, that Shell and other oil firms systematically contaminated a 1,000 sq km area of Ogoniland, in the Niger delta, with disastrous consequences for human health and wildlife. Nigerians had "paid a high price" for the economic growth brought by the oil industry, said Unep's executive director.

10.4. A Regional Register

The aim should be to create a regional register of small boats travelling between Gulf of Guinea countries. A regional identification number for each canoe and each boat should be tagged on the hull (on each side) and on the bridge if there is any. It needs a computerized connection between the involved countries. It can be very simple and cheap and would help identification of the assets. Painting in white the identification numbers on hull are not very costly and it takes only around two hours to paint it. Skippers and their crew should also be required to carry acceptable means of identification, with a maritime regional number. A laminated card is not very expensive and with a bar code or an electronic chip, it is easy to decrypt it.

New commercial networks need to be imagined and created to recycle oil workers and bunkerers in a legal activity (legal maritime
transport, fishing, tourism, seaweed farming, marine parks, marine archaeology, and others) because smuggler’s employees are both offenders of laws and victims.

11. Conclusion

In summary, much work remains to be done in the Niger Delta and the Gulf of Guinea. It is a momentous challenge, and a crucial one to the West which must be thought of as a key strategic one.

12. References & Documentation


Iwayemi, Akin: Oil and Gas in the Gulf of Guinea, geopolitical considerations, (Centre for Petroleum and Energy Economics and Law, University of Ibadan), Ibadan 2013.
