

FIXING THE UNFIXABLE?

THE NEED FOR A NEW APPROACH TO DEVELOPMENT IN THE NIGER DELTA

MICHAEL WADDINGTON JUNE 2021



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KEY POINTS

in 80% of attacks in the Gulf of Guinea pirates were armed with guns. Out of 135 crew members kidnapped globally, 130 were taken from the Gulf of Guinea

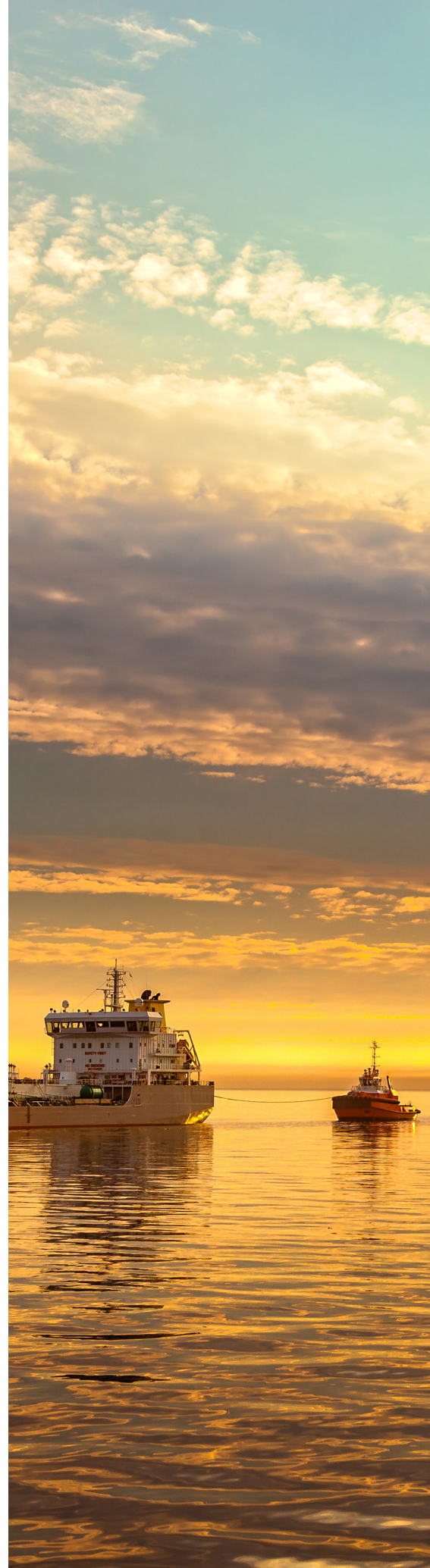
...in 2019 the petroleum extraction provided \$53.78bn of Nigeria's \$63.8bn worth of exports.

In responding to the Delta insurgency, the Nigerian state again failed to provide solutions to the underlying issues causing violence, instead prioritising creating enough stability to allow oil extraction

Deep offshore pirates are the smallest group, but the best funded, organised and equipped

Any measures to better police the Gulf of Guinea will require all nations sharing these waters to work together to share intelligence and allow cross border patrols ideally in a unified taskforce.

The problems of the Niger Delta are by no means unfixable, however effective solutions will need multiple parties working in harmony which will take time to plan and organise in order to see effective development.





The Gulf of Guinea has consistently been one of the most at-risk regions for piracy, with dozens of attacks against shipping year in year out. The pirates of the Gulf of Guinea are known for their extreme violence and use of firearms during attacks. According to IBM in 80% of attacks in the Gulf of Guinea pirates were armed with guns (1). Out of 135 crew members kidnapped globally, 130 were taken from the Gulf of Guinea (2). Pirates have launched attacks as far as 220nm from the coast against steaming vessels, suggesting advanced tracking and operational capabilities (3). The dangers associated with shipping through the Gulf of Guinea have grown to an extent that the territorial waters of Nigeria and Benin were designated a High Risk Area and in November 2020 an Extended Risk Zone was added stretching from Liberia to Angola (4).

THE NIGER DELTA: ECONOMIC POWERHOUSE, SECURITY DOGHOUSE

These serious and longstanding issues raise many questions about maritime security in the Gulf of Guinea: Why are there so many pirates operating in the region? Where are the pirates coming from? Who is arming the pirates? And perhaps most importantly; what can be done to stop them? The answers to these questions can mostly be found in the Niger Delta. This is a space some 14,000 square miles (36,000 square km) made up of an intricate network of rivers, mangroves and sandbars. This environment lacks infrastructure so most transport is done through the creeks. This environment is incredibly hard to police and leaves plenty of space accessible by boat for militants and criminals to hide their operations. Within this inhospitable and labyrinthine environment and offshore from it lies Nigeria's main source of revenue; the vast petroleum extraction industry that in 2019 provided \$53.78bn of Nigeria's \$63.8bn worth of exports(5). However, the presence of vast oil wealth has not benefited the inhabitants of the Niger Delta, instead irresponsible oil extraction, excessive gas flaring and oil spillage has led to environmental degradation making agriculture and fishing which previously sustained locals much less productive(6). This among other issues of poverty and poor development precipitated in the Niger Delta insurgency of the late 2000s. This period saw the petroleum industry targeted by militants, leading to oil production dropping from 2.6 million barrels per day to as low as 700,000(7). This period also saw a rise in piracy as militants took to the seas to attack oil and shipping interests, with cases jumping from 12 in 2006, to 42 and 40 in 2007 and 2008 (8).

While grievance and the terrain in the Niger Delta work in the favour of pirates, this alone is not enough to allow piracy to become as organised and large scale an industry as it has in Nigeria. Ursula Daxecker and Brandon Prins argue that pirates are best able to operate in regions with a weak central government, but intermediate local government. This is because the main victims of piracy are international shipping rather than the nation the pirates operate from itself, making dealing with pirates a low priority for governments with limited capacity. However, for organised piracy to be practicable and profitable pirates need access to markets, recruits and corrupt officials willing to work with pirates (9). The Niger Delta ticks all of these boxes; the federal government of Nigeria is weak and over-stretched having to deal with the Islamist insurgency in the north, herdsman-farmer conflicts and criminal gangs roaming throughout the country,(10) while the Niger Delta has large towns and cities with local leaders and security services willing to take bribes and work with pirates for a cut of their profits or for cheap oil. (11)

(1) IMB annual report 2020, 25

(2) IMB annual report 2020, 12

(3) Katja Lindskov Jacobsen, "Pirates of the Niger Delta: Between brown and blue waters," UNODC, 2021. 25

(4) "Gulf of Guinea and Somalia High risk areas extended as of 01 Nov. 2020" Maritime Cyprus 2020. <https://maritimecyprus.com/2020/10/26/gulf-of-guinea-and-somalia-high-risk-areas-extended-as-of-01-nov-2020/>

(5) "Nigeria," Observatory of Economic Complexity, 2021. <https://oec.world/en/profile/country/nga/>

(6) Z. A. Elum, K. Mopipi, A. Henri-Ukoha, "Oil exploitation and its socioeconomic effects on the Niger Delta region of Nigeria," Environmental Science and Pollution Research, 23 (2016) 12880-12889. 12883

(7) Surulola James Eke, "No pay, no peace: political settlement and post-amnesty violence in the Niger Delta, Nigeria," Journal of Asian and African Studies, 50, vol 6 (2015) 750-764. 750.

(8) IMB annual report 2010, 5.

(9) Ursula Daxecker, Brandon Prins, Pirate lands: governance and maritime piracy (New York: Oxford University Press, 2021). 10-14.



PIRATES OF THE DELTA

The size, geography and political environment of the Niger Delta has allowed piracy to flourish. However, not all pirates are equal. A recent UN Office of Drugs and Crime (UNODC) report on the Niger Delta has highlighted that pirates in the Gulf of Guinea come in 3 major classifications; riverine criminals, coastal and low reach pirates and deep offshore pirates.⁽¹²⁾ Riverine criminals are those that travel the creeks of the Delta, usually operating as part of a Nigerian criminal “cult” taking part in essentially riverine banditry. Coastal and low reach pirates operate up to around 40nm from shore where they predate local vessels, mostly those engaged in fishing, oil and gas support or cabotage. These pirates often kidnap other Nigerians for ransom, loot ships and extort local businesses. Deep offshore pirates are the smallest group, but the best funded, organised and equipped. These are the pirates that are operating up to 220nm from shore kidnapping foreign crew to ransom for large sums (in total around \$4 million in 2020 alone).⁽¹³⁾ In order to cover the costs of these major operations investors are necessary to pay for vessels, hostage camps, arms and fuel.

These different groups represent an array of threats to shipping, both local and international in the Gulf of Guinea. According to interviews undertaken in the UNODC report, pirates from across all these groups are reliant on money from piracy for their basic necessities such as food and healthcare as well as education and homes for their families due to the lack of licit jobs available in the Delta.⁽¹⁴⁾ While this may be true for many of the rank and file involved in all three types of piracy, the sponsors and kingpins funding and organising deep offshore piracy are likely incredibly wealthy with access to licit means of income, as well as a share in the illegal oil bunkering industry which is estimated to take \$10 million per day.⁽¹⁵⁾ Tackling piracy and other criminal activity that presents a threat to shipping in West Africa will require serious and large-scale engagement with the inhabitants of the Niger Delta at all levels. Efforts have often been lacklustre for a variety of reasons. Primarily, development efforts have focused on the region’s elite; be they local politicians, influential families or even those that gained power by leading militant groups during the Niger Delta Insurgency.



(12) Jacobsen, “Pirates of the Niger Delta,” 7.

(13) Jacobsen, “Pirates of the Niger Delta,” 11.

(14) Jacobsen, “Pirates of the Niger Delta,” 59.

(15) Jacobsen, “Pirates of the Niger Delta,” 79.



FIXING THE UNFIXABLE: PAST DEVELOPMENT FAILURES IN THE DELTA

The Niger Delta Development Commission (NDDC) was set up in 2000 with a mandate to increase development and work on peacebuilding. (16) However, NDDC projects were implemented in a highhanded top-down manner with NDDC funds generally assigned to those with the most political power. This quickly led to grants becoming viewed as a resource for Delta politicians to compete over for political capital, rather than to be used to effectively improve life for the people in the Delta. (17) This resulted in many poorly planned and unnecessary projects, but as NDDC funds were treated as a resource to compete over, complaining about issues would reduce the chances of getting future investment. This led many to feel they had to accept whatever they were given, regardless of the quality or utility of the projects. (18) This image of projects being a scheme to allow the rich lucrative contracts has not passed the people of the Delta, during fieldwork one researcher found that 90% of interviewees reported corruption at every level of NDDC funded interventions. (19) While this is anecdotal, it is given credence by Transparency International placing Nigeria 149th of 179 countries on its Corruption Perception Index. (20) The NDDC's failures can be seen with the rise of the Niger Delta Insurgency in the mid-2000s, largely driven by grievance of those that saw their region's resources producing billions of dollars for Nigeria at the expense of their traditional ways of life and poorly planned and largely ineffectual development projects. This, and the general corruption that has hampered development throughout Nigeria has led to vast sums spent to improve the lives of the people of the Delta disappearing into politicians and their clients pockets.

In responding to the Delta insurgency, the Nigerian state again failed to provide solutions to the underlying issues causing violence, instead prioritising creating enough stability to allow oil extraction to resume at pre-insurgency levels. The 2009 amnesty for Niger Delta militants highlighted the priorities of the Nigerian state perfectly. The amnesty was touted to include comprehensive Disarmament, Demobilisation and Rehabilitation (DDR) scheme designed to bring ex-militants back into society, but in reality the scheme ended up as a pay-off for militant leaders to allow oil production to resume.

Disarmament consisted of federal authorities taking only the weapons militants were willing to hand over, rather than trying to comprehensively reduce arms in the region. Demobilisation efforts were also lacklustre as many militants did not feel they could trust the Nigerian state to deliver on promises so remained under arms. By 2010 rehabilitation efforts slowed creating anger over the promised allowances and training for ex-militants. These complaints escalated to threats to return to violence when even those that did receive training were unable to find gainful employment. (21) This was contrasted with the experience of former insurgent leaders for whom the amnesty provided multi-million dollar contracts to protect the oil infrastructure they had been preying on. (22) However, by allowing these former warlords to take security roles, it became apparent that the foxes had been appointed to guard the henhouses, leading to a continuation of oil bunkering. (23) In essence, the insurgency was ended by paying off insurgent leaders with massive security contracts and implicit access to oil rents through bunkering. This reduced piracy temporarily, likely as militants no longer needed to violently seize oil from shipping, instead being able to siphon from pipelines and terminals directly.

These same ex-militant leaders have allegedly been able to form strong connections with Nigerian politicians by providing support in the form of voter intimidation and electoral violence for them. (24) The situation that this has led to has been described as a "pax criminalis" with relative stability in the Delta necessary for oil extraction in return for allowing the leaders of the insurgency to become rich through official security jobs, work in electoral violence and oil bunkering. (25) This situation has likely been key in the evolution of piracy in the Gulf of Guinea. With tacit approval of oil siphoning and bunkering, criminals have less need to take oil from vessels and instead have turned to lucrative kidnap and ransom operations. These semi-legitimate kingpins have all the necessary funds and connections to politicians, security forces and pirates to form and bankroll the advanced deep offshore pirate groups seen preying on shipping in the Gulf of Guinea.

"by allowing these former warlords to take security roles, it became apparent that the foxes had been appointed to guard the henhouses, leading to a continuation of oil bunkering"

(16) Demola Akinyoade, "Doing Both Harm and Good: The Nature, Dynamics and Implications of the Niger Delta Development Commission's (NDDC) Interventions in Odi, Bayelsa State, Nigeria," *India Quarterly*, 73(1), (2017) 53-76. 56.

(17) Akinyoade, "Doing Both Harm and Good," 61.

(18) Akinyoade, "Doing Both Harm and Good," 67.

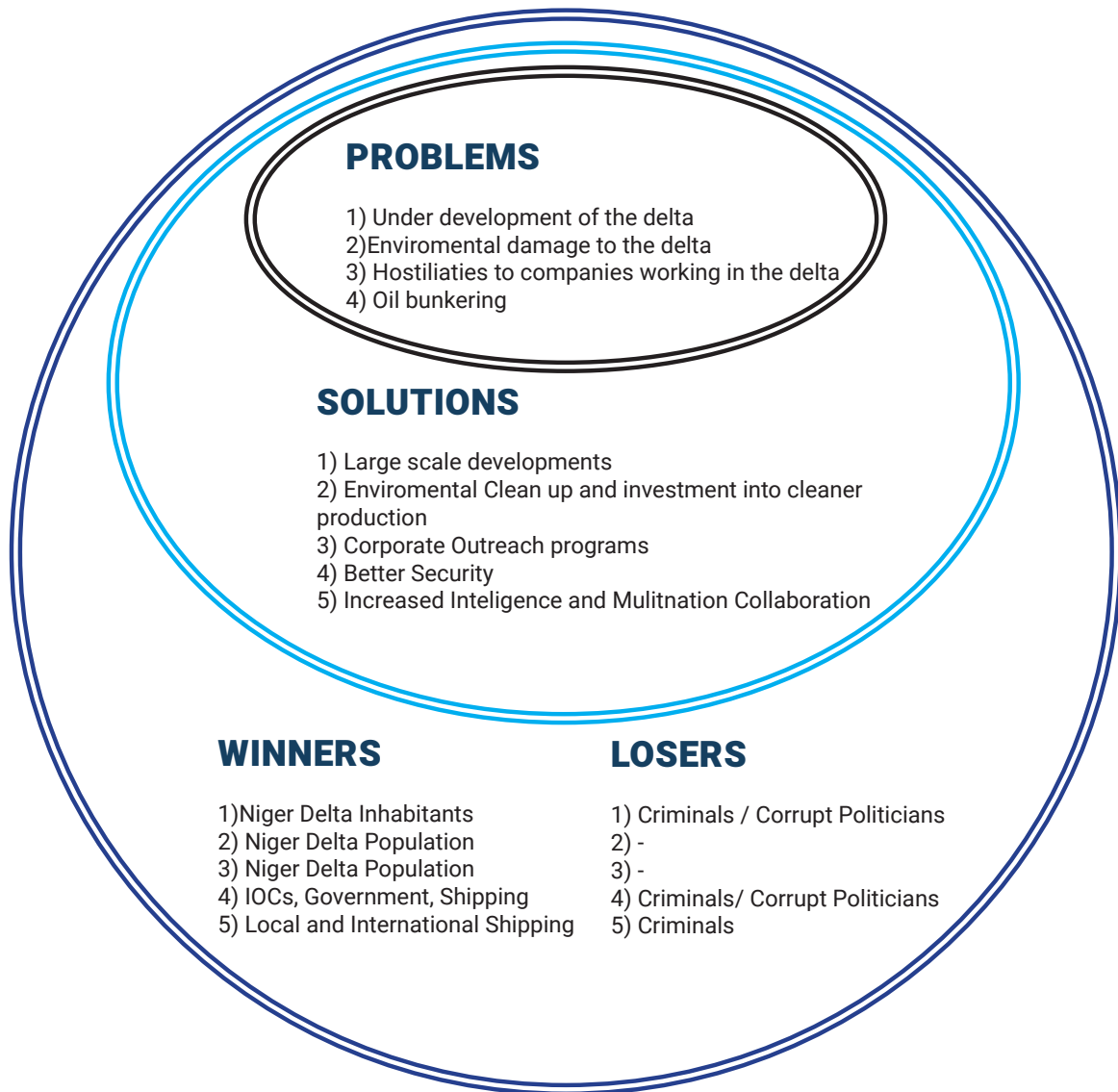
(19) Akinyoade, "Doing Both Harm and Good," 65.

(20) "Corruption Perceptions Index," Transparency International, 2021. <https://www.transparency.org/en/cpi/2020/index/nga>

(21) Daud Hassan, Sayad Hasan, "Effectiveness of the Current Regimes to Combat Piracy in the Gulf of Guinea: An Evaluation," *African Journal of Legal Studies*, 10, (2017), 35-65. 48.



THE PROBLEM, SOLUTION, AND WINNERS



IMPLEMENTATION

- 1) Local Niger Delta inhabitants would be included in planning process, funds would come from federal, government, local government, MNCs and possibly International development partners. Local contractors would be employed to undertake projects, ex-militant leaders and politicians businesses would likely be necessary. International Development agency would ideally be able to provide oversight and ensure transparency
- 2) Oil companies would need to fund these projects
- 3) Oil companies that invest in these programmes will be able to increase their image while also potentially training up future workers and creating links to communities that can lead to business links, better access to local markets and contracts
- 4) Oil companies would need to invest massively in upgrading infrastructure, federal government would have to spend large amounts improving equipment and training of security forces, due to the scale of wealth generated from oil bunkering any serious efforts to clamp down will create serious backlash (warlords only ended insurgency on the basis that they could continue profiting from oil bunkering and providing security to the industry)
- 5) GoG littoral nations would need to invest in improved materiel, outside nations may be interested in helping cover some costs and provide training. Private companies would need to purchase products necessary to protect their vessels. Nigerian Federal and state governments would need to invest in improving their riverine policing capabilities



HOPES FOR THE FUTURE

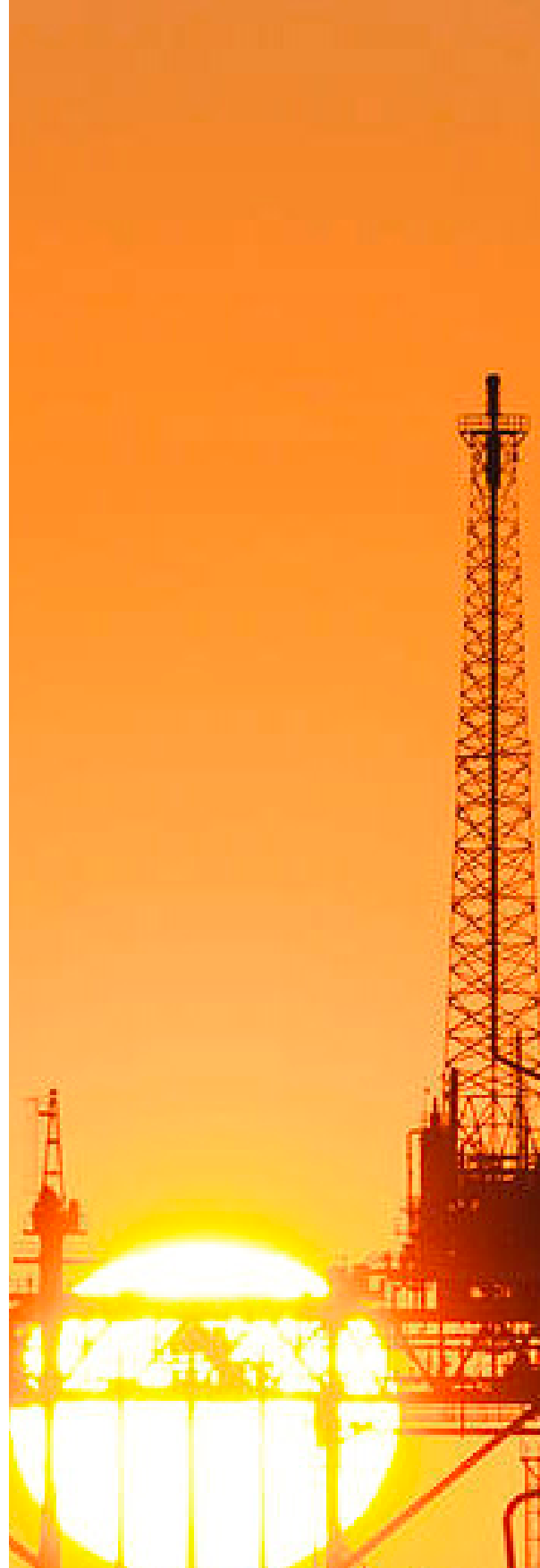
The problems of the Niger Delta are by no means unfixable, however effective solutions will need multiple parties working in harmony which will take time to plan and organise in order to see effective development.

The Niger Delta's problems are complicated and intertwined making solving them piecemeal likely impossible. However, it is also important to note that solving the issues of one group in the Delta may lead to other groups losing out. Figure 2 explains some of the complications involved in the Niger Delta's development. As such any approach to improving the lives of those living in the region will require careful planning and oversight to ensure groups do not become alienated. It will require a genuine will to improve the lives of the inhabitants of the Delta, rather than a desire to improve oil output. This will require those leading development to listen directly to communities in the Delta, not just those in positions of power in the region. This will help ensure that planned projects will provide genuine benefit for communities, rather than further enriching the elite. (26)

Funding for projects of the scale needed in the Delta will require serious federal government backing, which the NDDC receives. However, this money was often spent poorly as projects lacked oversight, transparency and the enforcement of the regulations of what funding can be spent on. To help reduce this in future development projects it has been recommended that further large-scale development projects include international development agencies, such as the United Nations Development Programme (UNDP). The example of the UNDP's success in development in rural Rwanda alongside government has been cited as a precedent for this kind of project. (27)

There is also a major role for the oil companies working in the Delta. Any development effort will require serious cleaning and protection of the Niger Delta environment. The damage done by gas flaring and oil spills has made agriculture and fishing, both of which provided food and a living for Delta inhabitants have been seriously damaged by oil spills, gas flaring and other processes related to petroleum extraction. (28) This is an opportunity for oil companies to take part in serious corporate social responsibility efforts that have potential to pay dividends by improving company image and creating economic opportunities. (29)

Regional development is also likely to benefit corporations through improved infrastructure (such as road networks), a better educated population and lowered security costs.



(22) Eke, "No pay, no peace," 756-757

(23) Markus Schultze-Kraft, "Understanding organised violence and crime in political settlements: oil wars, petro-criminality and amnesty in the Niger Delta," *Journal of International Development*, 29, (2017), 613-627. 615

(24) Jacobsen, "Pirates of the Niger Delta," 8

(25) Schultze-Kraft, "petro-criminality and amnesty in the Niger Delta," 625.

(26) Akinyoade, "Doing Both Harm and Good," 74-75.

(27) Adrian Gonzalez, "Poverty, oil and corruption: the need for a Quad-Sector Development Partnership (QSDP) in Nigeria's Niger Delta" *Development Policy Review*, 34(4), (2016), 509-538. 524.

(28) Elum, Mopipi and Henri-Ukoha, "Oil exploitation and its socioeconomic effects on the Niger Delta," 12880

(29) Gonzalez, "Poverty, oil and corruption," 514.



THE PROBLEMS OF THE NIGER DELTA ARE BY NO MEANS UNFIXABLE

As development is a lengthy process, efforts must be made to improve security more directly in order to protect those living in the Delta as well as those on vessels passing through the Gulf of Guinea. To achieve this naval forces able to effectively police coastal and territorial waters will be necessary. Unlike in the Gulf of Aden an international force is unlikely to be practical due to the numerous nations along the Gulf of Guinea not wishing to see foreign military interference in their territorial waters.(30) This leaves security in the Gulf of Guinea up to littoral nations who often lack the funds to purchase and maintain advanced vessels or train crews to a level capable of engaging the incredibly well armed and experienced pirates. (31) Also necessary will be cooperation between littoral nations due to pirates ability to cross between different nations' territorial waters. Benin provides an exemplary case study of both these factors.

In 2011 Benin saw 20 actual and attempted pirate attacks off its coast in 2011 after having none in 2010. (32) Following this, Benin undertook joint patrols with the Nigerian navy,(33) was able to purchase 3 patrol boats from French manufacturer OCEA and received training and support from France. (34) These efforts quickly paid off and in 2012 only 2 piracy cases were reported off Beninese waters. (35) However, this case also demonstrated the importance of multi-national cooperation throughout the Gulf of Guinea, following this operation piracy in other neighbouring states' waters increased significantly. (36) Any measures to better police the Gulf of Guinea will require all nations sharing these waters to work together to share intelligence and allow cross border patrols ideally in a unified taskforce. (37)

Efforts to tackle both the sources of piracy and piracy itself are both long term processes. Organising the navies of the numerous nations across the Gulf of Guinea to form a unified anti-piracy force will take time, as will training and equipping them. The efforts needed to reduce the onshore causes of piracy and to treat the offshore cases of it all require huge and well organised investment over many years. Key in any efforts will also be reducing the corruption that is endemic throughout the entirety of Nigeria. Solving these problems will be far from easy but will result in huge benefits for the people of the Niger Delta and the companies operating there as well as for all shipping operating within the Gulf of Guinea. However, there are no quick fixes to these entrenched issues. In the meantime vessels operating in the Gulf of Guinea must take the best measures they can to protect themselves. Vessels must follow best management practices and should take whatever target hardening and deterrence measures available to them. The United Nations Office of Drugs and Crime report on Gulf of Guinea piracy highlighted razor wire offers only limited protection against pirates, (38) so new methods of protecting vessels must be sought.



(30) Hassan and Hasan, "Effectiveness of the Current Regimes," 38.

(31) Samuel Oyewole, "Suppressing maritime piracy in the Gulf of Guinea: the prospects and challenges of the regional players," Australian Journal of Maritime and Ocean Affairs, 8(2), (2016), 132-146. 141.

(32) IMB Annual report 2012, 5.

(33) Hassan and Hasan, "Effectiveness of the Current Regimes," 56.

(34) "Benin acquires three new coastal patrol craft," DefenceWeb, <https://www.defenceweb.co.za/security/maritime-security/benin-acquires-three-new-coastal-patrol-craft/>

(35) IMB Annual report 2012, 5.

(36) Hassan and Hasan, "Effectiveness of the Current Regimes," 56.

(37) Hassan and Hasan, "Effectiveness of the Current Regimes," 38.

(38) Jacobsen, "Pirates of the Niger Delta," 28.