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BRIEF

CEMLAWS AFRICA

GULF OF GUINEA PIRACY

The Old, the New and the Dark Shades

INTRODUCTION*

Gulf of Guinea (GoG) piracy remains a great concern to the global community as incidents and attacks have continued to soar over the last decade. Although the scale of acts of piracy and maritime criminality generally vary from time to time – in response to states' actions and the behaviour of the maritime industry to threats at sea – the nature of piratical acts in the region continues to pose a significant threat to the shipping industry, global trade safety and security of crew, and ultimately undermines the security and development of the region.

Incidents in 2020 have taken a serious trajectory portending an unending threat into the future. In many ways, the present situation of attacks springs from the evolutionary tracks of the recent past, just as the immediate future will be shaped by the prevailing context. While the root causes or drivers of piracy and related crimes have remained unchanged – and the Niger Delta region of Nigeria has endured as the piracy epicentre – pirates' actions and behaviour in terms of typology of attacks and modes of operations have evolved.

As the GoG reigns at the top of the global piracy and transnational organised crime agenda, a detailed understanding of the piracy dynamics is key to the success of global, regional and national counter-piracy efforts. This paper is focused on an examination of the piracy dynamics from January to August 2020 and an analysis of the evolving threat profile in 2020 and beyond. The progression of the piracy threat is discernible in pirates' ability to adapt, innovate and become more resilient to the combination of the industry and states' actions to suppress or eliminate them. Three key questions are investigated:

- How do the incidents in 2020 so far fit into the established or known piracy profile of the region?

- What unique dynamics have emerged or are evolving in 2020?

- What are the evolving dark shades of the piracy profile that has to be investigated further or illuminated?

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*DISCLOSURE: The data contained in this report was largely sourced from reports produced under the Yaoundé Architecture.

OVERVIEW OF 2020 INCIDENTS

In terms of absolute numbers, the statistics show a decline in actual incidents for the period January-August 2020, compared to the same period in 2018 and 2019. The overall number of incidents, as shown in the table below (including armed robbery and theft in ports), has decreased from 86 in 2018 to 82 in 2019, and further to 81 in 2020. Despite this decline, other parameters such as the number of boarding, theft and suspicious approaches have increased, while fired upon incidents remain fairly consistent.

The incident profile also reveals the primacy of kidnapping for ransom (KFR) in the eight months of year 2020 compared to the previous two years. A deeper analysis of these incidents in terms of the established piracy profile and the emerging dynamics is carried out in the three sections of this paper.

Type of Attack	Jan-Aug 2018	Jan-Aug 2019	Jan-Aug 2020
Attempted incidents	14	8	7
Suspicious approaches	4	5	14
Boarding	31	11	15
Thefts	9	11	14
Kidnappings	9	17	18
Fired upon incidents	6	9	7
Hijackings	3	1	2
Armed robberies	10	20	4
Total	86	82	81

Figure 1. Types of Attacks January-August 2018-2020

It is also important to note that the emergence of the COVID-19 pandemic and its associated effects may have influenced aspects of the piracy dynamics in 2020. While it is too early to establish correlations between the impact of the virus and the 2020 piracy profile, collateral effects are inevitable, as they have been on all other economic, political and societal sectors.

FITTING 2020 INTO THE ESTABLISHED PROFILE

Before unveiling the unique piracy dynamics of 2020, it is necessary to first examine how the incidents in 2020 so far fit into the pattern of piratical activity in the region. This will indeed provide a good basis for subsequent analysis.

Who are we dealing with?
Since the emergence of GoG piracy, the Niger Delta region of Nigeria has remained the epicentre of the threat. The indicators that corroborate this assertion are twofold: first, all pirates that have been arrested are from Nigeria; second, all hijacked vessels or kidnapped crew have been brought into Nigeria's territorial waters, held in captivity in Nigeria and released subsequently after negotiations and payments of ransom. Examples of pirate arrests and interdictions are the *MT MARIAM* and *MT MAXIMUS* cases in 2015 and 2016, respectively. In the case of the *MT MARIAM*, 8 pirates – all of whom were Nigerians – were arrested on-board the vessel off the coast of Ghana by the Ghana Navy. Then later in 2016, the *MT MAXIMUS* was hijacked by pirates off Abidjan. Following coordinated regional information sharing, supported by foreign partners, the Nigerian Navy interdicted the vessel off the coast of Sao Tome and Principe. The special boarding forces undertook a rescue operation and freed the vessel. Some of the pirates, believed to be from the Niger Delta, were killed and the rest arrested.

Incidents in 2020 have reinforced the fact that the Niger Delta region remains the fulcrum of GoG piracy. A notable case is the hijacking of the *HAILU FENG 11*, an Ivorian fishing vessel that was attacked on 15 May 2020, almost at the same location as the *MT MAXIMUS*. Once again, regional cooperation and information sharing resulted in the boarding and arrest of the 10 pirates by the Nigerian Navy off Lagos. Similarly, a section of the Cameroonian Naval forces engaged a suspected pirate

action group in a firefight off Idabato, Cameroon, on 13 June 2020. The incident ended with the killing of 6 pirates who were alleged to be Nigerians.

Despite these facts, there is still a knowledge gap in terms of an accurate profile of the individual members of the Nigerian-based pirates operating at sea and their collaborators ashore. Suffice to state that insights from some released kidnapped crew and experts' analysis suggest varied backgrounds including ex-seafarers, fishermen as well as retired and active private security personnel with experience in sea vocation. However, the dominant actors are ex-militants and criminal groups in the Niger Delta.

Modus Operandi
The analysis of pirate activities in the GoG suggests that they exist in groups, which may be called 'Pirate Action Groups' (PAG). Despite slight differences in each piracy incident, the common code of operation can be summarised as "*ATTACK*" – *Assess, Track, Tail, Ambush, Capture and Kowtow.* Pirate groups often operate in pairs, and once a target is spotted, they move to the attack phase, which most often includes firing of weapons to halt or overpower the vessel. The crew of one boat usually boards the vessel, while the other(s) stay and survey the area to avoid any surprises. It is equally the case that the finer details of pirates' modes of operation are shaped by a number of dynamics including industry behaviour, counter-measures employed by the target ship, envisaged capability of navies and law enforcement agencies, as well as local factors such as the season and prevailing sea-state.

Planning and Intelligence
When analysed closely, a constant feature in pirate attacks is that it is a methodical intelligence-driven operation. Reports from crew of vessels, which suffer attacks and kidnapping, show that pirates often have deep knowledge of the profile of the targeted vessel, including its movements, crew make-up and other critical information. The selection of locations of attack or areas to scout is informed by factors such as previous successful experiences. A classic example in 2020 was the simultaneous attacks on the *RIO MITONG* and the *DJIBLOHO* cargo vessels in the territorial waters of Equatorial Guinea on 9 May. The attacks resulted in the kidnappings of 2 and 3 foreign crew members, respectively. Prior to this attack, the

pirates had successfully abducted crews from other vessels around the same area, also in May 2019. This not only illustrates how identical areas are being selected, but also demonstrates that pirates' activities are not random or opportunistic. Indeed, their strategies and tactics are well-though-out to ensure successful outcomes.

Logistics Support

Speedboats, with high horse-powered outboard engines (typically 150/225 YAMAHA), are the primary platforms used by PAGs. Other logistics that support pirate operations are aluminium ladders, about 8-10 metres with hooks at the ends, and drums for carrying resupply fuel. Importantly, communication among the different pirate boats at sea, and also with shore networks, is aided by high-grade Motorola radio and satellite phones. Reports in 2020 have confirmed the persistence of this logistics profile. It is also common for pirates to wear black hoods and talismans to put fear into the crew.

Targeted Vessels

The timeline of January to August 2020 has so far recorded attacks against tankers, cargo vessels, bulk carriers, supply vessels and fishing vessels, as shown in the figure below (cf. Figure 2). Although this fits into the general profile of vessel attacks in the GoG, there is an emerging trend of expansion of attacks against fishing vessels in 2020. This is analysed further in the next section.

Figure 2. Targeted Vessels January-August 2020

Weapons and Firearms

Weapons and firearms have always been central to the predatory activities of GoG piracy. In the run-up to most boarding and kidnapping operations, warning shots are fired to signal their arrival and intention to unleash violence if challenged. Once on board, the pirates often use knives, machetes, pistols and other sharp objects to intimidate the crew, force their way onto the bridge to take control of the vessel and disable its communication system. The AK-47 model is the most common rifle employed for these attacks, as it is the most proliferated weapon, as well as the simplest and most effective to use. Since 2019, the use of rifles and shotguns have been dominant and a worrying indicator of violence, and in 2020, pirates have used shotguns and AK-47 in several attacks, including the attack against the cargo vessel *LANA* on 27 March 2020. In this attack, the 10 pirates reportedly carried multiple AK-47 rifles and shotguns. Similarly, in the attack against the product tanker *CURACAO TRADER* on 17 July, the 8 pirates carried multiple AK-47s and a machine gun. Indeed, the year 2020 began with a violent shooting that killed 4 Nigerian Navy personnel on board the dredger *MV AMBIKA* on 2 January. The escalating use of weapons in 2020 is in tandem with the trajectory of 2019, where there were injuries and in some cases killings of crew and law enforcement personnel in Togo, Benin and Gabon.

Timing of attacks

Similar to any criminal activity, pirates are deliberate in choosing the time for their operations, which has also shown a gradual development over time, moving from night to daytime, particularly in the case of deeper sea attacks. Reasons for this shift may be two-fold. Pirates have become aware that, in the case of long-range attacks, the chances of interdiction by security forces are very slim. Even if security forces are notified of the incident, it is practically impossible for them to respond because of distance and capability limitations. Second, in the case of attacks further from the shore, daylight naturally permits the scouting elements of PAGs to spot their targets easily and call in the attack elements. Since January 2020, about 44 and 56 per cent of attacks occurred at day and night respectively. In 2019, the day to night attacks stood at 39 and 61 per cent, compared to 2018, where the day to night time stood at 37 to 63 per cent. In contrast to pirate activities at open sea, vessels in ports and at anchorages are mostly attacked during the night, specifically between 0000 and 0400.

Attacks outside Nigeria

Although we are predominantly dealing with pirate networks in Nigeria, they have expanded their operations across the region. Commencing with attacks in Nigerian territorial waters, by 2010-2011, Beninese and Togolese waters were subjugated, and pirates' activities further extended to the West and South of Nigeria. The hijacking of the *ORFEAS* in 2012 marked the piratical footprint off the coast of Cote d'Ivoire as did the attack against the *KERALA* off the coast of Angola in 2014, which altogether marked a further extension of the piracy threat. The analysis in the next section will show that, within this larger narrative, there are changing and evolving dynamics of pirate activities outside the Nigerian epicentre.

NEW AND EMERGING TRENDS

While the incidents of January to August 2020 have progressively followed the occurrences from previous years and fit into the piracy profile of the region, there are new trends that deserve detailed analysis (cf. Figure 3). Some of these dynamics are

RANGE OF ATTACKS

MASS KIDNAPPING

IMPROVED BUSINESS MODEL

TRENDS

TARGET VARIABILITY

REDUCED FOOTPRINT

SPREAD OF ATTACKS

ENERGY SECURITY

Figure 3. Trends in 2020

a consolidation of evolving indicators in the immediate past years, others are adaptations to counter-piracy responses, while some are new manifestations. Altogether, these trends have scaled up the insecurity and piracy threat profile in the GoG.

Range of Attacks

One progressive trend that has reached its momentum in 2020 is the significant increase in pirates' operational range, manifested by the extended distances from the coastlines along which pirate groups conduct their activities. Before going into the specifics of the increase in operational range, it is important to recap that prior to 2012, pirate attacks across the region were concentrated in coastal areas with the distance of attacks averaging less than 40nm from the coastline. As expected, ships increased their distance from the shore to avoid pirates, especially vessels that were not calling into ports. The pirates innovated by using mother vessels to extend their range and subsequently improved their capabilities by using boats with greater endurance. Generally, however, attacks were still not deep into the sea.

While incidents in the deep seas have occurred in 2018 and 2019, exemplified by the kidnapping incident on *LAETITIA V* on 3 February 2019 at 130nm south-east off Brass, Nigeria, the distance of pirate attacks have increased tremendously in 2020. The phenomenon is particularly noticeable when the average distance of attacks in the previous years are compared. Indeed, the average range of attacks from the shoreline has increased exponentially from about 48nm in 2018 to 62nm in 2019 to 150nm in 2020. The expansion of the range of attacks has taken new dimensions in 2020, notably with the attack on the chemical tanker *CURACAO TRADER*, which happened at 244nm. Other cases of deep offshore incidents in 2020 help illustrate the point.

- *IRENES RESOLVE*, 21 February 2020: attack on the Liberia-flagged container ship about **160nm** south-west off Bayelsa State, Nigeria.
- *CAP DIAMANT*, 25 March 2020: suspicious approach on the Liberia-flagged crude oil tanker about **155nm** south-west off Brass, Nigeria.
- *ESL AUSTRALIA*, 20 May 2020: boarding of the Cyprus-flagged general cargo ship about **137nm** south-west off Brass, Nigeria.
- *BW TAGUS*, 14 June 2020: suspicious approach on the Singapore-flagged product tanker about **250nm** off the Nigerian coast.

- *MV KOTA BUDI*, 2 July 2020: attack and kidnapping on the Singapore-flagged general cargo vessel about **150nm** off Cotonou, Benin.
- *CURACAO TRADER*, 17 July 2020: attack and kidnapping on the Liberia-flagged product tanker about **224nm** south of Cotonou, Benin.

The increasing range of attacks signifies an important adaptation by pirates to the concurrent responses of the shipping industry and national security enforcement agencies. As vessels now sail far from the coastline to avoid attacks, and navies have stepped up counter-piracy patrols, pirates are leap-frogging the patrol lines and 'catching' both their prey and the law enforcement agencies off guard. The pirates have in some instances reached beyond the EEZ, further adding uncertainty as to which state should accept responsibility for the attack. This dilemma was observed in the attack of the *CURACAO TRADER*, as piracy reporting centres had difficulty referencing the attacked location to the adjacent coastal countries. In the end, many settled for Nigeria, although it should naturally have been referenced otherwise. While this dilemma may continue, the pirates have maximised and achieved a greater surprise-effect by attacking vessels at places where they least expect it, concurrently reducing the possibility of any intervention.

Traditionally, such deeper sea attacks are aided by the use of motherships, but so far, there has not been any confirmation of the use of motherships in support of incidents in 2020. In the absence of any credible confirmation, one is left to logically conclude that pirates have adapted the use of multiple speedboats, some serving as a logistic base. Pieces of information from the hijacking of the *PANOFI FRONTIER*, offshore Cotonou, on 24 June 2020, indicated pirates' use of supporting boats. In the run to the attack, the vessel crew spotted 2 pirate boats – one of the boats reportedly conducted the attack whilst the other remained in the vicinity. Following the conclusion of attack and kidnapping of 6 crew members, the pirates jettisoned about 3 fuel containers into the sea. This means the pirates had enough resupply fuel to conduct attacks further from their base but once there was a successful capture, the fuel was no longer useful – the priority was to make way as fast as possible.

Spread of Attacks
In addition to the exponential increase in the depth of attacks, incidents have also spread widely from the primary piracy enclave (Niger Delta Region) across the GoG. This phenomenon, although not entirely new, has become more visible with

some new dimensions. From January to August 2020, piracy attacks have occurred in 9 countries outside the Nigerian hub – Benin, Cameroon, Côte d'Ivoire, the Democratic Republic of Congo, Equatorial Guinea, Gabon, Ghana, Sao Tomé and Principe and Togo. The geographical spread of incidents in 2020 is equally unique in the sense that the extension unfolded simultaneously in both westwards and south-eastwards directions from Nigeria. In the past, the spread was mostly random and limited to Nigeria's immediate neighbouring states.

The progression of significant cases of attacks in countries such as Equatorial Guinea and Gabon deserve closer attention. For Equatorial Guinea, we saw the simultaneous hijackings of the *CHARIS* and the *BLUE MARLIN* in May 2019 as well as the kidnapping of 10 foreign crew members on board the *PACIFIC WARDEN* in November 2019. In 2020, we have also witnessed two simultaneous kidnapping incidents in Equatorial Guinea, coincidentally or by design again in the month of May – involving the *RIO MITONG* and the *DJIBLOHO*, possibly by the same PAG, which resulted in the kidnapping of 5 crew members. There has also been a proliferation of attacks in Gabon, commencing in December 2019 into 2020 (cf. Figure 4).

Date	Incident
22 December 2019	*AFRICAN KALMIA & TROPIC DAWN*; kidnapping
22 December 2019	*RENOVATION*; hijacking and kidnapping
20 March 2020	*ELOBEY VI*; hijacking and kidnapping
22 March 2020	*MSC TALIA F*; kidnapping
3 May 2020	*AMERGER II & AMERGER VII*; kidnapping

Figure 4. Incidents in Gabon in 2019-2020

In discussing the spread of these attacks, three points are worth highlighting. First, it is clear from the spread of the incidents that it is not just the coastal region of Zone E (Nigeria, Benin & Togo) that is a high-risk area but also Zone D, which encompasses Cameroon, Equatorial Guinea through to Gabon. Also, the risk in Zone F has substantially expanded to cover all the area from Benin to Cote d'Ivoire (cf. Figure 5). As the month of August grind to an end, pirates registered their presence in Ghana's

EEZ with an attack on the Ghanaian-flag fishing vessel *AP 703*. Two foreign crew members were kidnapped. This attack is significant because, over the years, there have been fewer attacks in Ghana's coastal area. More importantly, the attack amplifies the increasing insecurity in Zone F.
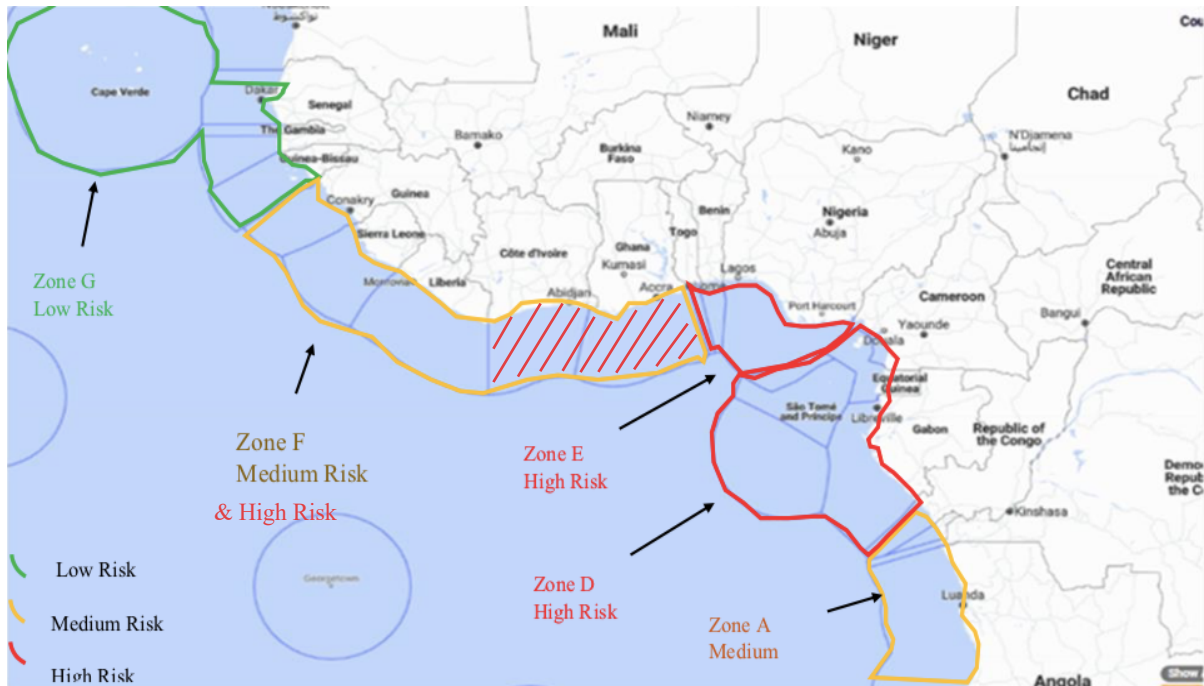

Figure 5. Risk zones in 2020

Second, the emergence of these new hotspots is perhaps an indication that Nigerian counter-piracy efforts are effective, at least in the short term. Thus the pirates are exploiting the "softest areas". This resilience and adaptation imply that pirates will continue to exploit less monitored/patrolled areas, maintaining their operational threshold, thus representing a widening threat to the safety and security of shipping and crews in the region.

Third, pirates in the region are known to move mainly through the maritime corridors into the territorial waters of other states. However, it is also possible that they are exploiting other means of movement, either by land or sea. This concern is examined in the next section that interrogates the dark shades in GoG piracy.

Mass Kidnapping
A decade review of GoG piracy reveals an interesting evolution regarding ransom kidnapping. Earlier in the piracy phase, pirate attention was focused on product

tankers, thus giving rise to the petro-piracy terminology. With time, kidnapping became a recurrent trend due to a combination of factors. Arguably, pirates gained a better understanding of the industry's behaviour and consequently found ransom payment a good opportunity to increase their financial inflows. Thus, kidnapping for ransom (KFR) has been relatively consistent over the past 5-6 years – usually targeting the captain and a few others (especially non-African captains and crew). However, indications of mass kidnapping emerged towards the end of 2019 and have prevailed in 2020.

From January to August 2018, the number of kidnapped crew members was 31, as compared to 86 in 2019. As at the end of August 2020, the number has shot to 96. Non-African crew members are particularly susceptible to this mass kidnapping. The average number of kidnapping per incident has been on the increase from 3 in 2018 to about 6 in 2020. The following cases highlight this trend:

- *MSC TALIA F*, 22 March 2020: attack on the Portugal-flag container ship about (Gabon) and witnessed the kidnapping of **10 crew members**.
- *TOMMI RITSCHER*, 18 April 2020: attack on the Portugal-flag container ship (Benin) and witnessed the kidnapping of **8 crew members**.
- *VEMAHOPE*, 30 April 2020: attack on the Panama-flag product tanker (Nigeria) and witnessed the kidnapping of **10 crew members**.
- *SENDJE BERGE*, 2 July 2020: attack on the Singapore-flag (Nigeria) and witnessed the kidnapping of **9 crew members**.
- *CURACAO TRADER*, 17 July 2020: attack on the Liberia-flag product tanker (Benin) and witnessed the kidnapping of **13 crew members.**

The mass kidnappings witnessed in 2020 demonstrate that pirates and criminal groups have developed new methods of operations to inflict maximum fear and strategically optimise their financial gains. In addition to highlighting pirates and criminal groups' adaptations, the scope of kidnappings has significantly amplified the danger to which crew members are exposed to by being ferried in boats at high speed across long distances. There are indications that the mass kidnappings may also be in response to the fact that insurance companies have placed a cap on the amount of ransom per crew. Thus, the pirates are kidnapping as many crew members as possible to take advantage of the insurance premiums.

Target Variability

The attacks that have unfolded since January 2020 are also signalling target-variability. Previously, pirate attacks were generally against larger vessels, especially tankers, cargo vessels and offshore support vessels. While there have been cases of attacks against fishing vessels in the past, the analysis of incidents in 2020 shows that fishing vessels are now progressively exposed to piracy attacks (cf. Figure 6).

Date	Incident
3 May 2020	*AMERGER II & AMERGER VII*; attack on two Senegalese-flagged fishing trawlers off the coast of Gabon
13 May 2020	*HAILU FENG 11*; hijacking of Chinese-flagged fishing trawler off the coast of Côte d'Ivoire
24 June 2020	*PANOFI FRONTIER*; attack on Ghanaian-flagged fishing vessel off the coast of Benin
21 August 2020	*SHENGHAI2*; attack on Chinese-flagged fishing vessel on Freetown Anchorage, Sierra Leone
28 August 2020	*AP 703*; hijacking of Ghanaian-flagged fishing vessel off the coast of Ghana

Figure 6. Attacks on Fishing Vessels in 2020

A number of explanations may account for the trend of attacks on fishing vessels. Perhaps this new paradigm flows logically from the fact that ransom piracy has now become dominant, and since the target is the crew rather than the vessel or cargo, all types of vessels are susceptible to attacks. Secondly, fishing vessels may be softer targets; while larger vessels have acquired or employed advanced security measures, fishing trawlers remain vulnerable. Thirdly, it is also possible that the engagement of fishing vessels in illicit activities, notably illegal, unreported and unregulated (IUU) fishing, is leaving them susceptible to piracy attacks. A fourth hypothesis, which will be examined further in the next section, is the possible emergence of a new PAG or a scheme of piracy franchising that is targeting fishing vessels.

Reduced Footprint

As piracy emerged in the GoG a decade ago, pirates were visibly on the frontline. As a parasitic activity to militancy, pirate activities were generally noticeable and

characterised by openly carrying weapons and firefights with security forces. It was also common to see multiple pirate boats chasing vessels. This posture of insurgent-piracy persisted even after the cessation of militant activities following the amnesty in 2009.

GoG pirates have, however, progressively changed their tactics and are much more discreet in their operations. They have also perfected their skills and ability to conduct very swift operations leaving limited foot or sea prints. A classic incident is the attack of the *TOMMI RITSCHER* at Cotonou anchorage on 19 April 2020. Reports and accounts from ships within the anchorage at the time of the incident indicate that the vessel had been attacked within 24 hours after it arrived at the anchorage. The sequence was that; the pirates came in a speedboat and a Beninese Navy ship on patrol in the vicinity spotted the speedboat alongside the *TOMMI RITSCHER*. The Navy Patrol boat sailed towards the vessel and pirates fled in the speedboat and it was presumed that the attack had been aborted, leaving some of the pirates on-board. Subsequent information emanating from the vessel crew inside the citadel confirmed that 8 other crew members were held hostage by pirates, and given the trend of events, it was assumed they were held on the other decks by the entrapped pirates. Benin Navy boats surrounded the vessel, creating a potential standoff with the pirates on board. The worse possible outcomes were anticipated and the Nigerian Navy, which has rich experience in such situations, was called in to support. After necessary preparations, the Beninese and Nigerian special forces boarded the vessel on 21 April 2020. After a search, it became obvious that no pirates were on board and that the 8 crew members had actually been abducted and taken away by the pirates. Not only were the pirates able to conduct a flash-attack, they also left very little evidence or footprints. Accounts of the attack and kidnapping of the crew from the *PANOFI FRONTIER*, off Cotonou on 24 June 2020, further confirmed the agility and swiftness of pirates.

Improved Business Model
As pirates' strategy developed over time, so has the opportunity to enlarge the operational and financial scheme accompanying it. Indeed, a business model of piracy is becoming a significant aspect of GoG, particularly as criminal groups have shifted from thefts and robberies to KFR. The network required to sustain the KFR model of piracy is larger than the traditional case of piracy cargo stealing. This includes

negotiators, intermediaries, facilitators and racketeers who will be part of the piracy network, as well as individuals acting in an official or professional capacity such as insurance and risk analyst, professional negotiators and security companies. Therefore, there is a blend of actors – the pirates and their associates or networks and legitimate or pseudo-legitimate actors – all practically sustaining the business model. There is also a high level of secrecy surrounding negotiation, payment and the true identity of both the criminal and legitimate actors. This has deepened the dark shades in GoG piracy.

Energy Security Threat

Finally, the attacks in 2020 have signalled a threat to energy security. GoG piracy has traditionally posed a threat to energy security as insurgent activities were primarily directed at offshore oil installations. The height of this was the attack against the *BONGA* Floating Production Storage and Offloading (FPSO) in 2008, which crippled Nigeria oil exports for months, with implications for global oil prices. This led to a series of measures by the Nigerian government, including the amnesty that led to a cessation of attacks against offshore oil and gas assets.

Thus, the attack on the *SENDJE BERGE* on 2 July 2020 marks a resurgence of an enduring threat to energy security. The FPSO was attacked in the Okwori oil field and 9 Nigerian workers were kidnapped and held for about 39 days. The *SENDJE BERGE* incident is particularly significant as it mirrors the attacks against the *BULFORD DOLPHIN*, the *MYSTRAS* and the *TRIDENT VIII* mobile drilling rigs in 2007.

INTERROGATING THE DARK SHADES AND THE UNKNOWN

A deeper analysis of the major trends in 2020 suggests that several issues or areas still remain obscure and call for further investigation. The difficulty in uncovering the full extent of the piracy situation is exacerbated by the fact that both the shipping industry and government agencies have adopted the culture of withholding information. In the absence of a comprehensive understanding of the piracy profile, the task of safeguarding the GoG is rendered more complex and equally hinders the effectiveness of mechanisms such as the Yaoundé architecture. This section interrogates the 'dark shades' of the GoG piracy environment.

Origin and Locus of Pirates

It has been reasserted throughout this paper that Nigeria is the hub of GoG piracy and houses the piracy network that extends its activities across the region. Nonetheless, it is also possible that pirates are operating from other countries or are at least finding footholds in other countries. The shoot-and-kill incident that took place in June 2020 raises concerns about the true origins of pirates and their locus of operation. The alleged pirates were encountered by Cameroonian forces off the Cameroonian city of Idabato, close to the Nigerian border, in a skiff during the dark hours of 13 June 2020 and were killed. The items retrieved from the shooting scene included weapons and drugs, as well as Nigerian and Cameroonian currencies. While this may simply suggest the existence of a tight network between the two countries, it also raises questions as to whether some of the pirates might have been Cameroonian nationals. At the very least, the retrieval of the Cameroonian currency suggests that the pirates visited Cameroon.

As a matter of fact, the notion of 'borders' is, in some instances, very loose, especially when it comes to the activities of criminal and insurgent groups. The case of Boko Haram has shown that the border between Nigeria and Cameroon is in flux. As in the case of other criminal activities, such as smuggling of fuel, pirates can easily operate across borders and may be of mix nationalities. However, these deductions remain suppositions, as not much information is available to illuminate the dark shades in the piracy scheme.

New Groups or Piracy Franchising?

Even within the Nigerian setting, the issue of piracy franchising or the emergence of new groups deserves attention. The increasing attacks on fishing vessels raise legitimate questions as to whether the actors are a new group of pirates that has links with existing groups but have been assigned to prey on fishing vessels. In May 2020, pirates attacked two Senegalese fishing vessels in Gabon, *AMERGER* II and VII, and some crew members were kidnapped. Insights from the kidnapped crew after they were released suggest these pirates are specialised in attacking fishing vessels. The attackers reportedly also used improved speedboats with three outboard engines. The *PANOFI FRONTIER* attack on 24 June 2020 had a similar pattern. More so, a striking aspect in the incident was the behaviour of the pirate leader who instructed the rest not to molest the crew and kept reassuring them that their target was to

abduct the non-African crew. The pirates did also not wear the usual face coverings. These pieces of information are a complete departure from the traditional posture of pirates. Of course, these indicators do not point unequivocally in the direction of a new group. Arguably, the fishing vessels are serving as substitutes when pirates miss their primary targets. Nonetheless, it deserves closer attention as the phenomenon hints towards the possibility of new piracy networks.

Networks Supporting Business Model

As indicated in the previous section, the growing incidents of KFR have led to different layers of actors in the piracy spectrum – some directly linked to the pirates and others acting in a professional capacity. However, unpacking this blend of actors is, in practice, highly problematic. Indeed, much of what happens in-between the two ends – the pirates and the known professional actors – is unknown. Even the attitude of the shipping industry is often shrouded in secrecy. There is also a growing concern that different nationalities are involved in the piracy enterprise. The on-going trial of persons linked to the kidnapping in the *MV ELOBEY VI* incident off Equatorial Guinea is an example of this. Nine persons of different nationalities, including South African and British, are standing trial under the Suppression of Piracy and Other Maritime Offences (SPOMO) Act. While some of the suspects claim to be working for a legitimate security company and were professionally engaged in the kidnapping incident as professional negotiators or offering professional security services, the Nigerian investigators/prosecutors see them as direct collaborators in the piracy incident and have concerns regarding the legitimacy of the security company and its operations. Pieces of information emerging from the case have indeed deepened the uncertainty and points to blurring lines of legitimate and criminal conducts.

The HAILU FENG Incident and the Accra Connection

The *HAILU FENG 11, a* Chinese-flagged fishing trawler, was hijacked about 56nm south of Abidjan on 13 May 2020 and its 18 crew members were held hostage. A day later, the vessel was spotted about 135nm south of Cotonou and headed towards the Nigerian coastline, where it was later intercepted by the Nigerian Navy. The pirates were arrested, the vessel was rescued, and the pirates are now standing trial under the SPOMO Act. Very little has been divulged regarding their motivations and means of operation. However, the disturbing elements of this attack concern the pirates'

means of transportation, their travel route extending over 5 countries, the pirates' validation of intelligence and the choice of target. Especially so as snippets of information suggest that the pirates had made some stopover in Accra/Tema and attempted to hijack a vessel in Ghanaian waters and eventually ended up off Abidjan. A few questions deserve answers: How did they come into Ghana, if at all they did? Did they subsequently return to Nigeria before undertaking the HAILU FENG 11 attack? If they actually came into Ghana with the aim of hijacking a vessel or vessels off Ghana, how were they going to conduct the attack? What platforms were they going to use, and do they have collaborators in Ghana? Did the pirates embark on the speedboats all the way from Nigeria to Abidjan? Was Ghana a transit point to Abidjan? How did they leave Ghana to Cote d'Ivoire? Was the attack staged from Ghana or, did they make a landfall into Abidjan and subsequently conducted the attack? Answers to these questions are primordial to uncover the piracy scheme.

Intelligence and Targeting

As indicated earlier, the considerable increase in the distance of attacks speaks to pirates' resilience and adaptation to counter-piracy measures. However, it also raises questions as to whether pirates have intelligence or means of targeting vessels. Are the pirates tracking vessels using open-source information? For Instance, on 2 July 2020, pirates were able to detect and attack the *MV KOTA BUDI*, about 150nm off Cotonou, while the vessel was drifting and waiting for berthing arrangements to enter Cotonou Port. Other incidents of deeper sea attacks have been cited in our analysis. The question remains whether pirates are able to locate and/or identify targets at such long distances, and whether the vessels are encountered or specifically targeted.

Darkness on Land?

Pirates don't live at sea; they dwell on land where much of the planning takes place. Logistics that support piracy are gathered, financed and launched from the land. The proceeds of the robbery are harboured or sold within communities. Most importantly, kidnapped crews are detained at hideouts within townships and released in townships when the ransom is paid. Ransom money is either saved or spent locally, and perhaps largely within the country. Therefore, countering piracy should, in principle, be easy – by conducting intelligence-led operations that disrupt, counter or interdict pirates and their networks. If success is not being chocked, one is tempted to ask whether the

problem of piracy is not land-centric? Perhaps, rather than at sea, the dark shades of piracy are more concentrated on land.

LOOKING FORWARD

As 2020 moves onwards with its uncertainties, so does the need to prevent, halt, counter or contain piracy and illicit activities in the GoG. Security enforcement agencies and the shipping industry are adjusting their response mechanisms to criminal groups' ingenuity and resourcefulness and vice versa, which has resulted in an on-going and complex cycle. Developments on both sides have been significant over the last decade, from the adoption of the Yaoundé Architecture in 2013 to the expansion of piracy networks across the region. Efforts are being made to share information and intercept maritime criminals by maritime stakeholders at all levels, including national Maritime Operation Centres (MOCs), Multi-National Maritime Coordination Centres (MMCCs), sub-regional centres (i.e. CRESMAO and CRESMAC), regional institutions (i.e. ICC) and the shipping industry. Yet, the threat has enlarged both in-depth and across the region.

Some of the reasons that explain why pirates are ahead of enforcement agencies include the limited intervention capacity of the latter, as well as the on-going 'surprise-effect' of pirates' operations. Not only do security enforcement agencies lack the means and capabilities to timely reach the challenging distances at which attacks occur, they are also restrained in terms of access to information and intelligence. On the other hand, pirates and criminal groups are continuously innovating and improving their skills. As we have observed, given the assessment of their modus operandi in 2019 and so far in 2020, it is unlikely that pirates will reduce the intensity of their operations. In fact, they have demonstrated their capabilities to develop new methods and means to reach beyond the EEZ, which asserts their resilience to increase the profile and threshold of their attacks. Among other new trends, the financial profit that pirates and their networks are making in 2020 from mass kidnappings is evidently a major driving factor that maintains their interest and is expected to continue, if not effectively countered.
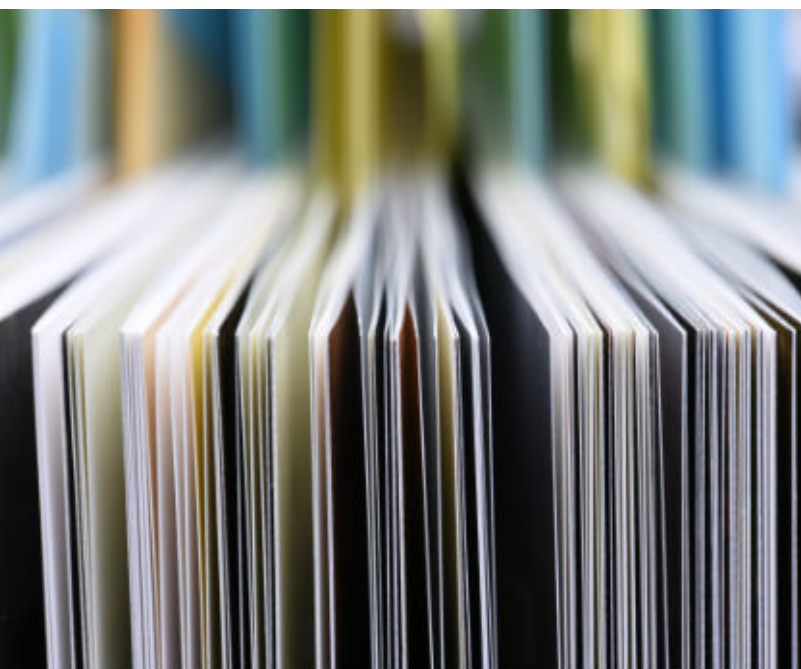
Countering piracy in GoG requires a robust-multifaceted approach. This should leverage on existing successes and structures while providing new direction, tools and

momentum. This paper has raised substantial observations regarding the period from January to August 2020 and has particularly shed light on the new and emerging dynamics. The next Maritime Governance Brief of CEMLAWS Africa will provide a comprehensive analysis covering the whole of 2020 with adequate recommendations for the way forward.

CONSIDERATIONS FOR FUTURE ASSESSMENT

- A deeper study of GoG piracy must prevail to ensure a thorough comprehension of the phenomenon

- A further understanding of the interrelations between criminal networks is needed to uncover their origins, root drivers and modus operandi

- Regional cooperation is essential to tackle the increasing spread of piratical activities – What practical measures are needed to enhance the efficacy of the Yaoundé architecture

- How can the shipping industry and regional states foster a unified counter-piracy approach?

- What Maritime Domain Awareness and enforcement capabilities are needed to counter the illicit activities?