

MARITIME PIRACY BUSINESS NETWORKS AND INSTITUTIONS IN AFRICA

JUSTIN V. HASTINGS AND SARAH G. PHILLIPS*

ABSTRACT

The two regions with the greatest incidence of maritime piracy in Africa, the Horn of Africa and the Gulf of Guinea, are also known for the low quality of the institutions underlying their political economies. This article investigates how institutions in these areas shape and constrain the sophisticated maritime piracy syndicates and their behaviour. Engaging with the literature on state failure and maritime piracy, we argue that norms and institutions constrain even criminal organizations like piracy groups, which often mimic and are embedded in the licit economy. In the Horn of Africa, pirates take structural and ideational cues from the licit economy and are constrained by the informal regulations that govern clan groups, rent-based economic activities, and collective security arrangements in Somalia. In West Africa, sophisticated piracy both preys upon and arises from the formal economy, specifically the international oil industry. As a result, piracy networks often mirror and draw from both the formal institutions in Nigeria used to regulate and protect oil production, and those engaged in oil production, processing, distribution, and transportation.

THE PERSISTENCE AND HIGH INCIDENCE of maritime piracy in the Horn of Africa and the Gulf of Guinea are widely attributed to the weakness or even failure of state institutions in both regions. We suggest that the prevalence of the failed states narrative in explaining the drivers of piracy has diverted attention from more important factors that shape pirate behaviour across time and place, namely the configuration of local norms and institutions that pirates interact with on a daily basis. The failed states narrative casts the weakness of formal state institutions as creating the incentives and opportunity for criminal behaviour but fails to account for the often wide variations in pirate behaviour, either within the same state or between states

*Justin V. Hastings (justin.hastings@sydney.edu.au) is a Senior Lecturer at the Department of Government and International Relations, University of Sydney. Sarah G. Phillips (sarah.phillips@sydney.edu.au) is a Senior Lecturer at the Department of Government and International Relations, Centre for International Security Studies, University of Sydney. Thanks to Maxamed Axmed Ali, Ashleigh McDonald, Simon Nyambura, Jennifer Percival, and Mark Tamsitt, for research assistance with this paper. Research for this article was supported by Australian Research Council grant DP130103966.

labelled as failed or failing.¹ Given the variation in piracy incidence and behaviour even between areas that are considered equally “failed” by national-level aggregate metrics, such as Puntland and southern Somalia, it is clear that there are factors other than the weakness of state institutions that shape piracy. This article examines how institutions constrain maritime pirates’ behaviour and shape the form that their networks take. We argue that while state institutions are critical to the behaviour of pirate syndicates, the failed states narrative also overstates the degree to which piracy is exclusively a symptom of political or economic dysfunction within states. Piracy is also energized by local ideas about exploitation and marginalization in the global economy, and as a result piracy may evolve into other practices that can build discursive links to those same ideas.

We contend that pirates are economic actors engaged in a perverse form of rent-seeking economic activity. In so doing, they are constrained by the formal and informal institutions that govern and make up the “legitimate” political economy. In the Horn of Africa, the specific form piracy takes – kidnappings for ransom – arises principally from the informal regulations that frame shared expectations within clan groups, trust-based social networks, collective security arrangements, and rent-based economic activity. While West Africa also has informal regulations surrounding kidnappings for ransom, another form of sophisticated piracy – ship and cargo seizures – is more prevalent in West Africa than in the Horn of Africa. These seizures prey upon, and arise principally from, the formal economy, specifically the international oil industry and its accompanying economic infrastructure. Corrupt elements within state institutions that regulate and protect oil production not only fuel pirate grievances but also enable piracy networks to establish informal links with those engaged in oil production, processing, distribution, and transportation. The two case studies presented in this article demonstrate that successful maritime piracy syndicates have extensive contact with a number of different institutions before, during, and after their operations in order to access supplies, safe territory, sufficient time (free from harassment), and markets. The article therefore explores how

1. Ashraf Ghani and Clare Lockhart, *Fixing failed states: A framework for rebuilding a fractured world* (Oxford University Press, New York, NY, 2008); Jean-Germain Gros, ‘Towards a taxonomy of failed states in the new world order: Decaying Somalia, Liberia, Rwanda, and Haiti’, *Third World Quarterly* 17, 3 (1996), pp. 455–71; Robert I. Rotberg (ed.), *When states fail: Causes and consequences* (Princeton University Press, Princeton, NJ, 2004); I. William Zartman (ed.), *Collapsed states: The disintegration and restoration of legitimate authority* (Lynne Rienner, Boulder, CO and London, 1995); Robert D. Kaplan, ‘The coming anarchy’, *The Atlantic*, February 1994, <<http://www.theatlantic.com/magazine/archive/1994/02/the-coming-anarchy/4670/>> (28 May 2014).

institutions – the rules and norms that order shared expectations – influence how pirate syndicates behave and how their networks are structured.²

In the first section, we review the literature that addresses the causes and dynamics of maritime piracy, especially in Africa. While the field is growing rapidly, upon closer examination many of the surrounding narratives – particularly blanket statements about state failure being both the cause of piracy and the driver of much piratical behaviour – do not stand up to nuanced scrutiny. In the second section, we use a combination of primary and secondary sources and expert interviews to examine kidnapping for ransom piracy networks in the Horn of Africa, which have developed into fluid organizations that are often intimately connected to and congruent with the informal political and economic networks that undergird the Somali economy. The third section contains a shorter comparative case in which we compare Somali piracy dynamics with those of West African pirates engaged in operations in which the pirates attack the ship and, rather than taking hostages for ransom, seize the ship (usually an oil tanker) itself. The pirates then either sell off the ship, use it for their ends, or – much more commonly – offload the cargo or siphon the oil onto another ship at a port able to receive the ship and the goods.³ These syndicates are embedded in informal networks that stretch between the formal oil economy and formal state institutions in West Africa. Through the comparison we are able to pinpoint how formal and informal institutions structure the two types of sophisticated pirate networks predominant in Africa. Finally, we conclude that studies of piracy need to examine both the domestic and global contexts from which piracy emerges. Without a dual perspective, stronger state institutions will continue to be seen as a silver bullet to an issue that is shaped beyond (and beneath) national boundaries by ideas about power inequalities in the global economy.

Maritime piracy in Africa: Causes and constraints

Somali piracy has received intense academic attention since 2008, stimulating a growing literature on the causes of the incidence of maritime piracy and on the structure and behaviour of piratical groups. For the most part, the quantitative literature has found that poorer countries, beset by greater political disorder and institutional weakness, have higher piracy incidence,⁴

2. Gretchen Helmke and Steven Levitsky, 'Informal institutions and comparative politics: A research agenda', *Perspectives on Politics* 2, 4 (2004), p. 727.

3. Justin V. Hastings, *No man's land: Globalization, territory, and clandestine groups in Southeast Asia* (Cornell University Press, Ithaca, NY, and London, 2010), pp. 158–71.

4. Ursula Daxecker and Brandon Prins, 'Insurgents of the sea: Institutional and economic opportunities for maritime piracy', *Journal of Conflict Resolution* 57, 6 (2013), pp. 940–65;

although sometimes this effect is quite small.⁵ Analysts have also studied the effects of general environmental conditions on aggregate levels of maritime piracy, or on geographic or temporal concentrations of attacks, generally finding that the kidnapping syndicates in Somalia thrive when they have at least minimal levels of effective governance and economic development, and that economic hardship does drive at least some piracy. Overall, weak state institutions are correlated with higher piracy incidence, although piracy tends to be found in areas that have a semblance of order, partly because pirates need public security just as much as other “business people” to support their operations.⁶ Piracy’s need for reasonably secure operating environments and functioning markets (either to sell loot or to find labour or supplies) means that it can be analytically useful to think of piracy as a business,⁷ although, as we note below, pirate networks are more than simply business relationships and must be examined in the context of their social and ideational settings.

Operational imperatives lead different types of piracy attacks to arise in different institutional environments. For example, pirate attacks that go beyond simple robbery and include kidnappings for ransom require fairly large amounts of time between the attack and the realization of profit; they thus tend to occur in territories with minimal formal political and economic infrastructure, where the pirates may not be afraid of being neutralized by state authorities but also lack markets to sell captured goods or, sometimes, ships.⁸ By contrast, ship and cargo seizures tend to be more common in areas with political institutions that are strong enough to cause problems for pirates if they tarry too long, but are too weak to stop them completely – and where one also finds sufficient economic infrastructure to provide markets for pirated loot.

T. Gries and M. Redlin, ‘Maritime piracy: Socio-economic, political, and institutional determinants’ (Working Paper, University of Paderborn, Germany, 2014).

5. Keunsoo Jeong, ‘Diverse piracy patterns and different control mechanisms’ (Unpublished conference paper, International Studies Association Global South Caucus Conference, Singapore, 8–10 January 2015).

6. Bridget Coggins, ‘Nothing fails like success: Anarchy, piracy and state-building in Somalia’ (Working Paper, Dartmouth College, Hanover, NH, 2011); Olaf J. de Groot, M. D. Rablen, and Anja Shortland, ‘Gov-aargh-nance – even criminals need law and order’ (Working Paper, DIW Berlin, Berlin, 2011).

7. Sarah Percy and Anja Shortland argue, for example, that maritime piracy in Somalia can be understood not only as a business that thrives in a nominally stable political operating environment, but more specifically as a form of organized crime that insinuates itself into the political landscape in Somalia. Within this nexus the relevant players have little incentive to change their behaviour. Sarah Percy and Anja Shortland, ‘The business of piracy in Somalia’, *Journal of Strategic Studies* 36, 4 (2013), pp. 541–78.

8. Justin V. Hastings, ‘Geographies of state failure and sophistication in maritime piracy hijackings’, *Political Geography* 28, 4 (May 2009), pp. 213–23; Justin V. Hastings, ‘Understanding maritime piracy syndicate operations’, *Security Studies* 21, 4 (2012), pp. 683–721.

Within a given attack, organizational and operational imperatives lead pirates to interact with the prevailing institutions so as to maximize their chances of success. Internally, piracy syndicates must keep the organization together during the operation and prevent defection. Externally, the syndicates must maintain access to security and economic resources. These imperatives lead to specific structural and behavioural configurations in different types of operations. In some instances kidnappers for ransom in Somalia have developed fairly sophisticated regulations and monitoring mechanisms to ensure that individual pirates do not defect or otherwise behave badly during negotiations. On the other hand, leaders of the syndicates engaged in ship and cargo seizures maintain a monopoly on the connections needed to make a profit and often keep the pirates themselves in the dark about the destination of the loot. Likewise, to maintain access to supplies and security during negotiations, kidnappers for ransom in Somalia nurture relationships with clan elders, other local elites and businesses, thus enmeshing piracy in a variety of local economic, social, and political networks.⁹

So what are the varied constraints on piracy structure and behaviour? One of the key oversights in much of the literature on Somali piracy is the role of social norms and informal institutions in shaping and, to an extent, regulating the behaviour of Somali pirate groups, although there are some noteworthy exceptions such as the work by Stig Jarle Hansen, Roland Marchal, Christian Bueger, Jatin Dua, and Ken Menkhaus.¹⁰ The tendency to downplay the role of informal institutions in piracy appears to be largely a product of the 'failed state' prism through which much of the literature frames explanations of the emergence or prevalence of Somali piracy.¹¹ Broadly, the failed state literature sees the collapse of the Siyyad Barre government in 1991, and the conflict that followed, as having created large swathes of 'ungoverned space' in which various criminal entities could evolve without effective interference from state authorities. The lack

9. Hastings, 'Understanding maritime piracy syndicate operations'.

10. Stig Jarle Hansen, 'Piracy in the Greater Gulf of Aden: Myths, misconceptions and remedies' (Report, Norwegian Institute for Urban and Regional Research, Oslo, 2009); Roland Marchal, 'Somali piracy: The local contexts of an international obsession', *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 2, 1 (2011), pp. 31–50; Christian Bueger, 'Practice, pirates and coast guards: The grand narrative of Somali piracy', *Third World Quarterly* 34, 10 (2013), pp. 1811–27; Jatin Dua, 'A sea of trade and a sea of fish: Piracy and protection in the Western Indian Ocean', *Journal of Eastern African Studies* 7, 3 (2013), pp. 353–70; Jatin Dua and Kenneth Menkhaus, 'The context of contemporary piracy: The case of Somalia', *Journal of International Criminal Justice* 10, 4 (2012), pp. 749–66.

11. See, for example, Robert D. Kaplan, 'Anarchy on land means piracy at sea', *New York Times*, 12 April 2009, <<http://www.nytimes.com/2009/04/12/opinion/12kaplan.html>> (28 May 2014); Peter Chalk, 'The evolving dynamic of piracy and armed robbery at sea in the modern era: Scope, dimensions, dangers and policy responses', *Maritime Affairs* 5, 1 (2009), pp. 1–21; Karl Sorenson, 'State failure on the high seas: Reviewing the Somali piracy' (FOI Somali Papers, Report 3, Swedish Defence Research Agency, Stockholm, 2008).

of a legitimate central governing authority on land has, in this view, spilled over into international waters, giving rise to the call for international military, developmental, and state-building interventions to disable pirate operations, provide alternative livelihoods to piracy, or bolster the policing capacity of local authorities. However, the lack of a central government willing and able to exercise Weberian control of the legitimate use of force does not mean that all forms of governance are absent, or that pirates have free rein. Throughout Somalia a wide variety of localized, and often *ad hoc*, informal institutions provide 'forms of public order'¹² in varying measures of effectiveness, including public services and the management of violence.¹³ A case in point is that Somali piracy has emerged largely from within the parts of Somalia where there is a greater degree of semi-formal governing capacity and less violence, such as Puntland and central Somalia. In southern Somalia, which has experienced the worst ravages of conflict and humanitarian catastrophe, piracy has been minimal, suggesting that some level of infrastructure and centralized (if largely informal) governance capacity is necessary for piracy syndicates to survive and prosper.

The Horn of Africa and the Gulf of Guinea provide two ideal cases for examining how institutions influence the structure of pirate networks and the ways in which they operate in different areas. Both have been home to a great deal of sophisticated piracy in the past decade, and both have countries – Somalia and Nigeria – that are in some ways considered to have weak or failed state institutions. Yet there are differences in the institutional context that shapes the more mundane business practices in both areas, revealing the basis for the differences in pirate behaviour in the Horn of Africa and the Gulf of Guinea. In the Horn of Africa, it is predominantly (though not exclusively) informal, non-state economic and social institutions that constrain piratical behaviour. In the Gulf of Guinea, it is predominantly (though again not exclusively) formal state political institutions and the institutions of the formal economy that constrain and facilitate informal business networks engaged in piratical ship and cargo seizures.

The cases were selected at two levels. At the level of global piracy, Africa is a useful case inasmuch as both types of sophisticated piracy are present in more than token numbers in one continent, something which is not true of this phenomenon anywhere else in the world.¹⁴ At the level of African

12. Kenneth Menkhaus, 'Governance without government in Somalia: Spoilers, state building, and the politics of coping', *International Security* 31, 3, (2006/7), p. 74.

13. *Ibid.*, pp. 74–106; Tobias Hagmann and Markus V. Hoehne, 'Failures of the state failure debate: Evidence from the Somali territories', *Journal of International Development* 21, 1 (2009), pp. 42–57; Sarah Phillips, 'Political settlements and state formation: The case of Somaliland' (Research Paper 23, The Developmental Leadership Program, December 2013).

14. However, African pirates do not represent the majority of attacks globally. Even at its height, Somali piracy was roughly on a par with attacks in Indonesia. Hastings, 'Understanding maritime piracy syndicate operations'.

piracy, the attacks in the Horn of Africa and West Africa are diverse cases, in that they are representative of the universe of different forms of sophisticated piracy: in the case of the Horn of Africa, of kidnappings for ransom, and in the case of the Gulf of Guinea, of ship and cargo seizures. While one case per type of incident does not reflect the relative frequency of different types of piracy, the cases are not atypical examples of kidnappings and ship/cargo seizures.¹⁵ Within each case, we trace the process by which the region's selected form of sophisticated piracy is carried out, establishing waypoints throughout the process where the pirates need to access outside resources and ties, and thus see how their behaviour at each waypoint is constrained or shaped by the institutional context.¹⁶

Our use of institutions as an analytic tool follows Douglass North in understanding institutions as the formal and informal 'rules of the game' that 'structure incentives in human exchange, whether political, social or economic'.¹⁷ Like others, we emphasize that there are no rigid lines demarcating formal and informal institutions as they necessarily overlap and interact with one another.¹⁸ All political and economic systems entail elements of hybridity because all mix rational-legal (formal state) institutions with an array of informal customs, conventions, and norms – even those in the OECD that are usually held up as examples of Weberian statehood.¹⁹ Our analysis adopts the distinction between the formal and the informal offered by Gretchen Helmke and Steven Levitsky, who look at whether institutional rules and procedures are created, enforced, and communicated within (or beyond) officially sanctioned and public channels.²⁰ Put another way, formal institutions can be seen as 'organized routines' of the state: the organizations, laws, and regulations through which power can be exercised, particularly over the parts of the economy that operate within those routines. Informal institutions can be seen as the processes, relationships, and understandings by which power is exercised outside officially sanctioned channels.²¹

15. This case selection technique is discussed in Jason Seawright and John Gerring, 'Case-selection techniques in case study research: A menu of qualitative and quantitative options', *Political Research Quarterly* 61, 2 (2008), pp. 294–308.

16. Alexander George and Andrew C. Bennett, *Case studies and theory development in the social sciences* (MIT Press, Cambridge, MA, 2005).

17. Douglass North, *Institutions, institutional change and economic performance* (Cambridge University Press, Cambridge, 1990), p. 3.

18. Helmke and Levitsky, 'Informal institutions and comparative politics'; David Hudson and Adrian Leftwich, 'From political economy to political analysis' (Research Paper 25, The Developmental Leadership Program, June 2014), p. 40.

19. Phillips, 'Political settlements and state formation', p. 35.

20. Helmke and Levitsky, 'Informal institutions and comparative politics', p. 727.

21. This can be seen as a variation on Michael Bratton's definition of formal institutions in Michael Bratton, 'Formal versus informal institutions in Africa', *Journal of Democracy* 18, 3 (2007), pp. 96–110.

Sometimes the debate on specifically African institutions has been framed as between those who argue that formal institutions matter most in shaping citizens' political experiences,²² and those who contend that informal institutions are more relevant to African politics in so far as they are used by Africans to access power and get things done when formal pathways either fail or do not exist.²³ In this article, it is less a question of which types of institutions are more important overall than one of the differing contexts in which informal and formal institutions take precedence.²⁴ In the case of Somalia, where informal institutions play the primary constraining role, particular attention is paid to the role of narrative as a means of understanding how pirates 'create and communicate'²⁵ the rules of the game that shape their behaviour. In the case of Nigeria, where formal institutions play the primary constraining role, particular attention is paid to the steps involved in a successful piracy operation, and the interaction between pirates, individuals within state organizations, and the formal oil economy.

Informal institutions and piracy in the Horn of Africa

This section examines the institutional, ideational, and social regulations that have shaped pirate behaviour in Somalia over time. It looks at how prevailing informal institutions (such as clan-based mechanisms, expectations of interpersonal connectivity, collective security arrangements, and rent-based economic activity), interact with mundane (licit) local trade practices, and how they have helped to sustain pirates' kidnap-and-ransoming activities over time.

The time frames for Somali operations are long, running an average of six months between 2011 and 2012, and frequently dragging on for a year or more – unlike piracy in West Africa or South-East Asia, where ship and/or cargo theft is often preferred over tedious ransom negotiations. In the Horn of Africa, ransom negotiations are performed while the hostages are held on board the ship, which benefits the local community at the anchorage point, who provide various services and forms of labour during the negotiations. The long duration of the negotiation process works to further intertwine the fates and fortunes of the host community with those of the

22. Daniel N. Posner and Daniel J. Young, 'The institutionalization of political power in Africa', *Journal of Democracy* 18, 3 (2007), pp. 126–40.

23. Goran Hyden, *African politics in comparative perspective* (Cambridge University Press, Cambridge and New York, NY, 2006), pp. 7, 78; René Lemarchand, 'Political clientelism and ethnicity in tropical Africa: Solidarities in nation-building', *American Political Science Review* 66, 1 (1972), pp. 91–112.

24. Bratton, 'Formal versus informal institutions in Africa'.

25. Helmke and Levitsky, 'Informal institutions and comparative politics', p. 730.

hijackers.²⁶ Local traders supply food, *qat*, and telecommunications airtime to the pirates, while local networks also maintain physical security. The locations of the captured ships are well known during the negotiation process and, therefore, political capital at the anchorage point is hugely important for gaining and maintaining security against either external threats or threats from within the community during the operation. Without the active facilitation of some members of the host communities, pirates could not afford to dally as they often have in the negotiation process.

There is a temptation to try to explain the organizational characteristics of pirate groups through their most visible structural traits, such as the numbers of actors involved, hierarchies of command and control, methods of recruitment, access to resources, technological sophistication, embeddedness within a clan, and chosen places of anchorage.²⁷ While revealing, this needs to be done in conjunction with a nuanced consideration of the informal institutional environment within which these traits can be observed. In this respect, the narratives that Somali pirates construct about themselves provide much insight into the extent to which Somali pirate behaviour is shaped by its informal institutional environment.

Somali pirates are quite distinct from pirates elsewhere in that a significant number of them have been highly outspoken about their exploits. To this end, they actively engage with international media outlets to narrate and justify their activities despite the apparent risk of further incriminating themselves.²⁸ Deliberate attempts to attract publicity are usually the hallmark of politically motivated groups, but are atypical of those with purely criminal or mercenary aims. This suggests that the outspokenness of Somalia's pirates is significant beyond being either a matter of individual ego, or an attempt to justify criminal activity (though both are likely factors as well). The surprising consistency of the narrative across time and place reveals the degree to which it is integral to the behaviour of Somali pirates. It communicates their perceived operational (and ideational) constraints and points of leverage, and is an expression of the rules by which pirates

26. The hijackers are often, though not necessarily, from the same clan as the host community.

27. Murat Iyigun and Watcharapong Ratisukpimol, 'Learning piracy on the high seas' (Working Paper, University of Colorado, Boulder, CO, 2011); Geopolitics, 'The economics of piracy: Pirate ransoms and livelihoods off the coast of Somalia' (Geopolitics, British Virgin Islands, May 2011); Percy and Shortland, 'The business of piracy in Somalia'; World Bank, 'Pirate trails: Tracking the illicit financial flows from pirate activities off the Horn of Africa' (World Bank, Washington, DC, 2013).

28. For examples of pirates giving interviews to international media outlets, see Mohamed Odawa, 'Interview with Abdulkadir Mohamed Afweyne', *Somalia Report*, 4 February 2012; Al-Jazeera, 'Lawless seas: Meet the pirates. Interview with Abdirashid Muse, a pirate', 15 June 2009, <<https://www.youtube.com/watch?v=jVUP33n0Js>> (16 May 2015); Jeffrey Gettleman, 'Somali pirates tell their side: They want only money', *New York Times*, 1 October 2008; Rod Nordland 'Q&A: Somali pirate explains how to steal ships', *Newsweek*, 13 October 2010.

seek to impose a semblance of order within and across groups.²⁹ More importantly, the narrative attempts to frame piracy as an activity that fits within, and is governed by, the same informal rules that govern 'legitimate' local economic activity. In so doing, piracy is framed as an unremarkable activity that is merely capitalizing on Somalia's marginalization within the global economy through existing local entrepreneurial norms and clan-based collective security arrangements. As is discussed further below, this embeds piracy in the shared expectations of a political economy in which goods, services, and rents are exchanged through social networks, and in which security is maintained through informal, though widely understood, rules that enforce connectivity between individuals.

The narrative revolves around three primary themes. The first is the perception of injustice and predation by the international community against Somalia, from which protection is legitimately required.³⁰ This includes the idea that piracy is directly linked to Somalia's marginalization in global power structures and, more specifically, refers to the depletion of Somalia's fishing stocks by illegal international trawlers and the dumping of toxic waste along the unpatrolled coast of Somalia.³¹ A second theme is the purportedly state-like coastguard services that pirates are willing and able to provide in the absence of effective central state institutions – offering these services includes the right to extract taxes or rents from trespassers.³² The final theme involves strong expressions of Somali nationalism, particularly the desire to regain full sovereignty over Somali territory.

These are themes that already resonate within Somalia and thus already inform behaviour. Recourse to them not only seeks to confer legitimacy on the activities of the pirates but, more importantly, attempts to normalize

29. Christian Bueger offers a comprehensive analysis of the pirates' 'grand narrative' and mentions its importance in 'ensur[ing] compliance with rules'. Bueger, 'Practice, pirates and coast guards', p. 1822.

30. See Dua, 'A sea of trade and a sea of fish', for a detailed primary exploration of the concept of protection within pirates' self-representations. Dua's analysis also provides useful historical context for the 'longer histories of trade and plunder in the West Indian Ocean', p. 363. We extend Dua's arguments by showing that the narrative also locates Somali piracy within the institutions that order mundane contemporary economic activity.

31. See *ibid.*, pp. 361–3 for interviews with pirates highlighting this position. See also United Nations Environment Programme, 'After the Tsunami: Rapid environmental assessment' (United Nations Environment Programme, Nairobi, 2006), p. 10, for more on toxic waste dumping off the coast of Somalia. See also Illegal, Unreported, and Unregulated (IUU) Fishing Coordination Unit, *Closing the net: Stopping illegal fishing on the high seas* (Final Report of the Ministerially Led Task Force on IUU Fishing on the High Seas, March 2006), <www.imcsnet.org/imcs/docs/hstf_final_report.pdf>.

32. Bueger, 'Practice, pirates and coast guards', p. 1818; Dua, 'A sea of trade and a sea of fish', pp. 355–7. This disregards the fact that Somalia's pirate organizations were shaped by the international military companies they now purport to defend Somali waters against. For more see United Nations Monitoring Group on Somalia and Eritrea, 'Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1811 (2008)' (S/2008/769, Security Council, New York, 2008), p. 15; Marchal, 'Somali piracy', p. 38.

piracy as something that readily slots into prevailing norms about legitimate rent seeking and protection from external predation. The following examples illustrate the ways that pirates have sought to characterize their actions:

Now the international community is shouting about piracy. But long before this, we were shouting to the world about our problems. ... They fished everything — sharks, lobsters, eggs.³³

We have already been victimized by illegal fishing, which encouraged Somalis to attack foreign ships in order to defend our right and country. ... Before our involvement in piracy, we were fishermen in Harardheere and Hobyo. Our boats were destroyed by ships which were fishing illegally in our sea, and piracy was our response.³⁴

We were fighting against those who were destroying the sea and preventing us from entering it. Therefore, I was not a kidnapper, but was a leader of this legitimate self-defence movement. We organised the youth of the region and the aim was to protect ourselves and not to kidnap.³⁵

We don't consider ourselves sea bandits. ... We consider sea bandits those who illegally fish in our seas and dump waste in our seas and carry weapons in our seas. We are simply patrolling our seas. Think of us like a coast guard.³⁶

None of this is to suggest that the narrative is necessarily an accurate representation of pirates' motivations. For instance, profit seeking is undoubtedly underplayed as is the use of violence during the kidnappings. Rather, the narratives reflect how they would like their actions to be understood both within and beyond Somalia: as congruent with existing norms and institutions that maintain security, and incongruent with criminal profit seeking and ruthless violence. Referring to piracy as serving a coast-guard function portrays the practice as a legitimate activity that mimics the functions of a modern Weberian state. In so doing pirates also highlight their alleged adherence to the powerful local norms of protection, collective security, and legitimate rent seeking that are discussed in the following section.

The idea of an informal non-state coastguard also has historical precedents within Somalia. With the vacuum of state enforcement capacity that followed the collapse of the Siyyad Barre government in 1991, international fishing trawlers began to take advantage of Somalia's unpatrolled fishing grounds, leading to the emergence of what some have referred to as 'defensive pirates'.³⁷ These were, at least sometimes, aggrieved Somalis who would demand payment from foreign ships in Somali waters for either transit or for fishing "licences". While some authors dismiss the defensive

33. Shashank Bengali, 'An interview with a jailed Somali pirate leader', *Christian Science Monitor*, 3 May 2009.

34. Odawa, 'Interview with Abdulkadir Mohamed Afweyne'.

35. Nordland, 'Q&A'.

36. Gettleman, 'Somali pirates tell their side'.

37. Samatar, Lindberg, and Mahayni, 'The dialectics of piracy', p. 1385.

narrative as self-serving,³⁸ some crews of the ships attacked in the mid-1990s reported nevertheless that the hijackers had identified themselves as members of a coastguard service.³⁹ This suggests that an understanding of Somalia's international marginalization after the collapse of the government formed at least part of the underlying rationale for some of these earlier operations.

Since 2012, the fortunes of Somali pirates have fallen dramatically, with no commercial vessels other than fishing dhows being hijacked during 2013 and 2014, despite many attempts.⁴⁰ One of the organizational innovations of this period has been a return to the notion of pirates as coastguards, with Somali boats again selling fishing licences to international fishing trawlers operating within what would be Somalia's economic exclusion zone.⁴¹ Reportedly, if a crew declined to purchase a licence, they tended to be attacked shortly afterwards. A European naval intelligence officer stated that he had seen 'about four different versions of these licences', suggesting that this alternative method of maritime rent seeking was becoming reasonably popular.⁴² The return to this taxation-based justification for attacks at sea illustrates the importance of dominant narratives in setting parameters for acceptable economic behaviour. Judging from the fact that a number of different versions of the "licences" exist, this appears to be something that has occurred across multiple pirate networks, which again highlights the salience of the narrative that has emerged to frame, but also crucially to shape, behaviour. It is also suggestive of the way that the narrative communicates the expectation that pirate groups draw from the norms that already shape the legitimate economy, perhaps as a means of not alienating pirates from those who provide them with operational supplies, logistics, and security.

Somali piracy exhibits many points of congruence with the more mundane patterns of economic activity in the country such as widespread reliance on collective security, especially that provided by the clan system, and the prevalence of rent-based economic activities. Gregory Collins writes that the physical environment in Somalia provides 'a context in which the only certainty other than uncertainty is one's connections'.⁴³

38. Hansen, 'Piracy in the greater Gulf of Aden', p. 9.

39. Samatar, Lindberg, and Mahayni, 'The dialectics of piracy', pp. 1385–6.

40. International Maritime Bureau, *2013 Annual Piracy and Armed Robbery Report* (International Maritime Bureau, London, 2014); US Department of State, 'Contact group on piracy off the coast of Somalia meets in Dubai', 20 October 2014, <<http://www.state.gov/r/pa/prs/ps/2014/10/233451.htm>> (16 May 2015).

41. Somalia's economic exclusion zone was not legal until the Federal Government of Somalia was recognized in August 2013.

42. Interview, member of EUNAVFOR Intelligence, Nairobi, 5 June 2013.

43. Gregory A. Collins, *Connected: Developing Somalia's telecoms industry in the wake of state collapse* (Ph.D thesis, University of California, 2009), p. 57.

When one is virtually guaranteed that environmental disaster will strike at some point in time, one's connections to others provide some structural protection against inevitable crisis. The intensely networked nature of Somali society provides a means of seeking protection through those one is connected to, rather than through the resort to codified – and thus less flexible – rules to enforce behavioural expectations. The recourse to one's personal connections as a means of both survival and prosperity underpins Somalia's clan system and, Collins again observes, 'it is the clan system that provides the ideological basis for putting [personal] connections above all else'.⁴⁴

Reflective of this, the Somali economy is not centred on labour-intensive production such as manufacturing. Other than pastoral farming that produces livestock for domestic consumption and export, Somalia has a predominantly import- and service-based economy in which an estimated 40 percent of society survives through the receipt of remittances (essentially rents) from friends and relatives abroad.⁴⁵ However, even pastoral farming is not a productive activity in the typical sense. As Ernest Gellner points out, pastoralism is unlike other forms of farming or agricultural production because the wealth of shepherds is generally carried 'on the hoof' rather than in geographically fixed productive land. In other words, the wealth of the pastoralist is held largely within the cattle herds, which makes it both highly mobile (and thus difficult to tax), and highly susceptible to catastrophic loss through attack, theft, or environmental adversity.⁴⁶ Furthermore, the labour input required in pastoral agriculture is not scaled relative to profit; looking after hundreds of cattle is not substantially more work than looking after dozens, and so while pastoralism is not technically a rent-based activity, its regulatory framework is quite different to that found in other agricultural practices. The real work of pastoralism, Gellner goes on to argue, is in maintaining the security of the herd. This is done collectively through clan-based mechanisms that hold all members of an aggressor's clan equally responsible and thus punishable for the actions of one member, in an effort to disincentivize theft or aggression against outsiders.⁴⁷ Somali clans and/or sub-clans are divided into smaller corporate units called *diya/mag* (blood compensation) groups, which circumscribe the basis of an individual male's rights and

44. *Ibid.*, 46.

45. Caitlin Chalmers and Mohamed Aden Hassan, 'UK Somali remittances survey' (Department for International Development, London, 2009); *The Economist*, 'African money transfers: Let them remit', 20 July 2013.

46. Ernest Gellner, 'Trust, cohesion, and the social order', in Diego Gambetta (ed.), *Trust: Making and breaking cooperative relations* (Basic Blackwell, Oxford, 2000), p. 144.

47. *Ibid.*

obligations.⁴⁸ *Diya* groups are comprised of between several hundred and several thousand men, and membership is based on kinship and/or alliance to form a communal insurance system and a means of regulating relationships between groups. Compensation is required when a person is killed, injured, raped, stolen from, or defamed, and is given to the victim's *diya* group to compensate them all for the loss incurred.⁴⁹ All male members of the group are obliged to contribute if a member of their group kills or harms a person outside their group, just as all male members of the group are also potential targets for retribution if a member of their group offends against another. The *diya* system thus gives expression to the norms of collective security through reciprocity, which permeate many other aspects of Somali life.

Pastoralism requires these complex collective security arrangements between large groups of mobile and potentially vulnerable people in order for it to be economically viable: it requires security far more than it requires the input of labour. Therefore, clan-based mechanisms for solving collective security problems against external threats are deeply embedded in the predominant means of earning a livelihood. This fact about the Somali political economy is continually, though implicitly, evoked by the overarching narrative used by pirates, which portrays pirates as coastguards, tax collectors, and erstwhile protectors from external predation: it is legitimate and unexceptional to earn a living through the same means as achieving collective security. In other words, piracy is portrayed as a practice that is governed by the same rules that shape the mundane political economy.

Somalia's informal institutions, particularly those associated with the clan system, not only shape the narratives that pirates adopt but are also imprinted on their organizational structures. Clan affiliation in Somalia can be dynamic, with divisions and unions reflecting conflicts within and between clans, or resulting from violence or resource scarcity. The shared lineages that the clan system is based on are – to some extent – constructed and imagined lineages of patrilineal descent that can change over time and in response to other structural and contingent factors. Joakim Gundel writes that 'it is almost impossible to draw an entirely correct chart of all the clan families, because they form a living organism, and it is difficult to keep track of the constant developments'.⁵⁰ This is not to say that the clan system cannot also be remarkably

48. A. Y. Farah and I. M. Lewis, 'Making peace in Somaliland', *Cahiers d'études africaines* 37, 146 (1997), pp. 349–77.

49. Andre Le Sage, 'Stateless justice in Somalia: Formal and informal rule of law initiatives' (Report, Centre for Humanitarian Dialogue, Geneva, 2005), p. 32.

50. Joakim Gundel, 'Clans in Somalia' – revised edition (Workshop Paper, COI Workshop, Vienna, 15 May 2009), p. 11, <http://www.ecoi.net/file_upload/90_1261130976_accord-report-clans-in-somalia-revised-edition-20091215.pdf> (30 May 2014).

static in many circumstances, only that being at least partly agential, clan structures can morph in response to perceptions of threats and opportunities.

Likewise, the most salient organizational characteristic of Somali pirate syndicates is probably the degree to which they defy consistent categorization across time and place. Groups conducting maritime attacks from Somalia range from contingent, flat, and ephemeral coalitions of five or so members of the same clan that may disperse after a single operation, to much larger and more sophisticated organizations of up to a few hundred people, sometimes from various clans, sometimes involving international collaborators, and sometimes even capable of conducting simultaneous operations. As one European naval intelligence officer working in Nairobi noted: 'Even if I could draw you [an organizational chart for a specific pirate group] now, it would be different in a week; they are constantly changing.'⁵¹ To illustrate his point, he drew a series of boxes connected by two-directional arrows peppered with question marks, and either disintegrating into smaller boxes or morphing into larger ones.

Therefore, network fluidity in response to crisis, opportunity, and personal connectivity are not only features of illicit activity in Somalia such as piracy, but also of most mundane, licit economic activity as well. Seen in this way (and with an important caveat surrounding the violence that pirates employ), piracy operations run on a similar logic to those forms of economic activity that favour collective action and high degrees of mobility. It is a process in which rent is sought (and rhetorically justified as a form of tax from those passing through a territory), security maintained, and services exchanged on the basis of existing social networks. Criminal aspects of the piracy business aside, the fact is that pirates justify their actions within a remarkably consistent overarching narrative of piracy as a form of taxation or rent for either transit or protection that, broadly speaking, sits quite comfortably within an intensely networked – and often rent-based – political economy. The embeddedness of piracy practices, which require community participation and political capital within existing social and economic institutions, makes it difficult for external actors to fight piracy without also addressing the perceived exploitation that figures so prominently within the overarching narrative. As a result, military measures against pirate groups may halt the hijackings, but, as long as the narrative retains resonance, the behaviour may morph into other practices that cohere with it.

Formal institutions and piracy in West Africa

Although piracy off the coast of the Horn of Africa has declined, piracy in West Africa, particularly the Niger River Delta, has maintained a low

51. Interview, member of EUNAVFOR Intelligence, Nairobi, 5 June 2013.

hum of activity, with two successful recorded ship/cargo seizures and six kidnappings for ransom in 2013.⁵² As with Somali pirates, Niger River Delta militants – and among them pirates engaged in kidnappings for ransom – have a narrative that constrains their behaviour: they are protectors of their land, using violence and especially kidnappings of foreign oil workers and attacks on oil facilities to stop environmental degradation committed by foreign oil firms, and to demand a greater share of the oil and natural gas income.⁵³ Some of the narrative is longstanding. The Delta region has long had pirates who exact “security fees” that passersby must pay to the local inhabitants, as with Somalia.⁵⁴ With the arrival of foreign oil companies, the attention of Niger Delta residents shifted to the job opportunities and the income that theoretically came with oil extraction.

In the face of protests over the lack of such opportunities, in the late 1990s the federal government sent in security forces. Their own violence encouraged a radicalization and militarization of the unrest as the state came to be seen as fighting on the side of the oil companies, and led to the rise in the early 2000s of violent youth militias and later the Movement to Emancipate the Niger Delta (MEND).⁵⁵ Formal state institutions that have been turned toward private gains play a large role in the violence. The monopolization of the oil rents by corrupt state officials fuels grievances as marginalized inhabitants are deprived of development resources and adequate local government,⁵⁶ and local state elites are alleged to encourage militant violence to make a play for a greater share of oil revenue, while central and state government elites plunder the revenues themselves.⁵⁷ Piratical kidnappings for ransom should be seen not as *sui generis* but as an extension of the land-based kidnappings and violence to the sea.

52. Hastings, ‘Understanding maritime piracy syndicate operations’, overview derived from International Maritime Bureau figures. The real figures are likely to be significantly higher. In this section, we necessarily rely on secondary sources such as newspaper articles, owing to the difficulty of finding information on the intricacies of some aspects of piracy in West Africa.

53. See, for instance, Ibaba S. Ibaba, ‘Alienation and militancy in the Niger Delta: Hostage taking and the dilemma of the Nigerian state’, *African Journal on Conflict Resolution* 8, 2 (2008), p. 15. See also Daniel E. Agbiboa and Benjamin Maiangwa, ‘Oil multinational corporations, environmental irresponsibility and turbulent peace in the Niger Delta’, *Africa Spectrum* 48, 2 (2013), pp. 71–83; Augustine Ikelegbe, ‘The economy of conflict in the oil rich Niger Delta Region of Nigeria’, *Nordic Journal of African Studies* 14, 2 (2005), pp. 215–20.

54. Marc-Antoine Perouse de Montclos, ‘Maritime piracy in Nigeria: Old wine in new bottles?’, *Studies in Conflict and Terrorism* 35, 7–8 (2012), pp. 531–41.

55. Ukoha Ukiwo, ‘Causes and cures of oil-related Niger Delta conflicts’ (Policy Notes, Nordic Africa Institute, Uppsala, Sweden, 2009); David U. Enweremadu, ‘Ending the vicious circle: Oil, corruption, and violent conflict in the Niger Delta’, paper presented at conference on Violence and Conflict in West Africa (IFRA Nigeria, Ahmadu Bello University, Zaria, 17 November 2009); Freedom C. Onuoha, ‘Piracy and maritime security in the Gulf of Guinea: Nigeria as a microcosm’ (Al Jazeera Centre for Studies, Doha, Qatar, 12 June 2012), p. 9.

56. Ibaba, ‘Alienation and militancy in the Niger Delta’, p. 21.

57. See Enweremadu, ‘Ending the vicious circle’.

The Niger River Delta insurgents' narrative justifies in their minds the kidnappings for ransom, as does its Somalian counterpart. It does not explain the structure of ship and cargo seizures in the Gulf of Guinea: unlike kidnappings, they are arguably less constrained by informal understandings or justifications of struggles against oppressors and exploiters. In ship and cargo seizures, corruption by officials within formal state institutions – the state essentially working against itself – allows syndicates to access information and infrastructure useful for carrying out attacks, while the infrastructure itself exists because of foreign oil firms' involvement in the formal legitimate economy. As a result, where Somali piracy networks are embedded within and constrained by informal institutions and norms, in West Africa piracy networks that seize ships and cargoes operate within the confines of the formal export economy. While the syndicates use informal networks to supply, stage, and profitably execute their operations, these networks stretch through the formal institutions of the state and the infrastructure of the oil industry. As in Somalia, pirates are based in a political economy that encourages rent seeking, but in Nigeria the rent seekers are often officials using their positions in the formal economy.

Nigeria is one of the largest oil-exporting countries in the world and the largest in sub-Saharan Africa. The Nigerian economy relies relatively heavily on formal production and export, with oil products accounting for 91 percent of Nigeria's exports in 2012.⁵⁸ Consequently, the relationship between state institutions and the oil industry is complex. Most of the country's oil production projects take the form of joint ventures between the Nigerian National Petroleum Corporation (NNPC) and international oil companies such as ExxonMobil, Chevron, and Total, although local private oil companies providing various services do exist.⁵⁹ Firms must enter into formal agreements with the NNPC and accede to regulation by the Ministry of Petroleum Resources and other federal government agencies; they must also deal with local government authorities in the areas in which they are operating.

While these institutions can provide legal sanction and political cover in the event of difficulties, officials within the NNPC, the Ministry of Petroleum Resources, and other government agencies are also in a position by virtue of their formal roles to extract rents from oil production and service companies. Perhaps just as importantly, these officials have knowledge of the oil industry's operations, the location of oil industry facilities, and the movement of oil tankers. Political and bureaucratic elites can thus

58. *The Atlas of Economic Complexity*, 'What did Nigeria export in 2012?' (Report, Center for International Development, Harvard University, Cambridge, MA, 2014), <http://atlas.cid.harvard.edu/explore/tree_map/export/nga/all/show/2012/> (28 May 2014).

59. Energy Information Administration, 'Nigeria' (Country Analysis, Energy Information Administration, Washington, DC, 2013).

exploit their formal positions to their economic advantage, both by establishing and then by guiding business (legally or not) toward their own oil services and logistics firms. They can do this either through standard rent seeking or by taking the oil themselves and refining and selling it for profit.

By necessity international oil firms have cultivated financial and political ties with national-level and local-level political elites, including the leaders of local ethnic protest groups, as a means of minimizing risk in their operations.⁶⁰ International firms and local firms alike contract with local economic actors for a variety of goods and services: recruitment of local employees, provision of supplies and maintenance of facilities, and, perhaps most importantly, security for their employees and infrastructure. This infrastructure consists of a complex system of facilities extending from the oil drilling platforms to pipelines for transport, refineries and tank storage facilities, ports where oil and natural gas are loaded onto ships, and the ships themselves that transport the oil from Nigeria to international buyers.

At every step in the process from extraction to final export, oil firms are potentially subject to rents extracted by local political actors, both at the national and local levels, and must pay them off or establish informal understandings with them – often they must do both. The alternative to these payments or understandings is to deal with the security risks inherent in Nigeria – posed not only by brigands and militants operating on behalf of aggrieved groups, but also by pirates embedded in the networks of local political and economic elites who are tied to the formal oil industry.⁶¹ The result is that, as in Somalia, the piracy networks themselves mimic and parallel the structure of the legitimate economy.

While the Gulf of Guinea has seen its own share of kidnappings, unlike Somalia it has also seen ship and cargo seizures, at least 15 of which were recorded between 1996 and 2010.⁶² Ship and cargo seizures can be seen as a variation on ‘bunkering’, a process in which criminal syndicates siphon off (and often refine) oil illegally from pipelines, tankers, or oil industry facilities, and resell it (often on the international market).⁶³ The Nigerian partners in bunkering operations must pay off the Nigerian Navy to look the other way, and pay fees to ‘local communities to have access to oil theft opportunities and negotiate an acceptable date for their operation’.⁶⁴ They

60. Ukoha Ukiwo, ‘From “pirates” to “militants”: A historical perspective on anti-state and anti-oil company mobilization among the Ijaw of Warri, Western Niger Delta’, *African Affairs* 106, 425 (2007), pp. 587–610.

61. See Ikelegbe, ‘The economy of conflict in the oil rich Niger Delta Region’, pp. 224–5.

62. Hastings, ‘Understanding maritime piracy syndicate operations’.

63. Ikelegbe, ‘The economy of conflict in the oil rich Niger Delta Region’, pp. 222–3.

64. Montclos, ‘Maritime piracy in Nigeria’, p. 534.

may also arrange with foreign businesspeople to transport and buy the stolen oil, as well as falsifying customs documents if necessary.⁶⁵

As with large-scale bunkering more generally, a ship/cargo seizure operation requires some contact with corrupt Nigerian political elites. Political elites are involved in the operations and in the market within Nigeria for stolen oil cargo, because they often own the local oil companies involved in downstream oil production and distribution. These political actors have a role in the piracy networks, due to their formal role in Nigeria's economy, as government regulators of the oil and maritime industries in Nigeria, or as businesspeople who process oil, provide support services to oil firms, and ship oil. More specifically, they are able to play a role because their formal roles put them at the nexus between local economic and political networks and relevant actors in the international economy (who must deal with government regulators and local supply firms to do business in the Gulf of Guinea).

A ship/cargo seizure requires, if anything, greater access to economic infrastructure than kidnappings do, which is perhaps why ship/cargo seizures globally tend to take place in locations with at least minimally effective formal institutions.⁶⁶ In sophisticated oil theft operations, the pirate group itself functions as the muscle for financiers and brokers rather than as a principal in its own right, although the pirate leader will draw on transnational social and economic connections within the oil and maritime shipping industries to acquire arms and hire personnel. The Nigerian government's 2012 counter-piracy Operation Pulo Shield yielded suspects involved in oil theft from Ghana, India, Lebanon, and eastern Europe,⁶⁷ while another group broken up in the same year was based near Lagos in Nigeria but would sell captured vessels at ports in Benin, suggesting the group had access to transnational business networks for the purposes of selling off the ships.⁶⁸

The pirate network might also find information about the location, route, and contents of specific ships, which generally means they need connections to shipping networks or political actors located inside government institutions. In one particularly well-known case in 2012, the hijacking group led by Numbers Blessing alleged that it was officials in the Ministry of Petroleum Resources and the Nigerian National Petroleum Corporation who fed information about ship names, locations, and cargo to the broker,

65. *Ibid.*, pp. 534–5. See also Ikelegbe, 'The economy of conflict in the oil rich Niger Delta Region', pp. 222–3.

66. Hastings, 'Geographies of state failure'.

67. Samuel Oyadongha, 'Expatriates on security watch over crude theft', *Vanguard Nigeria*, 31 December 2012, <<http://www.vanguardngr.com/2012/12/expatriates-on-security-watch-over-crude-theft/>> (28 May 2014).

68. Evelyn Usman, 'How we hijack cargoes, by sea robbers', *Vanguard Nigeria*, 6 October 2012, <<http://www.vanguardngr.com/2012/10/how-we-hijack-cargoes-by-sea-robbers/>> (28 May 2014).

who then gave the information to the pirates for their operations. The syndicate also claimed that government officials and traditional rulers provided initial financing for the attacks and paid money to security forces to ensure security during the operation.⁶⁹ Other gangs also contained members who used their formal positions to gather information and build the social networks necessary to support operations. One gang involved in a cash theft from foreign oil dealers and illegal oil bunkering had a member who was an employee of the Nigerian Ports Authority (NPA) and another who was an employee of a Bayelsa company that provided food to ships in the Gulf of Guinea.⁷⁰ Their positions gave them inside knowledge of the location and cargo of targets.

In Nigeria, police, coastguard, and military units are already in the Niger River Delta and the Gulf of Guinea to deal with the unrest there, and are in some cases ex-militants themselves.⁷¹ As with other criminal violence in the Delta, security forces serve multiple roles: they instigate violence, thus stoking grievances, as well as profiting from the unrest. These security forces play dual roles, and individuals within them provide security for pirates. Oil companies have accused Nigerian military units of standing by while pirates attacked them,⁷² and the police have mysteriously released pirates even after they were captured.⁷³ As with officials within civilian agencies, they also go into piracy themselves, with officials within the security forces as well as customs and port authorities providing information to pirates.⁷⁴

During the operation, the pirates need their own oil tanker or cargo ship to take on the loot, which implies connections with both local and potential international economic actors. In one case in early 2013, the broker legally chartered a tanker, the *MT Tor Prosperity*, in Lagos. Once at sea, the broker ordered the ship captain to pull alongside another tanker, the *MT Itri*, which had been hijacked off Abidjan, Côte d'Ivoire, and take on jet fuel.⁷⁵

69. Evelyn Usman, 'Top government officials, politicians contract us – Sea pirates', *Vanguard Nigeria*, 12 December 2012, <<http://www.vanguardngr.com/2012/12/top-government-officials-politicians-contract-us-sea-pirates/>> (28 May 2014).

70. Comfort Oseghale, 'I got a share of \$10m after we robbed a ship', *Punch*, 5 May 2012, <<http://www.punchng.com/feature/crime-digest/i-got-a-share-of-10m-after-we-robbed-a-ship/>> (28 May 2014).

71. International Crisis Group, *The Gulf of Guinea: The new danger zone* (International Crisis Group, Brussels, 12 December 2012).

72. British Broadcasting Corporation, 'Row over tanker held in Nigeria', 30 November 2008, <<http://news.bbc.co.uk/2/hi/africa/7757561.stm>> (7 June 2015).

73. *This Day Live*, 'NIMASA, Joint Task Force take battle to sea bandits', 7 December 2012, <<http://www.thisdaylive.com/articles/nimasa-joint-task-force-take-battle-to-sea-bandits/132830/>> (7 June 2015).

74. Montclos, 'Maritime piracy in Nigeria', p. 538.

75. Clara Nwachukwu and Michael Eboh, 'Pirates hijack Nigerian ship in Cote d'Ivoire', *Vanguard Nigeria*, 24 January 2013, <<http://www.vanguardngr.com/2013/01/pirates-hijack-nigerian-ship-in-cote-d-ivoire/>> (28 May 2014); Godfrey Bivbere, '80% of local shipping firms

The mother ships used to both launch attacks and receive siphoned oil are not necessarily other hijacked ships, as in Somalia, but small tankers owned legally by local companies. In the case of the Numbers Blessings group, the *MT Ejenavi*, owned by a company called Eagle Maritime and captained by Nicholas Okotie, was used as the mother ship in a number of attacks with the full connivance of Okotie.⁷⁶

After the operation, the ship/cargo seizure piracy networks must also convert the loot into profits, which implies the existence of a local or international market that is sufficiently large to absorb the quantity of cargo or oil stolen. In Nigeria, the means by which pirates move from hijacking to profit is largely shaped by the nature of the oil industry in West Africa. The attackers themselves do not have personal access to the networks with which to profit from the oil, but deliver the oil to the principals for a flat sum. The Numbers Blessing gang, for instance, was to be paid US \$101,000 by financiers within the Nigerian oil industry for the operation they were planning.⁷⁷

Once the pirates have transferred the oil to the receiving tanker, they are told by the broker where to take the oil and then oversee security while the oil is transferred to fuel tanks on land. In the case of the attack on the *MT Anuket Emerald* in 2012 by the *MT Ejenavi*, for instance, the oil was off-loaded to the *MT Grace*, a chartered vessel,⁷⁸ and then further transported to tank farms owned by local oil companies. At least one company provided brokerage services between the pirates and one of the oil companies.⁷⁹ The broker apparently had the *MT Grace* offload the oil to the tanks of Integrated Oil and Gas Ltd, a company owned by the former Minister of the Interior, Emmanuel Iheanacho.⁸⁰ The case illustrates an important point: ship and cargo seizures are technically criminal activities, but at nearly every step of the way the pirates depend on the infrastructure (the ships, and storage and refining facilities) and the institutions (local brokerage, oil processing, and shipping companies, local and foreign buyers) of the formal oil economy. Furthermore, while the pirates depend on informal ties with corrupt officials and businessmen to provide opportunities and mitigate threats to their operations, these officials and businessmen are in a position to benefit because of their places within formal state institutions

have closed shop – Molap boss', *Vanguard Nigeria*, 21 February 2013, <<http://www.vanguardngr.com/2013/02/80-of-local-shipping-firms-have-closed-shop-molap-boss/>> (28 May 2014).

76. *This Day Live*, 'NIMASA, Joint Task Force take battle to sea bandits'.

77. *Ibid.*

78. *Ibid.*

79. *Ibid.*

80. Kunle Kalejaye, 'The story of my arrest – Ex-Minister Iheanacho opens up', *Vanguard Nigeria*, 23 September 2012, <<http://www.vanguardngr.com/2012/09/the-story-of-my-arrest-ex-minister-iheanacho-opens-up/>> (28 May 2014).

and the formal economy. Just as Somali kidnappers for ransom are constrained by the rules and norms of the legitimate Somali economy, so too are Nigerian pirates engaged in ship and cargo seizures constrained by the rules and norms of the legitimate Nigerian economy.

Conclusion

Despite popular images of pirates as outside the rule of law (or even 'civilization') operating without restraint, pirate leaders are not entirely free agents. Pirates face constraints but also opportunities that are delineated by institutional norms, even in so-called 'failed' states that have few, if any, effective state institutions. In the case of kidnappings for ransom in the Horn of Africa, the informal regulations that govern clan groups, rent-based economic activities, and collective security arrangements play the principal structuring role, leading to piracy networks that are fluid, dynamic, and based on trust-based kinship and other social networks. In the case of ship and cargo seizures in Nigeria, piracy has arisen out of the unrest in the Niger River Delta, but the structure and behaviour of the piracy networks themselves are structured principally by the admittedly weak formal state institutions and the infrastructure of the formal oil economy.

This article has highlighted the importance of understanding piracy within the local institutional context from which it has evolved. This means that piracy needs to be seen as more than simply a rational choice criminal enterprise or a reaction to impoverishment for which the establishment of more robust Weberian state institutions is necessarily the answer. Pirates are not only economic actors; they are also political and social actors that are constrained and enabled by the same institutions that order the behaviour of those with whom they interact on a daily basis. The form that piracy takes is, in large part, determined by the perceived nature of the connection between the local 'legitimate' economy and the global economy, whether it comes from rent seeking against passing ships driven by ideas about exploitation, or private exploitation of state institutions and formal foreign businesses exporting from the local economy.