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THESIS

**PATRIMONIAL PIRACY? PATRONAGE
CENTRALIZATION AND PIRACY IN THE GULF OF
GUINEA**

by

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December 2020

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**PATRIMONIAL PIRACY? PATRONAGE CENTRALIZATION AND PIRACY
IN THE GULF OF GUINEA**

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ABSTRACT

Nigeria and Angola demonstrate a similar set of motive and permissive conditions for piracy based on the variables identified in the existing literature, yet the two countries have experienced very different levels of piracy. This thesis borrows from recent patrimonialism research that identifies the effect of rent management practices on developmental outcomes. In a similar fashion, this thesis engages in a qualitative, most-similar-systems comparative case study of Nigeria and Angola to investigate the role of a previously unexamined variable: the degree to which elite rent management strategies and patronage structures foster or inhibit a permissive environment in which piracy can flourish. Specifically, this thesis argues that decentralized rent management practices heighten the incentives for piracy in Nigeria, while highly centralized rent management discourages piracy in Angola. These results suggest that levels of piracy will remain high in Nigeria and low in Angola.

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LIST OF ACRONYMS AND ABBREVIATIONS

APC	All Progressives Congress
ASAM	Anti-Shipping Activity Messages
bbf	barrels
bpd	barrels per day
CINC	Composite Index of National Capability
COCI	Composite Organized Crime Index
DDR	decommissioning, disarmament, and rehabilitation
DPA	distributable pool account
FAA	Armed Forces of Angola
FAO	Food and Agriculture Organization
FAPLA	People's Armed Forces of Liberation of Angola (Portuguese: Forças Armadas Populares de Libertação de Angola)
FCC	Federal Character Commission
FLEC	Front for the Liberation of the Enclave of Cabinda (Portuguese: A Frente para a Libertação do Enclave de Cabinda)
FMG	federal military government
FPSO	floating production storage and offloading unit
FSO	floating storage and offloading unit
GDP	gross domestic product
GWVSL	Global West Vessel Specialists Nigeria Ltd.
IMB	International Maritime Bureau
INC	Ijaw National Congress
IYC	Ijaw Youth Council
JTF	Joint Task Force
LGA	local government area
MEND	Movement for the Emancipation of the Niger Delta
MOSOP	Movement for the Survival of the Ogoni People
MPLA	People's Movement for the Liberation of Angola, or the People's Movement for the Liberation of Angola—Labour Party (Portuguese: Movimento Popular de Libertação de Angola—Partido do Trabalho)
MT	metric tonnes

NDA	Niger Delta Avengers
NDDC	Niger Delta Development Commission
NDPVF	Niger Delta People’s Volunteer Force
NDV	Niger Delta Vigilantes
NGO	non-governmental organization
NIMASA	Nigerian Maritime Administration and Safety Agency
NNOC	Nigerian National Oil Corporation
NNPC	Nigerian National Petroleum Corporation
NPN	National Party of Nigeria
OMPADEC	Oil Mineral Producing Area Development Commission
OPEC	Organization of the Petroleum Exporting Countries
PAP	Presidential Amnesty Program
PDP	People’s Democratic Party
PREG	Politically Relevant Ethnic Groups
Sonangol	National Fuel Society of Angola (Portuguese: Sociedade Nacional de Combustíveis de Angola)
UN	United Nations
UNITA	National Union for the Total Independence of Angola (Portuguese: União Nacional para a Independência Total de Angola)
VAT	value added tax

I. INTRODUCTION

A. MAJOR RESEARCH QUESTION

Recent government and academic interest in modern forms of piracy has been driven largely by the sudden proliferation and rapid evolution of sophisticated forms piracy off the coast of Somalia in 2007. In the years that followed, qualitative and quantitative analyses have begun to converge around a constellation of state, social, economic, and geographic variables that correlate to the incidence of piracy in cross-national research. Yet, despite the value these models have in identifying states that may be vulnerable to piracy, there is a growing recognition that previously unevaluated sub-state dynamics may also play a significant role in determining whether piracy takes root. With respect to the Gulf of Guinea, scholars frequently link pirate attacks to Nigerian actors operating out of the oil-rich Niger Delta, and often cite the negative externalities of the region's oil resources as a key motivator. Angola is Nigeria's only peer competitor in terms of oil production in Western Africa, and based on existing piracy models, Angola has a similar piracy risk profile to that of Nigeria. While piracy is pervasive in Nigerian waters—accounting for 49.8% of all Gulf of Guinea incidents from 1991–2019—piracy incidents in Angolan waters account for a mere 2.3% over the same period.¹ In an effort to explain this apparent dichotomy, this thesis engages in a qualitative, most-similar-systems comparative case study of Nigeria and Angola to investigate the potential role of a previously unexamined sub-state variable: the degree to which elite rent accumulation

¹ Freedom C. Onuoha, "Piracy and Maritime Security in the Gulf of Guinea: Trends, Concerns, and Propositions," *The Journal of the Middle East and Africa* 4, no. 3 (2013): 275, <https://doi.org/10.1080/21520844.2013.862767>; International Maritime Bureau, *Piracy and Armed Robbery against Ships—Annual Report: 1st January–31st December 1998* (Barking, Essex: ICC 1MB, 1999); International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2009 Annual Report* (London: International Chamber of Commerce, 2010); International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2011 Annual Report* (London: International Chamber of Commerce, 2012); International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2015 Annual Report* (London: International Chamber of Commerce, 2016); International Maritime Bureau, *Piracy and Armed Robbery against Ships: Report for the Period 1 January–30 September 2016* (London: International Chamber of Commerce, 2016); International Maritime Bureau, *Piracy and Armed Robbery against Ships: Report for the Period 1 January–30 June 2018* (London: International Chamber of Commerce, 2018); International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2019 Annual Report* (London: International Chamber of Commerce, 2020).

strategies and patronage structures foster or inhibit a permissive environment in which piracy can flourish.

B. SIGNIFICANCE OF THE RESEARCH QUESTION

In the period that followed the September 11, 2001 attacks in the United States, substantial attention turned to the threat that ungoverned spaces and non-state actors posed to physical security and prosperity in an increasingly interconnected world. Although piracy occurring near critical maritime chokepoints in Southeast Asia garnered some attention from policy makers and academics, a broader wave of analysis followed the spike in piracy off Somalia in 2007. This period of research produced valuable models of pirate incentives and environmental constraints, largely with an eye toward chokepoints where piracy could most readily inflict damage on global trade routes, particularly in Southeast Asia and the Horn of Africa. Piracy “hotspots” that did not immediately threaten critical nodes and corridors of the global economy understandably received less analytic attention; however, the costs of piracy in these areas remains detrimental to local development and has wider knock-on destabilizing effects to both neighboring states and global commercial activity.

Particularly in the Gulf of Guinea, piracy has an enormous impact on regional economic development due to the critical role that maritime commerce plays with respect to access to, and integration with, the global economy.² Analysis suggests that 50–80% of piracy events go unreported, which complicates the measurement of economic costs.³ Nevertheless, the 2014 U.S. *Counter Piracy and Maritime Security Action Plan* estimates that the Nigerian economy alone loses approximately \$18 billion per year due to maritime

² The “Gulf of Guinea” is inconsistently defined in scholarly literature, but for the purposes of this thesis, the Gulf of Guinea refers to Angola, Benin, Cameroon, Republic of the Congo, Democratic Republic of the Congo, Equatorial Guinea, Gabon, The Gambia, Ghana, Guinea, Guinea Bissau, Ivory Coast (Côte d’Ivoire), Liberia, Nigeria, São Tomé and Príncipe, Senegal, Sierra Leone, and Togo.

³ Martin N. Murphy, “Petro-Piracy: Oil and Troubled Waters,” *Foreign Policy Research Institute Orbis* 57, no. 3 (Summer 2013): 432, <http://dx.doi.org/10.1016/j.orbis.2013.05.011>; White House, *United States Counter Piracy and Maritime Security Action Plan* (Washington, DC: White House, 2014), 3, https://www.whitehouse.gov/sites/default/files/docs/united_states_counter_piracy_and_maritime_security_action_plan_2014.pdf.

criminal activities.⁴ The indirect costs stemming from the loss of international investment and commerce are more difficult to establish, but a natural experiment in Benin provides a useful example. Within a year of piracy incidents being reported in Benin's waters, shipping insurance premiums rose drastically, driving a 70% decrease in commercial maritime traffic to Benin's port of Cotonou, and resulting in a 28% decline in state revenue for the year.⁵ The costs imposed by piracy also extend to inland West African states—Mali, Burkina Faso, Niger, Chad, and the Central African Republic—that rely heavily on land routes to Gulf of Guinea ports for access to international markets.⁶ Thus, as rapidly expanding youth populations in West Africa demand viable economic prospects, the scale of opportunity loss imposed by piracy elevates the risks of domestic violence, transnational terrorist recruitment, and mass migration across the region.⁷ Despite its significant costs to local economies, and destabilizing regional effects, Gulf of Guinea piracy is unlikely to attract the kind of costly international counter-piracy operations witnessed off

⁴ White House, 3.

⁵ Adeniyi Adejimi Osinowo, "Combating Piracy in the Gulf of Guinea," *Africa Security Brief*, no. 30 (February 2015): 3; United Nations Conference on Trade and Development, *Maritime Piracy: Part I—An Overview of Trends, Costs and Trade-Related Implications* (New York: United Nations, 2014), 22, http://unctad.org/en/PublicationsLibrary/dtlb2013d1_en.pdf; United Nations Office on Drugs and Crime, *Transnational Organized Crime in West Africa: A Threat Assessment* (Vienna, Austria: United Nations Office on Drugs and Crime, 2013), 51, https://www.unodc.org/documents/data-and-analysis/tocta/West_Africa_TOCTA_2013_EN.pdf.

⁶ Ban Ki-moon, "Letter dated January 18, 2012 from the Secretary-General addressed to the President of the Security Council," 5, 11, 15, United Nations, 2012, https://www.un.org/ga/search/view_doc.asp?symbol=S/2012/45; J. Paul Dunne, "'Order at Sea' and Landlocked Countries in Africa," *Stockholm International Peace Research Institute*, February 2, 2015, <https://www.sipri.org/commentary/blog/2015/order-sea-and-landlocked-countries-africa>.

⁷ Matthias Flückiger and Markus Ludwig, "Youth Bulges and Civil Conflict: Causal Evidence from Sub-Saharan Africa," *Journal of Conflict Resolution* 62, no. 9 (2018): 1952; Freedom C. Onuoha, *Why Do Youth Join Boko Haram?* (Washington, DC: U.S. Institute of Peace, 2014), 9; Sirkku Hellsten, *Radicalisation and Terrorist Recruitment Among Kenya's Youth* (Uppsala, Sweden: Nordiska Afrikainstitutet, 2016), 3; Aderanti Adepoju, "Migration in West Africa," *Development* 46, no. 3 (2003): 37–38; Grant T. Harris, "Why Africa Matters to U.S. National Security," *Atlantic Council Africa Center*, May 2017; Nicholas Cook et al., *Sub-Saharan Africa: Key Issues, Challenges, and U.S. Responses*, CRS Report No. R44793 (Washington, DC: Congressional Research Service, 2017), 1; Angel Rabasa et al., *Counternetwork: Countering the Expansion of Transnational Criminal Networks* (Santa Monica: RAND, 2017), 102–106; Thomas Gries and Margarethe Redlin, "Pirates—The Young and the Jobless: The Effect of Youth Bulges and Youth Labor Market Integration on Maritime Piracy," *Defence and Peace Economics* (2017): 2.

the coast of Somalia.⁸ United Nations (UN) Security Council Resolutions 2018 and 2039 place the onus for combatting Gulf of Guinea piracy on the region's individual states while the international community's direct investment is limited.⁹ While Gulf of Guinea states are gradually building maritime patrol and enforcement capacity, the root causes of piracy remain on shore.¹⁰ The effective application of limited international and local anti-piracy resources therefore requires a nuanced understanding of piracy's complex causalities on land.¹¹

C. LITERATURE REVIEW

In 2003, Johnson and Pladet coined the term "piracy studies" in an effort to attract more serious attention to the phenomenon.¹² Their efforts to structure the field, combined with renewed attention that accompanied the Somalia piracy surge in 2007, resulted in a considerable proliferation of piracy research. In 2011, the annual International Studies Association conference included 30 presentations on piracy, while in the three years that followed, more than 200 books and articles on piracy were published.¹³ The piracy literature that has emerged spans multiple disciplines and includes a range of explanations and interpretations. The field's initial work largely relied on qualitative case studies in high-piracy regions to identify potential pirate motivations and permissive environmental factors. Subsequent works examined these variables in large-N cross-sectional analyses to identify statistically significant explanatory factors. A debate emerged over whether piracy

⁸ Serge Rinkel, *Piracy and Maritime Crime in the Gulf of Guinea: Experience-Based Analyses of the Situation and Policy Recommendations* (Kiel, Germany: Institut für Sicherheitspolitik an der Christian-Albrechts-Universität zu Kiel (ISPK), 2015): 4; Pakiribo S. Anabraba, "Multinational Counter-Piracy Operations: How Strategically Significant Is the Gulf of Guinea to the Major Maritime Powers?" (master's thesis, Naval Postgraduate School, 2015), 17–21, <https://www.hsdl.org/?view&did=790411>; Onuoha, "Piracy and Maritime Security in the Gulf of Guinea, 269.

⁹ White House, *United States Counter Piracy and Maritime Security Action Plan*, 9.

¹⁰ Martin N. Murphy, "The Troubled Waters of Africa: Piracy in the African Littoral," *The Journal of the Middle East and Africa* 2, no. 1 (2011): 66.

¹¹ White House, *U.S. Strategy toward Sub-Saharan Africa* (Washington, DC: White House, 2012), 3–4, https://www.whitehouse.gov/sites/default/files/docs/africa_strategy_2.pdf.

¹² Christian Bueger, "Piracy Studies: Academic Responses to the Return of an Ancient Menace," *Cooperation and Conflict* 49, no. 3 (2014): 407.

¹³ Bueger, 407.

was “anarchy-enabled” or “stability-enabled,” and efforts to reconcile these competing findings have highlighted the limitations of existing large-N models and the need for further qualitative attention to sub-state dynamics.

1. Pirate Motivations

The most significant pirate motivations are the subject of ongoing academic debate; however, the explanatory factors can be divided into three broad categories: economic, social, and political. A number of piracy researchers have borrowed from organized crime literature in their classification of pirates as “rational actors who maximize their expected returns subject to constraints.”¹⁴ For scholars who ascribe to this cost-benefit approach, a strong consensus states that poverty and economic disruptions are leading incentives for piracy.¹⁵ A number of authors demonstrate an inverse correlation between gross domestic product (GDP) per capita and piracy, which makes the intuitive case that poverty incentivizes pirate activity; however, empirical evidence from broader subsequent studies

¹⁴ Khusrav Gaibulloev and Todd Sandler, “Decentralization, Institutions, and Maritime Piracy,” *Public Choice* 169, no. 3 (December 2016): 360; P. T. Leeson, “An-aargh-chy: The Law and Economics of Pirate Organization,” *Journal of Political Economy* 115, no. 6 (2007): 1049–1094; P. T. Leeson, “Pirational Choice: The Economics of Infamous Pirate Practices,” *Journal of Economic Behavior and Organization* 76, no. 4 (2010): 497–510; Stephen Ellis and Mark Shaw, “Does Organized Crime Exist in Africa?,” *African Affairs* 114, no. 457 (2015): 505–528; Ursula Daxecker and Brandon Prins, “Insurgents of the Sea: Institutional and Economic Opportunities for Maritime Piracy,” *Journal of Conflict Resolution* 57, no. 6 (2013): 940–965, doi:10.1177/0022002712453709; Martin N. Murphy, *Contemporary Piracy and Maritime Terrorism: The Threat to International Security* (New York: Routledge, 2007), 12–13; Shelly Whitman and Carla Suarez, *The Root Causes and True Costs of Marine Piracy*, Dalhousie Marine Piracy Project: Marine Affairs Program Technical Report #1 (Halifax, NS: Dalhousie University, 2012), 89, <http://marineaffairsprogram.dal.ca/Publications>.

¹⁵ Jon Vagg, “Piracy, Corruption and the Rule of Law: Some Correlations,” *Trends in Organized Crime* 3, no. 4 (Summer 1998): 72; Jon Vagg, “Rough Seas? Contemporary Piracy in South East Asia,” *British Journal of Criminology* 35, no. 1 (1995): 63–80, <https://doi.org/10.1093/oxfordjournals.bjc.a048489>; Murphy, *Small Boats, Weak States, Dirty Money*, 21; Ong-Webb, “Piracy in Maritime Asia,” 37–94; Ursula E. Daxecker and Brandon C. Prins, “The New Barbary Wars: Forecasting Maritime Piracy,” *Foreign Policy Analysis* 11, no. 1 (2015): 26–27; Eric Frécon, “Pirates Set the Straits on Fire ... Causes and Context of Pirate Arsons in the Malay Archipelagos Since the Nineties,” in *Covering Maritime Piracy in Southeast Asia*, ed. Werner Vom Busch and Tobias Rettig (Singapore: Konrad Adenauer Stiftung, 2005), 17–42; Stefan Eklöf, “Piracy: Real Menace or Red Herring?,” *Asia Times Online*, August 4, 2005; Sarah Percy and Anja Shortland, “The Business of Piracy in Somalia,” *Journal of Strategic Studies* 36, no. 4 (2013): 545; Murat Iyigun and Watcharapong Ratisukpimol, *Learning Piracy on the High Seas* (Boulder : University of Colorado, 2010); Ryan S. Jablonski and Steven Oliver, “The Political Economy of Plunder: Economic Opportunity and Modern Piracy,” *Journal of Conflict Resolution* 57, no. 4 (2013): 682–708.

demonstrate additional variation that cannot be explained by GDP per capita alone.¹⁶ Jablonski and Oliver therefore go on to examine economic opportunity cost and the effect of commodity prices in low-skill industries on piracy events.¹⁷ They find decreases in the price of labor-intensive commodities—like rice and sugar—cause a decrease in wages and make piracy a more appealing alternative.¹⁸ Conversely, they find that in capital-intensive industries—such as oil production—increase commodity prices and reduce worker real wages while simultaneously making commodity theft more lucrative, which thus provides dual incentives to engage in piracy.¹⁹ In a similar vein, Daxecker and Prins show that when the production volume of coastal fisheries decreases, which puts negative pressure on fishing wages, piracy increases.²⁰ Meanwhile, Murphy, Percy and Shortland, Regan, and Vagg, illustrate the scale of piracy’s economic incentive with figures that show that the take-home pay of a single act of piracy can range from \$500–\$20,000 per pirate, and can therefore vastly exceed the \$600–\$2000 annual per capita GDP found in many of the countries where piracy occurs.²¹ Regan also demonstrates a positive correlation between the rate of piracy and unemployment, particularly among young males.²² Related to Daxecker and Prins’s research on the link between fishery production and piracy, Vagg, Murphy, and Ong-Webb argue that shifting market conditions in which workers lose their jobs—both due to economic modernization and periods of market contraction—also cause an increase in piracy.²³ Murphy, Frécon, and Burnett find that this effect is particularly

¹⁶ Iyigun and Ratisukpimol, *Learning Piracy on the High Seas*, 18–19; Joshua Regan, “The Maritime Piracy Index” (PhD diss., University of New Haven, 2018), 11; de Groot, Matthew D. Rablen, and Anja Shortland, “Gov-aargh-nance—’Even Criminals Need Law and Order’,” *Economics of Security Working Paper* 46 (2011), 17–18; Jablonski and Oliver, “The Political Economy of Plunder,” 686.

¹⁷ Jablonski and Oliver, 686–687.

¹⁸ Jablonski and Oliver, 695.

¹⁹ Jablonski and Oliver, 688, 692.

²⁰ Iyigun and Ratisukpimol, *Learning Piracy on the High Seas*, 18–19; Jablonski and Oliver, 700–701; Daxecker and Prins, “The New Barbary Wars,” 26–27; Daxecker and Prins, “Insurgents of the Sea,” 960.

²¹ Murphy, *Small Boats, Weak States, Dirty Money*, 44; Percy and Shortland, “The Business of Piracy in Somalia,” 546; Regan, “The Maritime Piracy Index,” 11; Vagg, “Rough Seas?,” 73–74.

²² Regan, 106–107.

²³ Vagg, “Piracy, Corruption and the Rule of Law,” 75–76; Murphy, 25; Ong-Webb, “Piracy in Maritime Asia” 48.

acute when economic disruptions to sectors employing skilled maritime labor occur—fishing, commercial shipping, port handling—since it provides a pool of recruits who already possess the nautical competency to become successful pirates.²⁴

While these authors provide compelling evidence to suggest a causal link, Vagg and Hansen argue that poverty and economic displacement taken in isolation are insufficient to explain all piracy incidents or pirate motivations.²⁵ Hansen shows inconsistencies in the relationship between poverty and piracy in Somalia in relation to geographic and temporal variables, while Vagg demonstrates how economic displacement was tied to piracy spikes in China and Indonesia in the 1990s, but was not a causal factor in the piracy found in the Philippines around the same time, which he instead attributes to government weakness.²⁶ Based in part on the differences he observed between piracy in China, Indonesia, and the Philippines, Vagg was among the first scholars to dedicate serious attention to the non-economic aspects of piracy motivations.²⁷ Writing in the mid-1990s, he observed that not every country that had coastal economic shocks produced piracy, and hypothesized “recognition of piracy as an available cultural or subcultural possibility” as a necessary social precondition.²⁸ While little progress has been made in quantifying the cultural acceptability of piracy for large-N statistical analysis, more recent qualitative analyses from Murphy, Whitman and Suarez, Hastings and Phillips, Bueger, and Hansen echo Vagg in recognition of what Hansen calls the “social legitimacy of piracy.”²⁹ However, some of these later works—notably Hansen, and Whitman and Suarez—have taken Vagg’s social observation a step further in arguing that social factors

²⁴ Murphy, 43; Frécon, “Pirates Set the Straits on Fire,” 25–26; John Burnett, *Dangerous Waters: Modern Piracy and Terror on the High Seas* (New York: Penguin, 2002), 181–182; Murphy, “The Troubled Waters of Africa,” 68–69.

²⁵ Vagg, “Piracy, Corruption and the Rule of Law,” 76.

²⁶ Stig Jarle Hansen, *Piracy in the Greater Gulf of Aden: Myths, Misconception, and Remedies* (Oslo, Norway: Norwegian Institute for Urban and Regional Research, 2009), 14–15; Vagg, 76.

²⁷ Vagg, 72.

²⁸ Vagg, “Rough Seas?,” 63; Bueger, “Piracy Studies,” 409.

²⁹ Hansen, *Piracy in the Greater Gulf of Aden*, 7; Murphy, *Small Boats, Weak States, Dirty Money*, 43; Bueger, “Piracy Studies,” 409; Whitman and Suarez, *The Root Causes and True Costs of Marine Piracy*, 93–96; Justin V. Hastings and Sarah G. Phillips, “Maritime Piracy Business Networks and Institutions in Africa,” *African Affairs* 114, no. 457 (2015): 555.

may themselves become motive forces that supersede economic calculations.³⁰ Whitman and Suarez assert that in socially and economically marginalized populations, particularly in ethnically divided states with high wealth inequality, piracy presents a mechanism for upward mobility that the prevailing social order does not otherwise permit.³¹ That piracy provides an opportunity to overcome social inequality alters cost-benefit calculations in a way that attracts a larger portion of the population than in areas with a similarly low GDP per capita but with more favorable social standing.³²

In addition to economic and social motivations, several authors have made the case that piracy can have political motivations. Heller-Roazen argues that since pirates operate outside the norms of national and international law and without regard for the delineation between states, they blur “the distinction between criminal and political” and therefore “cannot be considered common criminals... but they also cannot be represented as lawful enemies [of the state].”³³ Since pirates do not fit neatly within the structures of either the international state system or domestic affairs, they have historically been appealing proxy agents for political entrepreneurs on the local or international stage. In that vein, Thomson and Colás and Mabee trace how governments of the 1600s came to endorse privateers (state-sanctioned pirates), in an effort to disrupt political competitors in the international arena, which in turn, fueled piracy’s “golden age” of the 17th and 18th century.³⁴ As pirates proliferated, however, their ambiguous role as neither state nor non-state actors posed a growing challenge to the legitimacy of the governments that had promoted their growth in the first place. As a result, states shifted from sanctioning privateers to trying to eradicate

³⁰ Whitman and Suarez, 94–95; Hansen, 7–8.

³¹ Whitman and Suarez, 94–95.

³² Whitman and Suarez, 94–95.

³³ Daniel Heller-Roazen, *The Enemy of All: Piracy and the Law of Nations* (Brooklyn, NY: Zone Books, 2009), 11; Bueger, “Piracy Studies,” 413.

³⁴ Janice E. Thomson, *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe* (Princeton, NJ: Princeton University Press, 1994), 143–151; Alejandro Colás and Bryan Mabee, “The Flow and Ebb of Private Seaborne Violence in Global Politics: Lessons From the Atlantic World, 1689–1815,” in *Mercenaries, Pirates, Bandits and Empires: Private Violence in Historical Context*, ed. Alejandro Colás and Bryan Mabee (New York: Columbia University Press, 2010), 103–105; Bueger, “Piracy Studies,” 413.

them, and in the process, helped develop the modern conception of sovereignty and international relations where pirates exist outside of the framework as “the enemy of all.”³⁵ Colás and Mabee suggest that modern piracy is unlikely to be driven by political motivations since the “structural conflation of wealth-creation and seaborne violence” that caused piracy to bloom in the “golden age” is absent in a post-mercantilist world economic system.³⁶ While this assertion may be true in highly developed, modern states, it ignores states that are not well integrated into the world economy or do not fully satisfy the violence-monopolizing prerequisite for Weberian sovereignty. Therefore, Vagg is among several scholars who contest Colás and Mabee’s assertion, and show that in many cases, modern piracy continues to be “sponsored, condoned, or protected by local elites.”³⁷ Ellis and Shaw add that in areas where piracy has grown into an organized crime network, the distinctions between “political, economic, and social actors,” become less distinct.³⁸ Prins, Phayal, and Daxecker reinforce these conclusions by illustrating that, in some cases, insurgents have turned to piracy as a funding strategy in an analogous manner to trading in conflict-fueling resources like diamonds and drugs.³⁹

The emergent conclusion from this diverse array of scholarship is that no single source of motivation—be it economic, social, or political—can be taken in isolation to explain piracy incidents.

³⁵ Thomson, 143–151; Colás and Mabee, “The Flow and Ebb of Private Seaborne Violence, 103–105; Bueger, “Piracy Studies,” 413; Heller-Roazen, *The Enemy of All*, 11; Anamika A. Twyman-Ghoshal, “Contemporary Piracy Research in Criminology: A Review Essay with Directions for Future Research,” *International Journal of Comparative and Applied Criminal Justice* 38, no. 3 (2014): 283.

³⁶ Colás and Mabee, “The Flow and Ebb of Private Seaborne Violence,” 103–105.

³⁷ Vagg, “Piracy, Corruption and the Rule of Law,” 76; Marc-Antoine Pérouse de Montclos, “Maritime Piracy in Nigeria: Old Wine in New Bottles,” *Studies in Conflict and Terrorism* 35 (2012): 538; Justin V. Hastings and Sarah G. Phillips, “Maritime Piracy Business Networks and Institutions in Africa,” *African Affairs* 114, no. 457 (2015): 570; Murphy, “Petro-Piracy,” 430; William Reno, “Clandestine Economies, Violence and States in Africa,” *Journal of International Affairs* 53, no. 2 (2000): 448–449.

³⁸ Ellis and Shaw, “Does Organized Crime Exist in Africa?,” 527.

³⁹ Ursula Daxecker and Brandon C. Prins, “Financing Rebellion: Using Piracy to Explain and Predict Conflict Intensity in Africa and Southeast Asia,” *Journal of Peace Research* 54, no. 2 (2017): 215, 227; Brandon Prins, Anup Phayal, and Ursula E. Daxecker, “Fueling Rebellion: Fueling Rebellion: Maritime Piracy and the Duration of Civil War,” *International Area Studies Review* (2019): 16.

2. Permissive Factors

Regardless of why an individual is motivated to become a pirate, a variety of factors related to geography, social characteristics, and state strength and structure have been hypothesized to affect whether the environment is conducive to act on these desires. Piracy is inherently distinct from other forms of land-based crime due to the peculiar requirements of operating on the sea, and as a result, geography is seen to play a major role in defining pirate constraints and cost-benefit analyses. In addition to geography, a region's unique social patterns have been argued to influence whether individuals choose to engage in acts of maritime crime. Others suggest that even in areas where geographic and social factors are highly permissive, these factors are balanced against the strength that the state is able to exert in the area.

Numerous authors emphasize the role of "favorable geography" as an enabler for maritime criminals, while debating which geographic characteristics best correlate to maritime crime.⁴⁰ In both qualitative and quantitative analyses, Daxecker and Prins, Murphy, and Ong-Webb all assert that states with longer coastlines have a greater incidence of maritime crime.⁴¹ Nincic finds that relationship to be statistically insignificant in her model, while Gaibullov and Sandler find coastline length to be statistically significant in only some of the 16 statistical models they constructed.⁴² In a more recent iteration of the debate, Daxecker and Prins argue that the correlation between coastline length and piracy is significant, controlling for state weakness.⁴³

⁴⁰ Murphy, "The Troubled Waters of Africa," 67; Murphy, *Contemporary Piracy and Maritime Terrorism*, 10; Martin N. Murphy, *Small Boats, Weak States, Dirty Money: The Challenge of Piracy* (New York: Columbia University Press, 2009), 21; Graham Gerard Ong-Webb, "Piracy in Maritime Asia: Current Trends," in *Violence at Sea: Piracy in the Age of Global Terrorism*, ed. Peter Lehr (New York: Routledge, 2007), 46; Daxecker and Prins, "The New Barbary Wars," 26.

⁴¹ Daxecker and Prins, "Insurgents of the Sea: Institutional and Economic Opportunities for Maritime Piracy," 953; Murphy, *Contemporary Piracy and Maritime Terrorism*, 62; Ong-Webb, 46.

⁴² Donna Nincic, "State Failure and the Re-Emergence of Maritime Piracy" (paper presented at the 49th Annual Convention of the International Studies Association, San Francisco, CA, March 26–29, 2008), 19, 24; Gaibullov and Sandler, "Decentralization, Institutions, and Maritime Piracy," 367–372.

⁴³ Ursula Daxecker and Brandon C. Prins, "Enforcing Order: Territorial Reach and Maritime Piracy," *Conflict Management and Peace Science* 34, no. 4 (2015): 368.

Contributing to the poor reliability of coastline length as a predictor of piracy incidence is the variable's disregard of geographic nuance. For example, the previous models do not account for the difference between coasts with harsh geographical features and archipelagic regions that possess better natural sheltering from high seas, poor weather, or state intervention. Nor do the models account for the presence of navigable inland waterways that offer similar protections and opportunities for maritime criminals. Although these factors have yet to be reliably incorporated into quantitative analyses, they have featured prominently in qualitative work. Murphy stresses the necessity of "safe havens" to shield maritime criminals both from the hazards of the sea and state interference, while analyses by Wombwell, Ong-Webb, and Vagg highlight the importance of inland waterways and "small islands, bays, coves, and inlets" in supporting prolonged historical episodes of piracy in China, Indonesia, Japan, the Philippines, Malaysia, and Indonesia by providing safe havens for maritime criminals.⁴⁴

While coastline lengths, the presence of inland waterways, or archipelagic geography are immutable terrain characteristics, their permissiveness to maritime crime appears to vary relative to the manner in which humans interact with that geography. Nincic shows that countries that have established more port facilities tend to have higher levels of piracy, particularly where those ports serve as access points to additional inland transportation networks.⁴⁵ Several authors also argue that the extent to which favorable geography facilitates piracy is moderated by the density of nearby commercial maritime

⁴⁴ Murphy, *Small Boats, Weak States, Dirty Money*, 30; Martin N. Murphy, "Piracy and the Exploitation of Sanctuary," in *Armed Groups: Studies in National Security, Counterterrorism, and Counterinsurgency*, ed. Jeffrey H. Norwitz (Newport, RI: U.S. Naval War College, 2008), 162; James A. Wombwell, "The Long War against Piracy: Historical Trends" (occasional paper, Army Command and General Staff College, 2010), 103–115; Justin V. Hastings, "Geographies of State Failure and Sophistication in Maritime Piracy Hijackings," *Political Geography* 28, no. 4 (2009): 218; Ong-Webb, "Piracy in Maritime Asia," 46; Vagg, "Piracy, Corruption and the Rule of Law," 72; Murphy, "Petro-Piracy," 433.

⁴⁵ Nincic, "State Failure and the Re-Emergence of Maritime Piracy" (paper presented at the 49th Annual Convention of the International Studies Association, San Francisco, CA, March 26–29, 2008), 19–20, 24.

shipping lanes, particularly when economic incentives funnel them through nearby geographic chokepoints.⁴⁶

Taking a different approach, Daxecker and Prins operationalize Boulding's "Loss of Strength Gradient" and Herbst's "authority over distance" theories in large-N modeling to demonstrate that in countries with recorded piracy incidents, the distance at which they occur from the capital is a function of government effectiveness, length of the country's coastline, and the overall territorial mass of the country.⁴⁷ Although a strictly geo-spatial approach to measuring the projection of state power remains contested by competing qualitative models of state power, like that of Mamdani—Daxecker and Prins' quantitative large-N analysis, demonstrates a positive correlation between these three geographic variables and the incidence of piracy, independent of the theoretical framework employed to explain this statistically significant effect.⁴⁸

Though geographic factors are argued to wield heavy influence in determining opportunity and permissibility for maritime crime, social characteristics have also been found to play a critical role. As previously discussed with respect to pirate motivations, Vagg's argument enjoy widespread support that a necessary social precondition for maritime crime is that the perpetrators find "raiding ships at sea [to be] culturally 'thinkable.'"⁴⁹ Even in cases where pirates are free of social grievances and motivated by purely economic incentives, Hastings and Philips argue that criminals are still constrained

⁴⁶ Nincic, "State Failure and the Re-Emergence of Maritime Piracy," 24; Daxecker and Prins, "The New Barbary Wars," 33; Bridget L. Coggins, "Global Patterns of Maritime Piracy, 2000–09: Introducing a New Dataset," *Journal of Peace Research* 49, no. 4 (2012): 608; Gaibullov and Sandler, "Decentralization, Institutions, and Maritime Piracy," 359; Wombwell, "The Long War against Piracy," 3; Murphy, "The Troubled Waters of Africa," 67; Daxecker and Prins, "Enforcing Order," 363, 369, 373–374.

⁴⁷ Ursula E. Daxecker and Brandon C. Prins, "Searching for Sanctuary: Government Power and the Location of Maritime Piracy," *International Interactions* 41, no. 4 (2015): 708–714; Daxecker and Prins, "Enforcing Order," 364–365.

⁴⁸ Daxecker and Prins, "Searching for Sanctuary," 713–714; Gries and Redlin, "Pirates—The Young and the Jobless," 9; Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton: Princeton University Press, 1996), 158.

⁴⁹ Vagg, "Rough Seas?," 67; Bueger, "Piracy Studies," 409; Hansen, *Piracy in the Greater Gulf of Aden*, 7; Murphy, *Small Boats, Weak States, Dirty Money*, 43; Whitman and Suarez, *The Root Causes and True Costs of Marine Piracy*, 93–96; Hastings and Phillips, "Maritime Piracy Business Networks and Institutions in Africa," 555.

by a set of social norms influenced by local customs.⁵⁰ Leeson notes that it is particularly true for contemporary maritime criminals that tend to live within “normal” land-based societies after brief excursions at sea; a stark contrast to the “golden age” pirates of the 1600s and 1700s who spent long periods of time at sea in isolated social microcosms where they developed unique self-governing behavioral constraints.⁵¹ As a result, Bueger and Murphy argue that maritime crime’s acceptability within local norms is a critical factor in determining if otherwise motivated individuals will act on their desires.⁵²

Another social factor that can catalyze or restrict maritime crime is the prevalence of existing maritime skills among the population, what Murphy calls “a cultural affinity for the sea.”⁵³ All but the most rudimentary forms of maritime crime require boat handling and navigation skills, docking and storage availability, and maintenance knowledge that form a barrier to entry for would-be pirates in societies without existing maritime traditions.⁵⁴ Fortifying this claim, several authors demonstrate historical examples where economic shocks to fishing industries have led to a corresponding increase in maritime crime.⁵⁵ Murphy notes that this barrier to entry is not absolute; in cases of decaying political, social, or economic conditions, incentives to engage in maritime crime may sufficiently motivate otherwise inexperienced actors to invest the needed start-up costs to develop maritime skills.⁵⁶ To that end, Bueger, Iyigun and Ratisukpimol, Nincic, and Murphy show that once groups achieve even low-level success in maritime crime, they

⁵⁰ Hastings and Phillips, 555.

⁵¹ Leeson, “An-aargh-chy,” 1089.

⁵² Bueger, “Piracy Studies,” 410; Murphy, *Contemporary Piracy and Maritime Terrorism*, 17.

⁵³ Murphy, “The Troubled Waters of Africa,” 68–69; Frécon, “Pirates Set the Straits on Fire,” 25–26; Daxecker and Prins, “The New Barbary Wars,” 27; Murphy, *Small Boats, Weak States, Dirty Money*, 43; Peter Lehr and Hendrick Lehmann, “Somalia—Pirates’ New Paradise,” in *Violence at Sea* (Abingdon-on-Thames, England: Routledge, 2006), 17.

⁵⁴ Murphy, 68–69; Frécon, 25–26; Daxecker and Prins, 27; Murphy, 43; Percy and Shortland, “The Business of Piracy in Somalia,” 553.

⁵⁵ Cullen S. Hendrix and Sarah M. Glaser, “Civil Conflict, Crowding-Out Effects and World Fisheries, 1952–2004,” *Journal of Peace Research* 48, no. 4 (2011): 483–484; Vagg, “Rough Seas?,” 63; Gary E. Weir, “Fish, Family, and Profit: Piracy and the Horn of Africa,” *Naval War College Review* 62, no. 3 (2009): 24.

⁵⁶ Murphy, “The Troubled Waters of Africa,” 69.

demonstrate iterative growth and learning characteristics that tend to develop into increasingly sophisticated criminal networks.⁵⁷ In quantitative modeling, de Groot, Rablen, and Shortland confirm that “higher-value crime develops from lower-value forms of crime,” but only in countries where government officials are receptive to bribes, which thus allows the complexity of criminal acts to evolve unchecked.⁵⁸

In addition to geographic and social permissibility, state strength and structure have been argued to regulate the degree to which maritime crime can occur. Wide consensus states that weak states present a more permissive environment for piracy than strong states; however, the body of piracy literature since 2007 includes an evolution of causal arguments as to how the different facets of state power influence maritime crime. The earliest arguments in this field understandably sought to relate the rate of piracy to the ability of a state’s security force to interdict pirates. Using this simple metric, useful for inter-state comparison, Daxecker and Prins observe an intuitive, inverse correlation between the size of security forces and the prevalence of maritime crime in territorial waters.⁵⁹ Although this conclusion parallels Murphy, Liss, and Hansen’s qualitative assertions that under-resourced security forces provide a more permissive environment for maritime criminals, other research suggests that Daxecker and Prins’ metric may not account for several important security force characteristics beyond sheer size.⁶⁰

In her research on Piracy in Southeast Asia, Liss illustrates how the lack of internal cooperation or coordination between various state security agencies often undermines that state’s ability to combat piracy despite the aggregate size of their combined security

⁵⁷ Bueger, “Piracy Studies,” 410; Iyigun and Ratisukpimol, *Learning Piracy on the High Seas*, 19; Martin N. Murphy, *Somalia, the New Barbary? Piracy and Islam in the Horn of Africa* (New York: C Hurst & Co Publishers, 2011), 25, 102, 108; Donna J. Nincic, “Trends in Modern Piracy: Cycles, Geographical Shifts, and Predicting the Next “Hot Spots,”” *SAIS Review of International Affairs* 33, no. 2 (2013): 105.

⁵⁸ de Groot, Rablen, and Shortland, “Gov-aargh-nance,” 9.

⁵⁹ Daxecker and Prins, “The New Barbary Wars,” 28.

⁶⁰ Murphy, *Contemporary Piracy and Maritime Terrorism*, 15; Carolin Liss, “Maritime Security in Southeast Asia: Between a Rock and a Hard Place?” (working paper, Murdoch University, 2007), 29, http://researchrepository.murdoch.edu.au/id/eprint/23746/1/The_Privatisation_of_Maritime_Security_-_Working_Paper_141_Carolin_Liss.pdf; Hansen, *Piracy in the Greater Gulf of Aden*, 17.

forces.⁶¹ In addition, Murphy argues that effective maritime interdiction “requires boats well equipped with radar, communications and...shore-based command and control facilities with access to dependable information.”⁶² Murphy notes that the costs for such a force vastly exceed the costs of standard terrestrial security forces, which suggests a need to distinguish between the size of terrestrial and maritime security forces in quantitative research.⁶³ In contrast, Hansen argues that effective land-based security forces can achieve maritime security by targeting pirate support networks ashore even when a state does not have sizeable maritime security forces.⁶⁴

Yet even in states with large, well-equipped, security forces, several other factors have been identified that can limit their capacity to discourage piracy. Hansen, Vagg, Bueger, and Murphy observe that corruption, even within large security forces, can continue to foster hospitable conditions for piracy.⁶⁵ Corrupt officials can permit pirates to circumvent enforcement mechanisms, and in some cases, have driven piracy levels even higher by actively funding or planning maritime criminal activity.⁶⁶ In addition, several scholars point out that even if security forces are sizable, honest, and have the tools to reliably apprehend maritime criminals—on land or sea—they will only discourage piracy if their efforts are complimented by a legal system that can effectively prosecute pirates and avoid what Kraska calls a “catch and release” cycle.⁶⁷ Compounding these challenges, Wombwell and Murphy demonstrate in historical and qualitative assessments that permissive environments for piracy can persist even in the face of effective judicial systems

⁶¹ Carolin Liss, *Assessing Contemporary Maritime Piracy in Southeast Asia: Trends, Hotspots and Responses*, PRIF Report no. 125 (Frankfurt, Germany: Peace Research Institute Frankfurt, 2014), 23.

⁶² Murphy, *Contemporary Piracy and Maritime Terrorism*, 15.

⁶³ Murphy, 15.

⁶⁴ Hansen, *Piracy in the Greater Gulf of Aden*, 30, 33.

⁶⁵ Vagg, “Rough Seas?,” 76; Bueger, “Piracy Studies,” 409; Murphy, *Small Boats, Weak States, Dirty Money*, 43; Hansen, *Piracy in the Greater Gulf of Aden*, 31, 33, 40, 42–43, 53, 56.

⁶⁶ Vagg, 76; Bueger, 409; Murphy, 43; Hansen, 31, 33, 40, 42–43, 53, 56.

⁶⁷ Murphy, 21; Murphy, *Contemporary Piracy and Maritime Terrorism*, 13; Hansen, 16; Robin Geiss and Anna Petrig, *Piracy and Armed Robbery at Sea: The Legal Framework for Counter-Piracy Operations in Somalia and the Gulf of Aden* (Oxford: Oxford University Press, 2011), 29–32, 167–168, 221–225; James Kraska, *Contemporary Maritime Piracy: International Law, Strategy, and Diplomacy at Sea* (Santa Barbara, CA: Praeger, 2011), 165, 169.

if the attention of security and law enforcement officials is diverted to handle other forms of internal or external conflict.⁶⁸ Researchers have also identified the presence of armed groups, organized crime syndicates, and the availability of small arms as indicators of existing conditions that are hospitable for the emergence of piracy.⁶⁹

Even when considering these state security force effectiveness variables, the role of security forces falls short of satisfactorily determining the permissive relationship of state power to piracy incidents on its own. Examining a broader set of state-strength variables—to include World Bank Governance Indicators, the Failed/Fragile State Index, Polity IV dataset, and other multi-factor indicators—a number of authors observed that while “failed” states provided a conducive environment for simple maritime crimes, sophisticated acts of kidnapping-for-ransom, cargo theft, and hijacking are enabled by at least minimally functional state capacity due to their provision of permeable markets and infrastructure.⁷⁰ Subsequent research therefore increasingly draws distinctions between unsophisticated and sophisticated piracy, where unsophisticated maritime criminal activity varies inversely with economic opportunity, while sophisticated piracy is treated as a maritime corollary of traditional organized crime with a parasitic dependency on a weak-state host.⁷¹

Although a number of authors describe the ways in which weak states facilitate the evolution of sophisticated piracy, Coggins provides one of the most comprehensive summaries in four subparts.⁷² First, weak-but-stable states can provide a secure haven that reduces the cost of defending their hostages, ships, or cargo against rival profit-seekers,

⁶⁸ Wombwell, “The Long War against Piracy,” 115; Murphy, *Contemporary Piracy and Maritime Terrorism*, 15.

⁶⁹ de Groot, Rablen, and Shortland, “Gov-aargh-nance,” 4, 14–15, 17; Percy and Shortland, “The Business of Piracy in Somalia,” 544–545; Whitman and Suarez, *The Root Causes and True Costs of Marine Piracy*, 41; Murphy, *Small Boats, Weak States, Dirty Money*, 30–31.

⁷⁰ Hastings, “Geographies of State Failure,” 213; de Groot, Rablen, and Shortland, 2–4; Jablonski and Oliver, “The Political Economy of Plunder,” 695–696; Murphy, *Contemporary Piracy and Maritime Terrorism*, 40–44; Leeson, “An-aargh-chy,” 1089; Percy and Shortland, 552; Jablonski and Oliver, “The Political Economy of Plunder,” 695.

⁷¹ Percy and Shortland, 553–558; Hastings, 213–215; Bridget L. Coggins, “Failing and the Seven Seas? Somali Piracy in Global Perspective,” *Journal of Global Security Studies* 1, no. 4 (2016): 253–254.

⁷² Coggins, 265–266.

while a functional communications infrastructure enables them to coordinate their activities and conduct ransom negotiations.⁷³ Second, state collapse generally discourages nearby commercial shipping, which thus reduces the number of profitable targets compared to non-failed weak states.⁷⁴ Third, poorly regulated, but functional commercial and financial markets, along with passable transportation infrastructure, provide easier access to the supplies pirates need to mount a sophisticated attack, the ability to sell stolen cargoes quickly, and a reliable way to receive and absorb ransom payments.⁷⁵ Fourth, governments with corruptible state officials present a number of opportunities for pirates to reduce their operating costs, particularly when bribes allow them to identify lucrative targets, evade law enforcement, or even buy state protection from rivals.⁷⁶ Adding to the applicability of the stability-enabled piracy model, Percy and Shortland go on to demonstrate that even where a state has collapsed at the national level—as in Somalia—local or informal governance structures can often provide necessary levels of stability and infrastructure to achieve a stability “sweet spot” that allows sophisticated pirate networks to succeed.⁷⁷

While the weak-state-enabled piracy model provides a compelling narrative and enjoyed widespread credibility based on qualitative case evidence, a subsequent large-N, cross-national qualitative analysis conducted by Daxecker and Prins in 2013 rejected the model’s validity and caused a schism in the field. Daxecker and Prins observed that previous case studies suffered from selection bias due to a dominant focus on countries with existing piracy cases, and consequently structured their model to evaluate a range of variables against every coastal country in the world.⁷⁸ Their results show that “state weakness consistently increases the incidence of all piracy events,” both sophisticated and unsophisticated, in a near-linear, monotonic fashion that contradicts the “stability-enabled”

⁷³ Coggins, 265–266; de Groot, Rablen, and Shortland, “Gov-aargh-nance,” 2.

⁷⁴ Coggins, 265–266.

⁷⁵ Coggins, 265–266; Hastings, “Geographies of State Failure,” 219.

⁷⁶ Coggins, “Failing and the Seven Seas?,” 265–266; Hastings, “Geographies of State Failure,” 219.

⁷⁷ Percy and Shortland, “The Business of Piracy in Somalia,” 552–567.

⁷⁸ Daxecker and Prins, “Insurgents of the Sea,” 960.

hypothesis in favor of what Coggins calls an “anarchy as opportunity” model, as seen in Figure 1.⁷⁹

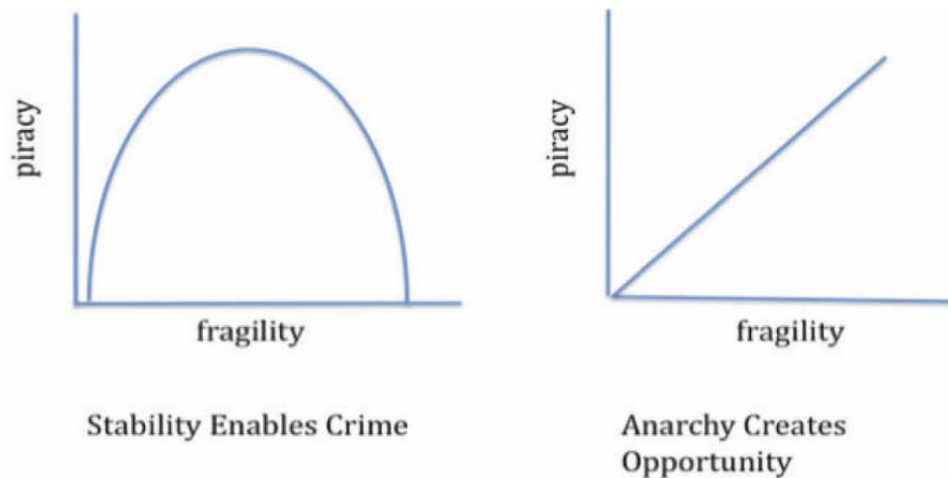


Figure 1. “Stability Enabled” vs. “Anarchy as Opportunity”⁸⁰

In addition, Daxecker and Prins open a new dimension of inquiry by looking beyond state strength and suggesting that regime type also plays a role. They hypothesize that autocratic states have little incentive to combat maritime criminals who do not pose a challenge to their continued hold on power, while democracies—being accountable to their citizens for the provision of public goods—have greater incentive to combat this activity.⁸¹ While they find that democracies experience measurably fewer hijacking incidents, the overall rate of piracy events remained consistent with their autocratic counterparts.⁸² However, they demonstrate that state strength and regime type are interactive; among strong states, democracies had fewer piracy events than autocracies, but in weak states, democracies exhibit higher levels of piracy than autocracies.⁸³ Extending their

⁷⁹ Daxecker and Prins, 960; Coggins, “Failing and the Seven Seas?,” 253.

⁸⁰ Source: Coggins, 253.

⁸¹ Daxecker and Prins, “The New Barbary Wars,” 27–28; Daxecker and Prins, “Insurgents of the Sea,” 949.

⁸² Daxecker and Prins, “Insurgents of the Sea,” 953, 960.

⁸³ Daxecker and Prins, 960.

examination of democracies to a sub-state level in Indonesia, they find that piracy events spike around competitive local elections as pirates seek to signal their relevance to local politicians, assert dominance over competing pirate factors, and maximize profits before a potential change in their existing permissive political relationships. Supporting these findings, their study shows greater levels of piracy within 55 km of local elections that have narrow electoral margins of victory.⁸⁴ They apply this approach to a cross-national analysis of all states that have experienced piracy. Despite limited data on sub-state variation, they find that the effect of electoral timing is at least weakly significant in predicting piracy incidence at a national level, which suggests that the development of sub-state datasets like the one they developed for Indonesia may yield more robust correlation and additional insights.⁸⁵

Further pursuing the relationship between national and sub-national government structures, Gaibullov and Sandler evaluate government structures across 93 countries and find higher levels of piracy in states with more numerous tiers of government and where the lowest echelons of government are responsible for larger territories. However, they also find that in states whose subnational governments are elected, vice appointed by the central government, and where lower tiers of government they enjoyed greater autonomy and fiscal decentralization, piracy levels declined.⁸⁶ Taking a different approach, Hastings and Phillips show that piracy in Nigeria and Somalia emerged in ways that reflected the formal and informal rules governing each country's respective governance and economic activity norms ashore, and that sub-state variation in these norms can produce differing levels of piracy within the same country.⁸⁷

Capitalizing on the distinction between "macro (state) and micro (sub-state)" variables, Coggins provides a means to reconcile the tension between the "stability-

⁸⁴ Ursula E. Daxecker and Brandon C. Prins, "The Politicization of Crime: Electoral Competition and the Supply of Maritime Piracy in Indonesia," *Public Choice* 169, no. 3–4 (2016): 381, 384–385, 391.

⁸⁵ Daxecker and Prins, 389–391.

⁸⁶ Gaibullov and Sandler, "Decentralization, Institutions, and Maritime Piracy," 364.

⁸⁷ Hastings and Phillips, "Maritime Piracy Business Networks and Institutions in Africa," 576; Justin V. Hastings and Sarah G. Phillips, "Order beyond the State: Explaining Somaliland's Avoidance of Maritime Piracy," *The Journal of Modern African Studies* 56, no. 1 (2018): 26.

enabled” and “anarchy as opportunity” models of piracy.⁸⁸ Coggins argues that despite inconsistent coding and incomplete data on macro-level variables, Daxecker and Prins’ monotonic relationship can identify vulnerable states, but in comparing sub-state variation in Somalia and Yemen, shows that the “stability-enabled” model retains analytical utility in determining where piracy can emerge based on hospitable sub-state dynamics.⁸⁹ Hastings and Phillips make a complementary argument in their comparison of piracy in Somalia and Nigeria by showing how certain local institutions enable the evolution of sophisticated forms of piracy, local infrastructure defines the type of piracy that emerges, and local culture imposes constraints on its ultimate scale.⁹⁰ Coggins therefore suggests that progress in establishing a more accurate piracy model relies on the development of more effective metrics of sub-state authority.⁹¹ To that end, Daxecker and Prins have begun constructing a sub-national database for Indonesia, Somalia, and Nigeria where their initial findings indicate that piracy thrives in regions that have weak state-level governance, but sufficient local governance and infrastructure to provide havens, markets, and corruptible security forces.⁹² Despite this contribution, Daxecker and Prins acknowledge that further examination of sub-national variables will be required to develop better predictive models of piracy behavior.

Finally, scholars have identified a diverse array of theoretical causal pathways to explain how oil encourages piracy in the Gulf of Guinea specifically. First, oil extraction in the region creates piracy-enhancing grievances, notably with respect to environmental degradation and perceptions of inequitable resource distribution. Oil-related environmental degradation is primarily the result of oil spills and gas flaring, which can severely undermine agricultural soil fertility, contaminate drinking water, kill off fish stocks, and

⁸⁸ Coggins, “Failing and the Seven Seas?,” 251.

⁸⁹ Coggins, 251, 266.

⁹⁰ Hastings and Phillips, “Maritime Piracy Business Networks and Institutions in Africa,” 555.

⁹¹ Coggins, “Failing and the Seven Seas?,” 251, 266.

⁹² Ursula E. Daxecker and Brandon C. Prins, *Maritime Crime in Civil Conflict: An Extension to the Maritime Piracy Event & Location Data Project* (Washington, DC: Office of Naval Research, 2018), 6.

cause harmful levels of air pollution.⁹³ This oil-related environmental damage undermines the local fishing and agriculture industry, which in turn, leads to higher levels of unemployment and resentment towards the oil industry and government.⁹⁴ Central government control of oil revenues also results in at least partial redistribution away from oil-producing regions, which naturally presents an opportunity for resentment that can lead to armed conflict; an effect that Ross argues is amplified in low-income countries like the ones found in the Gulf of Guinea.⁹⁵ In addition, oil-producing states tend to derive the majority of their revenue from oil rents instead of traditional taxes, which gives governments wide latitude to act independent of citizen demands and exacerbate citizen grievances.⁹⁶ While oil-related grievances do not guarantee an increase in piracy, they do enhance the motivations for populations in oil-producing regions to engage in attacks against oil infrastructure—on land and at sea—while improving the likelihood that piracy will satisfy the precondition of becoming culturally “thinkable.”⁹⁷ In addition, Hastings and Phillips suggest that pirates employing a counter-oil grievance narrative can continue to enjoy cultural acceptance even when their actions evolve past the narrative’s logical bounds.⁹⁸

⁹³ Whitman and Suarez, *The Root Causes and True Costs of Marine Piracy*, 27; Jesse Salah Ovadia, *The Petro-Developmental State in Africa: Making Oil Work in Angola, Nigeria and the Gulf of Guinea* (London: Hurst, 2016), 161, 179–180; Ben Tantua, Joe Devine, and Roy Maconachie, “Oil Governance in Nigeria’s Niger Delta: Exploring the Role of the Militias,” *The Extractive Industries and Society* 5, no. 3 (2018): 302; Jesse Salah Ovadia, “The Nigerian ‘One Percent’ and the Management of National Oil Wealth through Nigerian Content,” *Science & Society* 77, no. 3 (2013): 327; Michael Watts, “The Political Ecology of Oil and Gas in West Africa’s Gulf of Guinea: State, Petroleum, and Conflict in Nigeria,” in *The Palgrave Handbook of the International Political Economy of Energy*, ed. Thijs Van de Graaf et al. (London: Palgrave, 2016), 570–571; Philippe Le Billon, *Fuelling War: Natural Resources and Armed Conflicts*, Adelphi Paper no. 373 (New York: Routledge, 2005), 25.

⁹⁴ Murphy, *Small Boats, Weak States, Dirty Money*, 122; Whitman and Suarez, 27; Ovadia, *The Petro-Developmental State in Africa*, 161, 179–180; Hastings and Phillips, “Maritime Piracy Business Networks and Institutions in Africa,” 570; Tantua, Devine, and Maconachie, 302.

⁹⁵ Michael L. Ross, *The Oil Curse: How Petroleum Wealth Shapes the Development of Nations* (Princeton, NJ: Princeton University Press, 2012), 150–166.

⁹⁶ Ross, 66–82.

⁹⁷ Vagg, “Rough Seas?,” 67; Bueger, “Piracy Studies,” 409; Hansen, *Piracy in the Greater Gulf of Aden*, 7; Murphy, *Small Boats, Weak States, Dirty Money*, 43; Whitman and Suarez, *The Root Causes and True Costs of Marine Piracy*, 93–96; Hastings and Phillips, “Maritime Piracy Business Networks and Institutions in Africa,” 555; Pérouse de Montclos, “Maritime Piracy in Nigeria,” 535.

⁹⁸ Hastings and Phillips, “Maritime Piracy Business Networks and Institutions in Africa,” 570.

The second mechanism by which oil is argued to encourage piracy is downward pressure on local employment opportunities and the creation of alternative illicit prospects, which favor pro-piracy cost-benefit calculations. The loss of agricultural and fishing sector jobs due to environmental degradation is often compounded by the oil industry's "enclave nature," whereby oil companies import sophisticated equipment and skilled labor that provides relatively few, generally low-skilled, job opportunities for local populations to offset oil-related economic losses.⁹⁹ At a macroeconomic level, oil exports tend to produce "Dutch disease," which raises exchange rates and makes imports cheaper, which consequently undermines the development of domestic manufacturing sectors and further limits job prospects.¹⁰⁰ Oil, in itself, is a valuable commodity whose inelastic demand, vulnerability to theft, widespread black markets, and relative ease of laundering for re-entry into licit markets all create lucrative incentives for illicit activity.¹⁰¹ Fuel subsidies, common in oil-producing states, encourage profitable cross-border smuggling of subsidized fuel for sale at market prices in neighboring countries; this smuggling can in turn lead to domestic shortages that drive the development of black markets to fill unmet demand that yields more profits for illicit suppliers.¹⁰² The lack of oil production revenue transparency decreases public accountability of oil management, which permits higher levels of corruption and allows thieves to steal fuel in large quantities without

⁹⁹ Ross, *The Oil Curse*, 44–45; Arild Nodland, "Guns, Oil, and 'Cake': Maritime Security in the Gulf of Guinea," in *Piracy and Maritime Crime: Historical and Modern Case Studies*, ed. Bruce A. Elleman, Andrew Forbes, and David Rosenberg (Newport, RI: Naval War College Press, 2010), 194; Whitman and Suarez, *The Root Causes and True Costs of Marine Piracy*, 27; Hastings and Phillips, "Maritime Piracy Business Networks and Institutions in Africa," 570; Michael Watts, "Imperial Oil: The Anatomy of a Nigerian Oil Insurgency," *Erdkunde* 62, no. 1 (2008): 33.

¹⁰⁰ Ross, *The Oil Curse*, 47–49; Ross Harvey, "Will Tanzania's Natural Gas Endowment Generate Sustainable Development?," in *Value Chains in Sub-Saharan Africa: Challenges of Integration into the Global Economy*, ed. Sören Scholvin et al. (Cham, Switzerland: Springer, 2019), 156.

¹⁰¹ Ian M. Ralby, *Downstream Oil Theft: Global Modalities, Trends, and Remedies* (Washington, DC: Atlantic Council, 2017), 4, 8, 19–22, 80, https://www.atlanticcouncil.org/images/publications/Downstream_Oil_Theft_web_0327.pdf; Christina Katsouris and Aaron Sayne, *Nigeria's Criminal Crude: International Options to Combat the Export of Stolen Oil* (London: Chatham House, 2013), 2–7, 25–43; Daxecker and Prins, "Financing Rebellion," 219.

¹⁰² Ralby, 16, 30–31, 87, 110; Katsouris and Sayne, 28; Ross, *The Oil Curse*, 79; Ovadia, "The Nigerian 'One Percent'," 316–317; Onuoha, "Piracy and Maritime Security in the Gulf of Guinea," 278; Ricardo Soares de Oliveira, *Oil and Politics in the Gulf of Guinea* (New York: Oxford University Press, 2007), 72.

recognition.¹⁰³ Higher levels of corruption also provide increased opportunities for oil thieves, including pirates, to gain reliable entry to licit markets where they can sell stolen oil at significant profit.¹⁰⁴ These factors combine to create an environment in which pirates can be reasonably assured that oil theft at sea will yield sizable profits and therefore tip cost-benefit calculations in favor of piracy. Although these conditions make the prospects of piracy more attractive, barriers to entry still require organization and financing. However, the oil industry inadvertently plays a major role in diverting politically motivated insurgents towards organized criminal pursuits. Some of the most lucrative oil-related support contracts available to local populations involves the protection of the oil infrastructure, and in many cases, these contracts merely involve paying formerly hostile armed groups to stop their attacks.¹⁰⁵ While this strategy has been effective for oil companies to mitigate attacks in the short term, it has created a new criminal ecosystem in which already armed and organized groups receive a steady income on the condition that they merely turn their attention from politically motivated attacks on oil infrastructure to other pursuits, such as covert methods of oil theft, a range of smuggling activities, and sophisticated forms of piracy.¹⁰⁶ As a result, piracy for the sake of oil theft became a common occurrence in the Gulf of Guinea.¹⁰⁷ Whether oil is stolen from land-based pipelines or from pirate attacks, the illicit nature of the transaction incentivizes international buyers to dispatch tanker vessels with large quantities of cash to purchase and load this stolen cargo without leaving traceable financial records.¹⁰⁸ However, researchers have pointed out occasions when competing criminal networks learn about such pending

¹⁰³ John Raidt and Kristin E. Smith, *Advancing U.S., African, and Global Interests: Security and Stability in the West Africa Maritime Domain*, ed. Nancy J. Walker (Washington, DC: Atlantic Council, 2010), 23–24, 27–28; Ralby, 20; Katsouris and Sayne, 4, 31–32; Hastings and Phillips, “Maritime Piracy Business Networks and Institutions in Africa,” 571; Le Billon, *Fuelling War*, 9, 12, 21.

¹⁰⁴ Raidt and Smith, 24; Ralby, 18; Katsouris and Sayne, 4, 7–8, 31–32; Hastings and Phillips, 571; Le Billon, 12.

¹⁰⁵ Hastings and Phillips, 572; Ross, *The Oil Curse*, 152, 172.

¹⁰⁶ Le Billon, *Fuelling War*, 36.

¹⁰⁷ Ian Ralby and David Soud, *Oil on the Water: Illicit Hydrocarbons Activity in the Maritime Domain* (Washington, DC: Atlantic Council, 2018), 6–8, <https://www.atlanticcouncil.org/publications/reports/oil-on-the-water-illicit-hydrocarbons-activity-in-the-maritime-domain>.

¹⁰⁸ Onuoha, “Piracy and Maritime Security in the Gulf of Guinea,” 284.

transactions and mount their own pirate attacks that target the illicit cash, or the illicit oil, knowing that the attack is likely to be both profitable and unlikely to be reported to authorities.¹⁰⁹

The third causal pathway by which oil production can lead to piracy involves the activation of political incentives to include the use of piracy to manipulate electoral outcomes, influence the government's distribution of oil resources, fund the continuation of oil-inspired insurgent activity, and conduct insurgent political signaling. The immense potential for personal enrichment associated with political office in oil-producing states creates powerful incentives to gain and retain political power.¹¹⁰ One strategy employed by political opposition candidates has been to demonstrate an incumbent's inability to provide sufficient security, and in some cases, opposition candidates have done so by intentionally bankrolling high-profile pirate attacks and other militant activity.¹¹¹ In addition, several examples of political entrepreneurs can be shown to provide militant groups with funding, weapons, and promises of political cover for future criminal activity in exchange for militants' political support and violent suppression of a political rival's support network.¹¹² Once in office, political figures at the sub-national level are incentivized to find novel ways to compete for greater shares of the state's centrally managed oil resources.¹¹³ In some cases that has involved covert political support for high-visibility militant activity to demonstrate a need for the central government to provide

¹⁰⁹ Onuoha, 284.

¹¹⁰ Soares de Oliveira, *Oil and Politics in the Gulf of Guinea*, 126–134; Murphy, "The Troubled Waters of Africa," 76; Watts, "Imperial Oil," 35–37; Le Billon, *Fuelling War*, 24; Nodland, "Guns, Oil, and 'Cake'," 194–198; John P. Entelis, "Sonatrach: The Political Economy of an Algerian State Institution," in *Oil and Governance: State-Owned Enterprises and the World Energy Supply*, ed. David G. Victor, David R. Hults, and Mark C. Thurber (Cambridge: Cambridge University Press, 2011), 591; Ovadia, "The Nigerian 'One Percent'," 326–327.

¹¹¹ Pérouse de Montclos, "Maritime Piracy in Nigeria," 536; Nodland, 195; Hastings and Phillips, "Maritime Piracy Business Networks and Institutions in Africa," 570.

¹¹² Tantua, Devine, and Maconachie, "Oil Governance in Nigeria's Niger Delta," 306; Watts, "Imperial Oil," 37.

¹¹³ Soares de Oliveira, *Oil and Politics in the Gulf of Guinea*, 129–134; Le Billon, *Fuelling War*, 24; Watts, "Imperial Oil," 35–36; Nodland, "Guns, Oil, and 'Cake'," 194–198; Entelis, "Sonatrach," 591.

greater revenue distribution to the affected region.¹¹⁴ As with militants executing security contracts for oil companies, these politically protected militants are subsequently able to engage in more sophisticated forms of criminality with little fear of state reprisal.¹¹⁵ While it can manifest into a range of criminal activities, it creates conditions that are also well-suited to the organizational and logistical requirements for piracy. For insurgents with oil-related grievances who are actively fighting against the central government, piracy represents a means to fund their activities, an opportunity for high-visibility political signaling, and a way to achieve political objectives.¹¹⁶ In addition, the global interconnectivity of the oil market makes pirate hijackings of oil tankers, and attacks on oil platforms, an activity that can garner international attention and result in a reduction of foreign investment, which in turn, makes it an attractive activity for insurgents seeking to leverage political concessions from an oil-producing state.¹¹⁷

In addition to the numerous oil-related incentives for piracy in the Gulf of Guinea, illegal fishing and toxic dumping have also been argued to play a significant role. The waters of the Gulf of Guinea have rich fishing stocks, but the governments of Gulf of Guinea nations have poor capacity to regulate international commercial fishing vessels in their waters.¹¹⁸ The Gulf of Guinea's fishing industry accounts for nearly 6 million jobs and more than \$1.5 billion in exports, but illegal fishing is estimated to cost the region an

¹¹⁴ Le Billon, 32; Hastings and Phillips, "Maritime Piracy Business Networks and Institutions in Africa," 570.

¹¹⁵ Le Billon, 24; Watts, "Imperial Oil," 35–36; Nodland, "Guns, Oil, and 'Cake'," 194–198; Entelis, "Sonatrach," 591.

¹¹⁶ Daxecker and Prins show that a number of insurgent groups in the Gulf of Guinea have successfully employed oil-theft piracy as a funding mechanism for their activities, and that by doing so, they have been able to increase the duration and intensity of their activities. Daxecker and Prins, "Financing Rebellion," 216–220, 227.

¹¹⁷ Murphy, "The Troubled Waters of Africa," 75; J. Peter Pham, "West African Piracy: Symptoms, Causes and Responses," in *Conference on Global Challenge, Regional Responses: Forging a Common Approach to Maritime Piracy: Selected Briefing Papers*, ed. Stephen Brannon and Taufiq Rahim (Dubai, UAE: Dubai School of Government, 2011), 30; Whitman and Suarez, *The Root Causes and True Costs of Marine Piracy*, 97; Nodland, "Guns, Oil, and 'Cake'," 198.

¹¹⁸ Murphy, 70; Raidt and Smith, *Security and Stability in the West Africa Maritime Domain*, 25; Katja Lindskov Jacobsen and Johannes Riber Nordby, *Maritime Security in the Gulf of Guinea* (Copenhagen: Royal Danish Defence College Publishing House, 2015), 26; United Nations Office on Drugs and Crime, *Transnational Organized Crime in West Africa*, 7.

additional \$1 billion in lost revenue.¹¹⁹ The environmentally destructive fishing techniques used by predominantly foreign illegal fishermen, and their unchecked over-fishing, are leading to declines in fish stocks that threaten the viability of the industry.¹²⁰ As a result of the diminishing size and profitability of their fish catches, a growing number of fishermen in the region are forced to look for an alternate vocation, many of whom subsequently turn to piracy.¹²¹

D. THEORETICAL FRAMEWORK, HYPOTHESIS, AND RESEARCH DESIGN

As shown in Chapter II, Nigeria and Angola demonstrate a similar set of motive and permissive conditions for piracy based on the variables identified in the existing literature, yet they have experienced very different levels of piracy. This dissonance suggests a shortcoming in existing explanations of piracy and suggests the need to explore additional factors. This thesis therefore borrows from recent scholarship regarding rent centralization in explaining divergent developmental outcomes in neo-patrimonial states that display otherwise similar levels of rent accumulation and patronage. Specifically, this thesis argues that decentralized rent management practices heighten the incentives for piracy in Nigeria, while highly centralized rent management mechanisms discourage piracy in Angola.

The existing literature on rent centralization is focused on neo-patrimonial regimes in developing countries where scholars predicted poor economic performance yet observed growth in some countries and stagnation in others. Understanding this literature requires a brief review of key theoretical terms. Neo-patrimonial regimes contain the legal-rational, bureaucratic mechanisms typical of modern states in the Weberian mold, yet they distort or circumvent formal state processes with the informal and discretionary exercise of personalized power to distribute state resources through patron-client networks that serve

¹¹⁹ Onuoha, "Piracy and Maritime Security in the Gulf of Guinea," 271; Raidt and Smith, 25; Murphy, 70.

¹²⁰ Raidt and Smith, 25; Murphy, 70; Pérouse de Montclos, "Maritime Piracy in Nigeria," 535.

¹²¹ Pérouse de Montclos, 535; Onuoha, "Piracy and Maritime Security in the Gulf of Guinea," 283.

as the true basis of their political legitimacy. In such a system, patrons appropriate politically controlled state resources for distribution to their clients in exchange for political support, while prospective clients are incentivized to engage in competitive rent-seeking to secure preferential access to patronage, prebends, and rents. “Patronage” can connote any patron-endowed benefit to a client, but often takes the form of privileged access to state services, public sector jobs, licenses, state-backed financing, and foreign exchange. A “prebend” is a unique form of patronage in which a patron vests control of a state office or authority to a client who is subsequently permitted to exploit it for personal financial gain with minimal state oversight. Another mode of patronage is access to a state-controlled “rent.” The term “rent” is defined in economic literature as an inefficient market condition that generates “excess income” above an optimized condition of market operation. Rents typically arise from the market distortions associated with monopolies, tariffs, subsidies, natural resource management, and corruption, among others. Meanwhile, “rent-seeking” activities create additional market inefficiencies as individuals or groups expend effort and resources to secure advantageous access to rents, generally through persuasion efforts—whether legal or illegal—like lobbying, political contributions, bribery, extortion, protests, violence, etc.¹²²

Given the market inefficiencies associated with rents and rent-seeking characteristic of neo-patrimonial systems, developmental state theorists and policy practitioners had largely coalesced around the conclusion that neo-patrimonial regimes

¹²² Mushtaq H. Khan, “A Typology of Corrupt Transactions in Developing Countries,” *IDS Bulletin* 27, no. 2 (1996): 12–21; Mushtaq H. Khan, “Rents, Efficiency and Growth,” in *Rents, Rent-Seeking and Economic Development: Theory and Evidence in Asia*, ed. Mushtaq H. Khan and Kwame Sundaram Jomo, (Cambridge University Press, 2000), 21–69; Mushtaq H. Khan, “Rent Seeking as Process,” in *Rents, Rent-Seeking and Economic Development: Theory and Evidence in Asia*, ed. Mushtaq H. Khan and Kwame Sundaram Jomo (Cambridge: Cambridge University Press: 2000), 70–144; Andrew MacIntyre, “Funny Money: Fiscal Policy, Rent-Seeking and Economic Performance in Indonesia,” in *Rents, Rent-Seeking and Economic Development: Theory and Evidence in Asia*, ed. Mushtaq H. Khan and Kwame Sundaram Jomo (Cambridge: Cambridge University Press: 2000), 248–273; Gero Erdmann and Ulf Engel, “Neopatrimonialism Reconsidered: Critical Review and Elaboration of an Elusive Concept,” *Commonwealth & Comparative Politics* 45, no. 1 (2007): 114, <https://doi.org/10.1080/14662040601135813>; Leonardo R. Arriola, “Patronage and Political Stability in Africa,” *Comparative Political Studies* 42, no. 10 (2009): 1339–1362, <https://doi.org/10.1177/0010414009332126>; Nicolas Van de Walle, “The Path from Neopatrimonialism: Democracy and Clientelism in Africa Today” (working paper, Center for International Studies, 2007), <https://hdl.handle.net/1813/55028>.

were fundamentally incompatible with long-term economic growth.¹²³ However, Khan and his colleagues note that rent-seeking and rent distribution have been pervasive not only in more slowly developing Asian countries but also in some of the most rapidly developing ones. Their research suggests that the solution to this puzzle lies in variations in rent *centralization* within patrimonial structures in developing Asian countries, rather than variations in the *extent* of rent-seeking and rent distribution. Where control of always-pervasive rent is more centralized, rent tends to be used more productively, which then leads to better economic development outcomes.¹²⁴ Lewis extends the analysis cross-regionally and argues that the development of centralized rent management practices in Indonesia, and decentralized rent mechanisms in Nigeria, produced starkly different economic outcomes for the two countries despite similar developmental starting points in the early 1960s and comparable endowments of oil resources thereafter.¹²⁵

Kelsall et al. follow these works with an analysis of rent centralization across a range of African cases to conclude that centralized control over rent distribution, in combination with long time horizons of elites, have been associated with greater economic development in African countries going back to the 1970s in what they describe as “developmental patrimonialism.” In their preliminary work, they identify five African cases that meet the parameters of their concept for “developmental patrimonialism” and note that four were “dictatorial single-party regimes” while the fifth was a “dominant party regime [with] a reputation for political intolerance.” They also suggest that “vigorous multi-party competition” and presidential term limits are likely to undermine positive developmental outcomes of patrimonial regimes since they undermine elite incentives to

¹²³ Tim Kelsall, “Rethinking the Relationship between Neo-Patrimonialism and Economic Development in Africa,” *IDS Bulletin* 42, no. 2 (2011): 76–77.

¹²⁴ Khan, “A Typology of Corrupt Transactions in Developing Countries,” 12–21; Khan, “Rents, Efficiency and Growth,” 21–69; Khan, “Rent Seeking as Process,” 70–144; MacIntyre, “Funny Money: Fiscal Policy,” 248–273.

¹²⁵ Peter M. Lewis, *Growing Apart: Oil, Politics, and Economic Change in Indonesia and Nigeria* (Ann Arbor: University of Michigan Press, 2007), 284–285.

discipline rent management “by encouraging leaders to take a short-term view of rent allocation.”¹²⁶

The body of rent centralization literature therefore suggests that a centrally disciplined approach to rent distribution guided by long-term objectives—even if these objectives are narrowly self-serving of elite interests—tends to promote more productive use of state-controlled rents while limiting counter-productive or unsanctioned rent activities, and thereby, achieve positive developmental outcomes.¹²⁷ Although these observations have worrying implications for proponents of African democracy—especially given the tendency for African democracies to derive their legitimacy from diffuse clientelist distributions—this literature illuminates the relevance of an important new dimension of regime structures that can have broad impacts on elite behavior, modes of clientelist distribution, and economic outcomes.

Slater adds a complementary line of research to discern the motivations that drive elites to adopt either centralized or decentralized rent strategies by illustrating contrasting models of elite “protection pacts” versus “provision pacts.” On one hand, when elites share a common perception of endemic threats to their “property, privilege, and persons,” they tend to unite in “elite collective action” behind what Slater calls a “protection pact.” In protection pacts, elites cede individual power to centralized, strong, and durable mechanisms of state power—typically under authoritarian control—to suppress long-term threats. In doing so, they submit to a degree of agency to a central authoritarian to enable their long-term interests. Conversely, when factional elites lack a shared conception of a protection imperative, centralized control is only maintained by reversing the power dynamic, where the central authority derives legitimacy based on patronage distributions to buy support of a governing coalition from elite factions. In this case, what Slater calls a “provision pact,” elites tend to engage in short-term, zero-sum competition for patronage

¹²⁶ Tim Kelsall et al., “Developmental Patrimonialism? Questioning the Orthodoxy on Political Governance and Economic Progress in Africa” (working paper, Africa Power and Politics Programme, 2010), 26–27, <https://www.odi.org/publications/16497-developmental-patrimonialism-questioning-orthodoxy-political-governance-and-economic-progress-africa>.

¹²⁷ Khan, “Rent Seeking as a Process,” 51.

spoils. Slater also notes that the elite recognition of mutual interests is grounded in “critical antecedents” provided by pre-independence “social and territorial cleavages,” which influences elite disposition towards the adoption of either protection or provision pacts. Where elites fail to unify in protection pacts, provision pacts provide an inherently less stable mode of central rule, yet when supplied with a centralized pool of resources, such as oil revenues, they can persist while adaptively responding to competing elite interests, albeit at a heavily discounted level of patronage efficiency. Slater’s model therefore provides analytical utility in its illustration of elite collective action incentives, or lack thereof, in identifying the rent centralization patterns.¹²⁸

Building from these insights, this thesis explores the hypothesis that the variation in elite competition and modes of clientelist distribution that stem from a state’s approach to rent management strongly influences piracy outcomes. Specifically, it investigates the hypothesis that Nigeria’s decentralized, competitive, and short-term rent management environment is indicative of an elite provision pact that permits or even promotes piracy as both a form of rent-seeking and subsequently as a prebendal mode of stabilizing patronage distribution. Conversely, it explores how Angola’s centralized, longer-term, rent management environment is founded on a protection pact that inhibits the development of piracy, despite environmental motive and permissive conditions that may otherwise prove hospitable. In sum, this thesis presents a hypothesis that the centralization of rent management is inversely correlated with piracy incidence.

To investigate this hypothesis, this thesis conducts a qualitative, most-similar-systems comparative case study of Nigeria and Angola. Chapter II shows that Nigeria and Angola have similar values on the explanatory variables identified in the existing piracy literature, which therefore cannot account for their divergent piracy incidences. The rest of the thesis then examines the key variable on which their values differ—rent centralization—and traces its relationship to piracy incidents. Chapter III sketches the rent accumulation and distribution system in Nigeria and analyzes its relationship to piracy

¹²⁸ Dan Slater, *Ordering Power: Contentious Politics and Authoritarian Leviathans in Southeast Asia* (Cambridge: Cambridge University Press, 2010), 4–27, 145–146, 172–173, 206.

incidence, and Chapter IV does the same for Angola. Chapter V draws comparative conclusions based on the findings in Chapters III and IV, assesses the risk of future piracy in Angola, and offers policy recommendations. Source material for this work is composed predominantly of secondary scholarly research.

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II. EVALUATING THEORIZED INDEPENDENT VARIABLES IN NIGERIA AND ANGOLA

Out of 1,104 actual or attempted attacks recorded by the International Maritime Bureau in the Gulf of Guinea from 1991 to 2019, 49.8% (550) occurred in Nigerian waters, while only 2.3% (25) occurred in Angolan waters.¹²⁹ Similarly, a database of Anti-Shipping Activity Messages (ASAM) maintained by the U.S. National Geospatial Intelligence Agency lists 1,227 incidents in the Gulf of Guinea from 1991 to 2019, of which 57.9% (711) come from Nigeria and compared to 1.5% (19) from Angola.¹³⁰ Of note, these figures do not include recorded instances of Nigerian pirates conducting attacks in the waters of Angola, Benin, Cameroon, Côte d’Ivoire, Equatorial Guinea, Guinea, and Togo; widespread consensus states that piracy in the Gulf of Guinea is predominantly a phenomenon of Nigerian origin.¹³¹ Existing research points to a constellation of variables that correlate with an increased risk of piracy; however, virtually all these variables predict either similar levels of piracy in the two countries, or higher levels in Angola. The following sections examine the theorized variables most closely related to piracy incidence—state strength, demographics, economic indicators, and geography—for both Nigeria and Angola to demonstrate that they do not explain sufficiently the difference in the observed rate of piracy in the two countries. Both quantitative and qualitative theories fail to account for the wide disparity in the countries’ piracy incidence.

A. STATE WEAKNESS AND REGIME TYPE

In their large-N study evaluating all coastal states globally from 1991–2010, Daxecker and Prins conclude that the most significant predictive variable for piracy

¹²⁹ Compiled from International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—Annual Report [1991–2018]* (London: International Chamber of Commerce, 2018).

¹³⁰ Data for Gulf of Guinea countries manually filtered from regions 51 and 57. “Anti-shipping Activity Messages,” National Geospatial Intelligence Agency, accessed June 13, 2020, https://msi.nga.mil/NGAPortal/MSI.portal?_nfpb=true&_st=&_pageLabel=msi_portal_page_65.

¹³¹ Onuoha, “Piracy and Maritime Security in the Gulf of Guinea,” 274–277; Whitman and Suarez, *The Root Causes and True Costs of Marine Piracy*, 21; Ralby, *Downstream Oil—Global Modalities*, 22; Ifesinachi Okafor-Yarwood et al., *Stable Seas: Gulf of Guinea* (Broomfield, CO: One Earth Future, 2020), 39.

incidence is state weakness, as measured by the Center for Systemic Peace's State Fragility Index.¹³² The State Fragility Index measures a state's relative strength or weakness based on eight sub-variables and ranks countries on a 25-point scale from "no fragility" to "extreme fragility."¹³³ From the first report in 1995 to the most recent report in 2018, Angola and Nigeria had nearly identical average fragility values of 18.67 and 18.92, respectively.¹³⁴ Daxecker and Prins's model predicts that a fragility difference of 0.25 should yield a difference of 0.031 more piracy incidents in Nigeria in a given year, other variables being held equal. In reality, Nigeria has averaged 19.7 more incidents than Angola each year from 1995–2018.¹³⁵ State fragility therefore explains virtually none of the difference in piracy incidents between Nigeria and Angola.

Daxecker and Prins also demonstrate an interactive relationship between state fragility and regime type in which strong democracies experience marginally less piracy than autocracies; however, among weak states, the impact of regime type is reversed and indicates a more significantly prominence of piracy in weak democracies than in weak autocracies. The POLITY5 database used in Daxecker and Prins' model to measure the strength of democratic and authoritarian regimes rated Angola as a consistently authoritarian regime from 1975–2018, while Nigeria is rated as a weak democracy after the transition to civilian rule in 1999 and strengthens slightly after the democratic transition of power in 2015.¹³⁶ Taking the average values from the aforementioned State Fragility Index, and interpolating the regime type effects predicted on the chart from Daxecker and Prins in Figure 2, the interactive effect of state fragility and regime type should account for

¹³² Daxecker and Prins, "Insurgents of the Sea," 947, 960, 962.

¹³³ "State Fragility Index and Matrix 2018," Center for Systemic Peace, accessed June 9, 2020, <https://www.systemicpeace.org/inscrdata.html>; Monty G. Marshall and Gabrielle Elzinga-Marshall, *Global Report 2017: Conflict, Governance, and State Fragility* (Vienna, VA: Center for Systemic Peace, 2017), 45.

¹³⁴ Center for Systemic Peace; Marshall and Elzinga-Marshall, 45.

¹³⁵ Daxecker and Prins, "Insurgents of the Sea," 950; Compiled from International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships*.

¹³⁶ Daxecker and Prins, "Insurgents of the Sea," 960; Monty G. Marshall and Ted Robert Gurr, *Polity5: Political Regime Characteristics and Transitions, 1800–2018, Dataset Users' Manual* (Vienna, VA: Center for Systemic Peace, 2020), <http://www.systemicpeace.org/inscr/p5manualv2018.pdf>.

0.3 more piracy events each year in a weak Nigerian democracy than a weak Angolan autocracy, far short of the observed average annual difference of 19.7 incidents. While both the independent effect of state fragility and its interactive effect with state regime type indicate that Nigeria should have slightly more piracy than Angola, they only predict a tiny fraction of the actual difference.¹³⁷

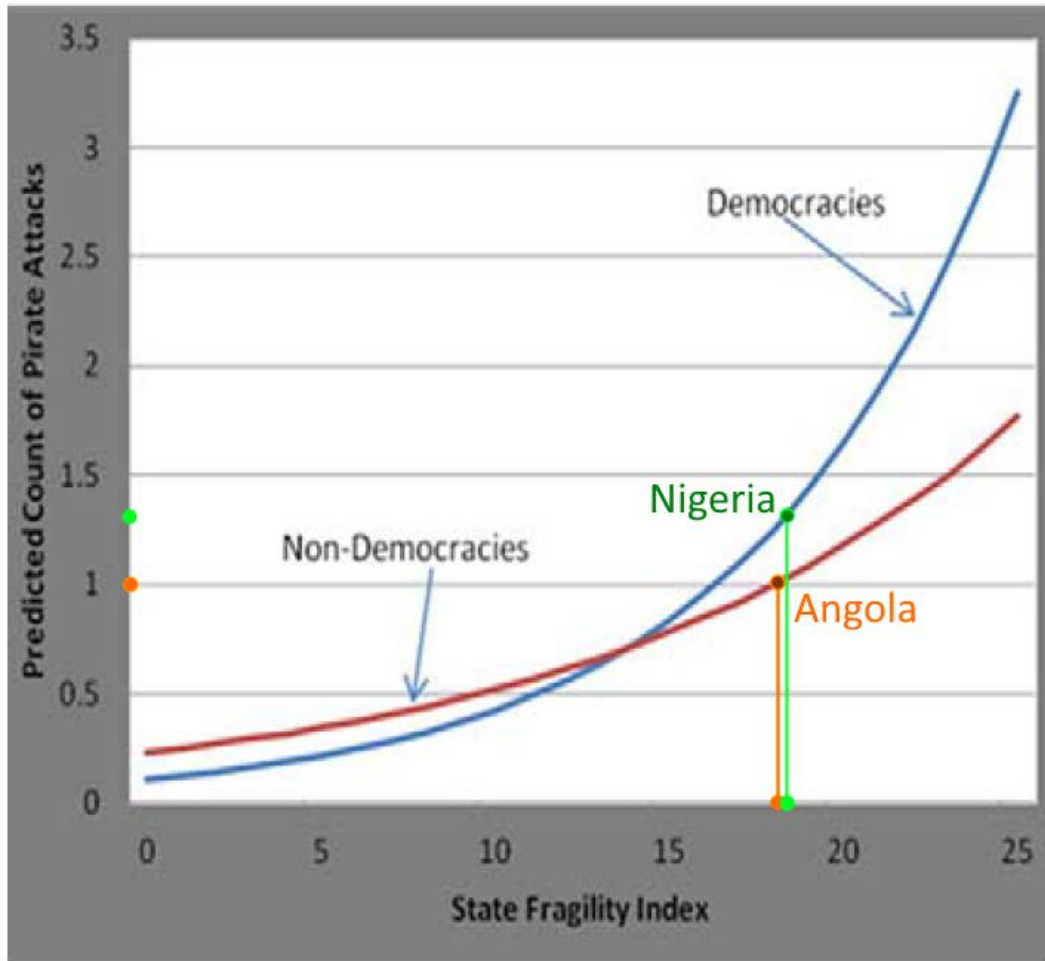


Figure 2. Predicted Count of Pirate Attacks Resulting from Variation in State Fragility and Regime Type¹³⁸

¹³⁷ Daxecker and Prins, 955–960.

¹³⁸ Adapted from Daxecker and Prins, 955.

B. DEMOGRAPHICS

In quantitative analysis of countries with recorded piracy incidents and all countries with coastlines, Daxecker and Prins find a positive correlation between the natural log of total population and piracy incidents with coefficients of 0.200 and 0.546, respectively.¹³⁹ Taking the natural log of population values in Angola and Nigeria from 1995–2018 and multiplying them by the aforementioned coefficients indicates that Nigeria should have an average of 0.39 to 1.06 more piracy incidents per year than Angola, other things being equal; however, in reality, Nigeria averaged 19.7 more piracy events per year than Angola from 1995–2018.¹⁴⁰ The difference in total population size could explain only a tiny fraction of the difference in piracy incidents between Nigeria and Angola.

In a study of 144 coastal countries using piracy data from 1990–2015, Gries and Redlin find that a 1% increase in the “youth bulge”—the percentage of males and females aged 15–24 within the total population—corresponds, on average, with a 16.8% increase in the rate of piracy.¹⁴¹ According to the UN World Population Prospects dataset used by Gries and Redlin, Nigeria’s youth population (ages 15–24) made up an average of 19.4% of the total population from 1990–2015, while Angola’s youth population averaged 19.5% over the same period.¹⁴² Since the “youth bulge” in Angola is 0.1% *larger* than in Nigeria, Gries and Redlin’s model suggests that Angola should have marginally *higher* (1.68%) piracy incidence. The youth bulge cannot explain actual cross-national differences in Nigerian and Angolan piracy.

¹³⁹ Daxecker and Prins, “Searching for Sanctuary,” 709; Daxecker and Prins, “Insurgents of the Sea,” 950.

¹⁴⁰ Daxecker and Prins, “Searching for Sanctuary,” 709; Daxecker and Prins, “Insurgents of the Sea,” 950; World Bank World Development Indicators, “Population, Total—Nigeria, Angola,” World Bank, accessed August 31, 2019, <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=NG-AO>; Compiled from International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships*.

¹⁴¹ Gries and Redlin, “Pirates—The Young and the Jobless,” 6–11.

¹⁴² United Nations World Population Prospects 2019, “File POP/7-1: Total Population (Both Sexes Combined) by Five-year age Group, Region, Subregion and Country, 1950–2100 (Thousands), Estimates, 1950–2020,” United Nations, accessed September 8, 2019, <https://population.un.org/wpp/Download/Standard/Population/>.

In a second model, Gries and Redlin find that “youth bulge” interacts with the degree of youth male “labor force participation,” where higher levels of employment reduce the impact of large youth populations on piracy.¹⁴³ Gries and Redlin’s model predicts that the 0.1% increase in the Nigeria’s “youth bulge” between 1990 and 2015 (from 18.8% to 18.9%) interacting with a corresponding 32.9% youth labor force participation should be associated with a 3% increase in piracy, while the 0.5% increase in Angola’s “youth bulge” (from 18.8% to 19.3%) interacting with a 55.7% youth labor participation should be associated with a 5% increase in piracy.¹⁴⁴ However, the chart of International Maritime Bureau (IMB) data in Figure 3 shows that piracy incidents in Nigeria grew at an approximate rate of 30% *per year* from 1991–2015, while piracy incidents in Angola remained stagnant over the same period. Thus, even accounting for Angola’s higher labor force participation rate, “youth bulge” still fails to explain the differences in Nigerian and Angolan piracy.

¹⁴³ Gries and Redlin, “Pirates—The Young and the Jobless,” 9–11.

¹⁴⁴ World Bank World Development Indicators, “Labor Force Participation Rate for Ages 15–24, Male (%) (Modeled ILO Estimate)—Nigeria, Angola,” World Bank, accessed June 13, 2020, <https://data.worldbank.org/indicator/SL.TLF.ACTI.1524.MA.ZS?locations=NG-AO>; United Nations World Population Prospects 2019, “File POP/7-1”; Gries and Redlin, 9–12.

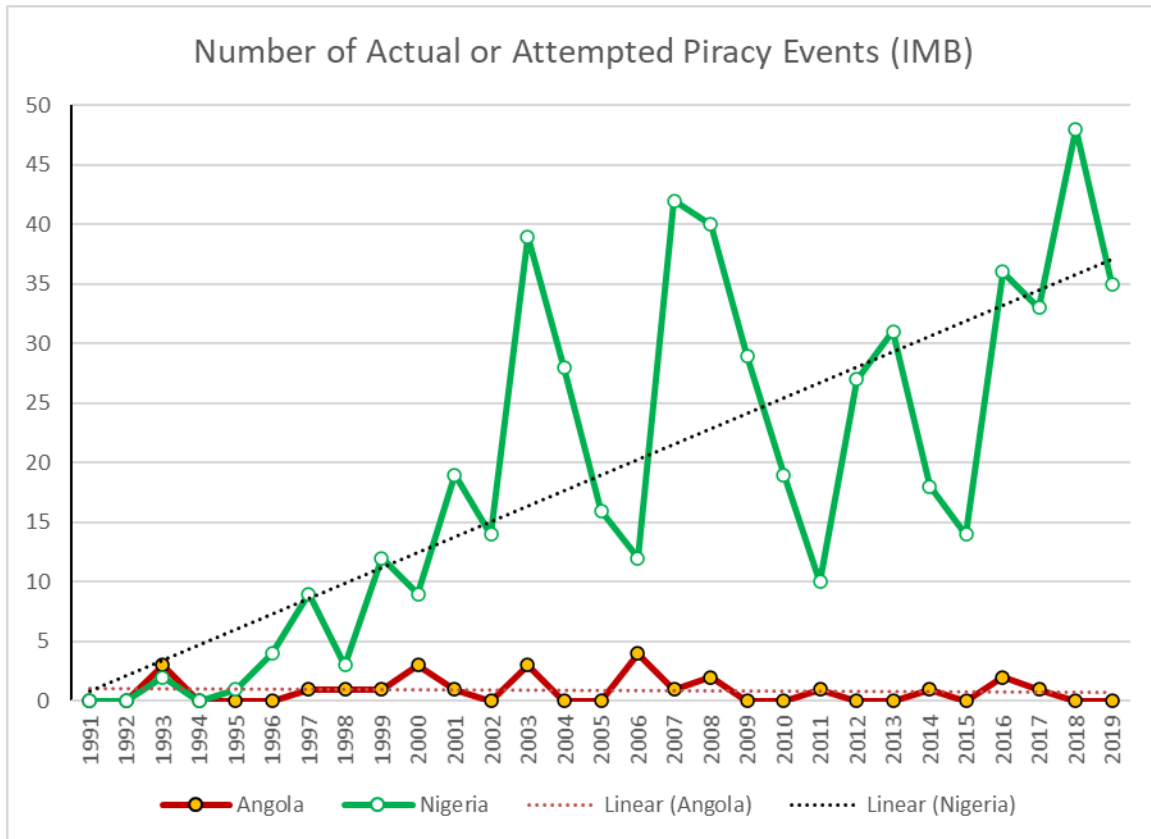


Figure 3. Number of Actual or Attempted Piracy Events in Nigeria and Angola (1991–2019)¹⁴⁵

In his evaluation of the effect of 11 purported piracy-inducing variables on *temporal* variation in the intensity of pirate activity in 11 piracy-affected countries over a period of 30 years, Regan finds only four to be statistically significant. In line with Gries and Redlin and Daxecker and Prins, the first two of these are male youth (15–24)

¹⁴⁵ Adapted from Onuoha, “Piracy and Maritime Security in the Gulf of Guinea,” 275; International Maritime Bureau, *Piracy and Armed Robbery against Ships—Annual Report: 1st January–31st December 1998* (Barking, Essex: ICC 1MB, 1999); International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2009 Annual Report* (London: International Chamber of Commerce, 2010); International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2011 Annual Report* (London: International Chamber of Commerce, 2012); International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2015 Annual Report* (London: International Chamber of Commerce, 2016); International Maritime Bureau, *Piracy and Armed Robbery against Ships: Report for the Period 1 January–30 September 2016* (London: International Chamber of Commerce, 2016); International Maritime Bureau, *Piracy and Armed Robbery against Ships: Report for the Period 1 January–30 June 2018* (London: International Chamber of Commerce, 2018); International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2019 Annual Report*.

unemployment rates and population growth.¹⁴⁶ He finds that every 1% increase in the rate of male youth unemployment results in 3.05 additional pirate attacks.¹⁴⁷ Based on World Bank data from 1991–2019 for Nigeria and Angola, Regan’s model predicts that male youth unemployment should cumulatively account for 17.0 additional attacks in Angola and 3.1 in Nigeria over the 1991–2019 period.¹⁴⁸ IMB data from 1991–2019 shows a cumulative total of 25 attacks in Angola and 550 in Nigeria; thus, Regan’s model cannot explain the observed variation in the dependent variable over time.

Regan also finds that each one million increase in population is associated with 0.61 more piracy attacks in each subsequent year, other things being equal. World Bank population data from 1991–2018 shows an average annual population growth of approximately 0.7 million in Angola and 3.6 million in Nigeria, which implies an annual increase of 0.41 piracy incidents per year in Angola and 2.19 incidents per year in Nigeria.¹⁴⁹ In reality, IMB data from 1991–2018 shows the average change in year-to-year incidents in Angola is 0.05 and in Nigeria 1.31. Thus, population growth could explain the difference in annual growth of piracy in the two countries better than other variables in the literature. Still, it overpredicts growth in Angolan piracy by an order of magnitude (and in Nigeria by only 67%), which indicates that it does not account well for the reality of very limited and stagnant piracy in Angola.¹⁵⁰

C. ECONOMIC VARIABLES

Regan’s third and fourth significant variables are economic. His study shows that a decline of total fish export values and absolute GDP correlates with increases in piracy

¹⁴⁶ Regan, “The Maritime Piracy Index,” 33, 37–38, 42, 106, 109.

¹⁴⁷ Regan, 108.

¹⁴⁸ Regan, 108; World Bank World Development Indicators, “Unemployment, Youth Male (% of Male Labor Force Ages 15–24) (Modeled ILO Estimate)—Nigeria, Angola,” World Bank, accessed August 31, 2019, <https://data.worldbank.org/indicator/SL.UEM.1524.MA.ZS?locations=NG-AO>.

¹⁴⁹ World Bank World Development Indicators, “Population, Total—Nigeria, Angola.”

¹⁵⁰ Daxecker and Prins, “Searching for Sanctuary,” 709; Daxecker and Prins, “Insurgents of the Sea,” 950.

incidents.¹⁵¹ With respect to fish export values, Regan shows that a one million dollar decrease in fish export values results in a 0.02 increase in piracy incidents.¹⁵² Data from the United Nations Food and Agriculture Organization (FAO) from 1991–2017 shows an average annual *increase* in fishery export value of \$2.9 million per year in Angola and \$1.3 million per year in Nigeria.¹⁵³ These fish export increases should therefore correspond to *decreases* in annual piracy incidents at an annual rate of 0.58 in Angola and 0.26 in Nigeria. The effects of the fish export values suggest greater downward pressure on piracy growth in Angola than Nigeria, but the scope of the prediction again can explain only a tiny fraction of the actual variation in difference in piracy growth between the two countries, where Nigeria averaged 19.5 attacks per year from 1991–2017, and Angola averaged just 1.8 attacks annually.¹⁵⁴ Regan also finds that for every one million dollars of annual GDP decline, a corresponding 0.021 increase occurs in piracy events.¹⁵⁵ According to World Bank data from 1991–2018, Angola had an average GDP *growth* of \$3.52 billion per year, while Nigerian GDP grew by \$12.89 billion per year.¹⁵⁶ Regan’s model would therefore suggest that Angolan piracy should be *declining* at an average rate of 74.0 events per year from 1991–2018, while Nigerian piracy should decline at 3.7 times that rate (270.8 incidents per year). This decline does not help us understand the actual pattern of much more rapid *growth* in piracy in Nigeria.¹⁵⁷

¹⁵¹ Regan, “The Maritime Piracy Index,” 38–39, 108.

¹⁵² Regan, 101, 103, 104, 111.

¹⁵³ Food and Agriculture Organization of the United Nations, *Fishery and Aquaculture Statistics 2017* (Rome: Food and Agriculture Organization of the United Nations, 2019), http://www.fao.org/fishery/static/Yearbook/YB2017_USBCard/navigation/index_intro_e.htm.

¹⁵⁴ Compiled from International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—Annual Report [1991–2018]*.

¹⁵⁵ Regan, “The Maritime Piracy Index,” 99, 101, 102, 104.

¹⁵⁶ World Bank World Development Indicators, “GDP Growth (Annual %)—Nigeria, Angola,” World Bank, accessed June 12, 2020, <https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?locations=NG-AO>.

¹⁵⁷ Compiled from International Maritime Bureau, *ICC IMB Piracy and Armed Robbery Against Ships—Annual Report [1991–2018]*.

Daxecker and Prins find the natural log of GDP per capita to have statistically significant negative correlation with piracy incidents.¹⁵⁸ However, summarizing the anticipated piracy effect of GDP per capita from 1991–2018, the model only predicts a cumulative total of 4.5 more piracy incidents in Nigeria.¹⁵⁹ GDP per capita thus accounts for less than 1% of the observed difference in piracy incidents between Angola than Nigeria from 1991–2018.¹⁶⁰

D. GEOGRAPHY

Across several different studies, Daxecker and Prins identify three statistically significant geographic variables: the length of a country’s coastline, the size of its overall land area, and the average distance from its capital to its coastline.¹⁶¹ They find that piracy incidence positively correlates with coastline length (natural log of kilometers) with a coefficient of 0.242.¹⁶² The Angolan coastline is 1,600 km, while the Nigerian coastline is 853 km (natural logs 7.38 and 6.75, respectively), which should yield 9.3% more piracy incidents in Angola than Nigeria (3.13 compared to 2.86).¹⁶³ As this length predicts greater piracy in Angola than Nigeria—the inverse of actual levels—coastline length does not help explain the difference of piracy levels between Angola and Nigeria.

Daxecker and Prins also find a positive coefficient of 0.623 for a correlation of total land area (natural log of kilometers squared) and piracy incidents.¹⁶⁴ With Angola’s land mass measuring 1,246,700 km² and Nigeria’s measuring 923,768 km² (natural logs of 14.04 and 13.74, respectively), the model predicts a 2.2% greater piracy in Angola than

¹⁵⁸ Daxecker and Prins, “Insurgents of the Sea,” 956.

¹⁵⁹ World Bank World Development Indicators, “GDP Growth (Annual %)—Nigeria, Angola.”

¹⁶⁰ Compiled from International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—Annual Report [1991–2018]*.

¹⁶¹ Daxecker and Prins, “Insurgents of the Sea,” 950, 953; Daxecker and Prins, “The New Barbary Wars,” 33; Daxecker and Prins, “Enforcing Order,” 364–365.

¹⁶² Daxecker and Prins, “Insurgents of the Sea,” 950.

¹⁶³ “The World Factbook 2016–17,” Central Intelligence Agency, 2016. <https://www.cia.gov/library/publications/the-world-factbook/index.html>.

¹⁶⁴ Daxecker and Prins, “Enforcing Order,” 366.

Nigeria.¹⁶⁵ As with coastline length, the model predicts the inverse behavior of actual data, and as a result, does not contribute to an explanation of the difference between the two countries.

Lastly, Daxecker and Prins find positive a correlation between the rate of piracy incidents and the natural log of distance between state capitals and their coastline, where this variable is calculated based on the average of two values for each state: first, the closest distance to the coast (zero in the case of Angola where the capital, Luanda, is on the coast), and second, the distance from the capital to the furthest coastal point in the country's territory.¹⁶⁶ Angola's capital-coastline distance is 525 km, while Nigeria's is 474 km (natural logs of 6.26 and 6.16, respectively), which should yield a 1.6% greater rate of piracy in Angola than Nigeria.¹⁶⁷ As with the other two geographic variables, capital-coastline distance predicts the inverse of the real-world relationship between Angolan and Nigerian piracy levels. Therefore, in aggregation, geographic variables consistently predict *lower* piracy in Nigeria and Angola.

E. THE ROLE OF OIL

As discussed in the literature review, several qualitative studies have hypothesized that oil-producing states face numerous incentives for piracy. The central government's control of and reliance upon oil rents—common to both Nigeria and Angola, where oil profits have respectively accounted for 68% and 72% of government revenues from 2001–2017—obviates the need to tax the population, which thereby undermines government responsiveness to citizen demands and raising the prospect of grievance-driven piracy that

¹⁶⁵ Central Intelligence Agency, "The World Factbook 2016–17"; Daxecker and Prins, "Enforcing Order," 366.

¹⁶⁶ Daxecker and Prins, 364, 366.

¹⁶⁷ Daxecker and Prins, 364, 366.

targets the oil industry.¹⁶⁸ Even as Nigeria and Angola have sought to diversify their economies to reduce their reliance on the unpredictable swings in oil revenues, by 2018, they still accounted for 89% of Angolan exports and 87% of Nigerian exports.¹⁶⁹ Nigeria and Angola continue to suffer the macroeconomic effects of the “Dutch disease,” which has degraded the economic development of non-oil industries. The resulting economic shocks that accompany sharp declines in oil prices—like the crash in June 2014 where oil prices unpredictably fell from \$106/barrel to \$45/barrel in less than six months and continued to fluctuate around the \$45/barrel for the next six years—have driven the

¹⁶⁸ International Monetary Fund, “Angola: 2005 Article IV Consultation—Press Release; Staff Report; and Statement by the Executive Director for Angola,” *IMF Country Report* 05, no. 228 (2005); International Monetary Fund, “Angola: 2007 Article IV Consultation—Press Release; Staff Report; and Statement by the Executive Director for Angola,” *IMF Country Report* 07, no. 354 (2007); International Monetary Fund, “Angola: 2012 Article IV Consultation—Press Release; Staff Report; and Statement by the Executive Director for Angola,” *IMF Country Report* 12, no. 215 (2012); International Monetary Fund, “Angola: 2014 Article IV Consultation—Press Release; Staff Report; and Statement by the Executive Director for Angola,” *IMF Country Report* 14, no. 274 (2014); International Monetary Fund, “Angola: 2016 Article IV Consultation—Press Release; Staff Report; and Statement by the Executive Director for Angola,” *IMF Country Report* 17, no. 39 (2017); International Monetary Fund, “Angola: 2018 Article IV Consultation—Press Release; Staff Report; and Statement by the Executive Director for Angola,” *IMF Country Report* 18, no. 156 (2018); International Monetary Fund, “Nigeria: 2004 Article IV Consultation—Press Release; Staff Report; and Statement by the Executive Director for Nigeria,” *IMF Country Report* 04, no. 239 (2004); International Monetary Fund, “Nigeria: 2005 Article IV Consultation—Press Release; Staff Report; and Statement by the Executive Director for Nigeria,” *IMF Country Report* 05, no. 302 (2005); International Monetary Fund, “Nigeria: 2007 Article IV Consultation—Press Release; Staff Report; and Statement by the Executive Director for Nigeria,” *IMF Country Report* 08, no. 64 (2007); International Monetary Fund, “Nigeria: 2009 Article IV Consultation—Press Release; Staff Report; and Statement by the Executive Director for Nigeria,” *IMF Country Report* 09, no. 315 (2009); International Monetary Fund, “Nigeria: 2010 Article IV Consultation—Press Release; Staff Report; and Statement by the Executive Director for Nigeria,” *IMF Country Report* 11, no. 57 (2010); International Monetary Fund, “Nigeria: 2011 Article IV Consultation—Press Release; Staff Report; and Statement by the Executive Director for Nigeria,” *IMF Country Report* 12, no. 194 (2011); International Monetary Fund, “Nigeria: 2013 Article IV Consultation—Press Release; Staff Report; and Statement by the Executive Director for Nigeria,” *IMF Country Report* 14, no. 103 (2014); International Monetary Fund, “Nigeria: 2014 Article IV Consultation—Press Release; Staff Report; and Statement by the Executive Director for Nigeria,” *IMF Country Report* 15, no. 84 (2015); International Monetary Fund, “Nigeria: 2016 Article IV Consultation—Press Release; Staff Report; and Statement by the Executive Director for Nigeria,” *IMF Country Report* 16, no. 101 (2016); International Monetary Fund, “Nigeria: 2017 Article IV Consultation—Press Release; Staff Report; and Statement by the Executive Director for Nigeria,” *IMF Country Report* 17, no. 80 (2017); International Monetary Fund, “Nigeria: 2018 Article IV Consultation—Press Release; Staff Report; and Statement by the Executive Director for Nigeria,” *IMF Country Report* 18, no. 63 (2018); International Monetary Fund, “Nigeria: 2019 Article IV Consultation—Press Release; Staff Report; and Statement by the Executive Director for Nigeria,” *IMF Country Report* 19, no. 92 (2019). These reports can be found at <https://www.imf.org/en/>.

¹⁶⁹ Organization of the Petroleum Exporting Countries, *Annual Statistical Bulletin 2019* (Vienna: OPEC, 2019), https://www.opec.org/opec_web/static_files_project/media/downloads/publications/OB07_082019.pdf.

Nigerian and Angolan governments to reduce government spending drastically on public goods, which produces economic hardship that disproportionately affects lower income populations, who are in turn, more susceptible to criminalization. As global oil prices impact Nigerian and Angolan oil sales relatively uniformly (barring minor variations from the region-specific chemical variations and nuances related to marketing practices and long-term contracts), and because both governments are equally reliant on oil revenues, the resulting grievance and greed-driven incentives for piracy should be similar in both countries.

Another factor highlighted in the literature review is the enclave nature of the oil industry, which tends to minimize the development of skilled employment opportunities for local populations, who, in the absence of alternate forms of economic development, tend to remain dependent on traditional forms of subsistence like agriculture and fishing. However, these traditional means of subsistence tend to be disproportionately affected by environmental degradation, which is common to oil extraction. In the oil-producing regions of Nigeria's Niger Delta and Angola's Cabinda province, local populations have complained that oil spills have undermined the viability of farming and traditional fishing grounds. The scale of environmental devastation is well documented in Nigeria, where the World Wildlife Fund reported that the Niger Delta has experienced the equivalent oil spillage as the 1989 Exxon Valdez disaster, repeated every year for each of the first 50 years of oil production in Nigeria.¹⁷⁰ As a result, the viability of both farming and fishing activity in the Niger Delta has been undermined, which has caused widespread popular grievances focused on the oil industry and driven displaced local workers to search for alternate forms of subsistence that has thereby heightened popular acceptance of criminal

¹⁷⁰ Katsouris and Sayne, *Nigeria's Criminal Crude*, 26; Ali Kamal-Deen, "The Anatomy of Gulf of Guinea Piracy," *Naval War College Review* 68, no. 1 (Winter 2015): 15; Wasiu Abiodun Balogun, "Crude Oil Theft, Petrol-Piracy and Illegal Trade in Fuel: An Enterprise-value Chain Perspective of Energy-maritime Crime in the Gulf of Guinea"(master's thesis, Lancaster University, 2018), 116, <https://doi.org/10.17635/lancaster/thesis/467>; Nodland, "Guns, Oil, and 'Cake'," 193.

pursuits. In several cases, Nigerian pirates have explicitly cited environmental degradation as a motivating factor for their attacks.¹⁷¹

In the case of Angola, government suppression of unfavorable media and non-governmental organizations (NGOs) reporting and a pronounced sensitivity towards oil industry interference have made it difficult to measure the comparative scale of environmental degradation. While international awareness of the Angolan oil industry's environmental impacts falls well below the attention paid to Nigeria, the limited reporting assembled in recent years suggests that the impacts are no less devastating to local populations in Angola's Cabinda province. Angola's oil production is predominantly concentrated offshore of Cabinda, and although a comparatively lower visibility of offshore spills has occurred, their effects on the marine and coastal environment are often more significant than land-based spills due to their wide dispersal. In that vein, local artisanal fishermen in Cabinda—where fishing is a primary source of livelihood and protein consumption for a sizeable portion of the local population—have seen fishing stocks plummet since oil slicks began washing ashore in the 1960s and 1970s. Growing food insecurity has corresponded with a rise in alcoholism and drug use in fishing communities, yet, unlike Nigeria, these communities have so far not turned to piracy in the face of similar oil-induced social and economic destabilization.¹⁷²

Another characteristic common to oil-producing states that may encourage piracy is the common practice of subsidizing fuel for their populations. While this practice enjoys broad popular support as one of the few ways average citizens can benefit from oil export profits, it creates incentives to smuggle the subsidized fuel into neighboring states to sell at a profit. The resulting smuggling networks give pirates a readily accessible market in which to offload large quantities of fuel obtained in tanker hijackings quickly. For decades,

¹⁷¹ Judith Burdin Asuni, "Understanding the Armed Groups of the Niger Delta" (working paper, Council on Foreign Relations, 2009), 5–6, 18, 26, https://www.cfr.org/sites/default/files/pdf/2009/09/CFR_WorkingPaper_2_NigerDelta.pdf.

¹⁷² Kristin Reed, *Crude Existence: Environment and the Politics of Oil in Northern Angola* (Berkeley, Los Angeles, London: University of California Press, 2009), 7–11, 56–68, 116; Baumüller et al., *The Effects of Oil Company Activities on the Environment, Health, and Development in Sub-Saharan Africa* (Brussels: European Parliament's Committee on Committee on Development, 2011), 20–21.

both Angola and Nigeria subsidized refined petroleum products to price levels far below those found in their neighboring states. From 1998–2018, subsidized Nigerian refined petroleum products were 47% cheaper than the average price in neighboring states of Benin, Niger, Chad, and Cameroon, while subsidized Angolan products over the same period were 55% cheaper than the average price in its territorial neighbors of Zambia, Namibia, the Democratic Republic of Congo and the Republic of Congo. Thus, Nigeria and Angola share comparable levels of both cross-border smuggling incentives and illicit petroleum market access, thus illicit market availability does not appear to account for the divergence between their rates of piracy incidence.¹⁷³

Lastly, existing literature suggests that the redistribution of oil revenues away from oil producing areas is a source of communal grievance that can serve as a motivating factor for piracy. In this regard, Nigeria and Angola appear to present similar piracy incentives. In Nigeria, oil-producing states and localities have been constitutionally entitled since 1999 to retain 13% of oil revenues produced within their territories. Similarly, in Angola, the government consented in 2006 to direct 10% of the region’s oil revenues back to Cabinda, up from 1%. In both cases, widespread complaints were raised that these (limited) funds are diverted by elites and provide little benefit to local populations, which thereby fails to alleviate resource distribution grievances. As a result, conflict over “resource control” has been a consistent element of insurgent narratives in the Niger Delta and has been explicitly cited as a motivating factor by pirates attacking the region’s oil infrastructure to press the

¹⁷³ Armin Wagner and Jan-Marc Joost, *International Fuel Prices 2018/19* (Eschborn, Germany: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, 2019), www.giz.de; World Bank World Development Indicators, “Pump Price for Diesel Fuel (US\$ per Liter)—Nigeria, Angola, Benin, Niger, Chad, Cameroon, Congo, Rep., Congo, Dem. Rep., Zambia, Namibia,” World Bank, accessed September 16, 2019, <https://data.worldbank.org/indicator/EP.PMP.DESL.CD?locations=NG-AO-BJ-NE-TD-CM-CG-CD-ZM-NA>; World Bank World Development Indicators, “Pump Price for Gasoline (US\$ per Liter)—Nigeria, Angola, Benin, Niger, Chad, Cameroon, Congo, Rep., Congo, Dem. Rep., Zambia, Namibia,” World Bank, accessed September 16, 2019, <https://data.worldbank.org/indicator/EP.PMP.SGAS.CD?locations=NG-AO-BJ-NE-TD-CM-CG-CD-ZM-NA>.

government to increase local revenue retention.¹⁷⁴ Angola's Cabinda separatists have also cited the diversion of oil revenues as a core grievance and they have used attacks on oil company pipelines to articulate these grievances. Thus far, these attacks have not extended to piracy as a mechanism to or as a challenge to the state to alter resource distributions.¹⁷⁵ Thus, while the qualitative arguments that resource distribution inequality is a source of communal grievance in oil-producing regions hold true in both Nigeria and Angola, it does not sufficiently explain why these grievances contribute to piracy in Nigeria, but not Angola.

F. ETHNIC FACTIONALIZATION AND ECONOMIC INEQUALITY

As discussed in the literature review, qualitative studies have hypothesized that high levels of economic inequality and ethnic factionalization encourage societal acceptance of, and motivations, to pursue piracy as an alternate mechanism for upward social mobility in countries with few other options. However, comparable levels of ethnic factionalization and income inequality can be found in Nigeria and Angola. Each country contains three primary ethnic groups whose interaction has defined political competition

¹⁷⁴ Michael Watts, "Petro-Insurgency or Criminal Syndicate? Conflict & Violence in the Niger Delta," *Review of African Political Economy* 34, no. 114 (2007): 642, 652, <https://www.tandfonline.com/doi/pdf/10.1080/03056240701819517>; Asuni, "Understanding the Armed Groups of the Niger Delta," 5–6, 17–18; Tantua, Devine, and Maconachie, "Oil Governance in Nigeria's Niger Delta," 304; Cyril Obi, "Gunning for Security Governance in a Resource-Rich African State? Interrogating Militarisation in a Democratic Nigeria," *Conflict, Security & Development* 19, no. 6 (2019): 610; Temitope Babatunde Oriola, "Criminal Resistance?: The Politics of Kidnapping of Oil Workers in Nigeria (PhD diss., University of Alberta, 2011), 81; Lewis, *Growing Apart*, 179; Sunday Owen Abang, "The Niger Delta Crisis and the Roles of Governmental Agencies in Nigeria," *African Identities* 12, no. 2 (2014): 185, <https://doi.org/10.1080/14725843.2014.885779>; Nodland, "Guns, Oil, and 'Cake'," 198; Stratfor, "Nigeria's MEND: A Different Militant Movement," *Stratfor Worldview*, March 19, 2009; Rotimi Suberu, "The Nigerian Federal System: Performance, Problems and Prospects," *Journal of Contemporary African Studies* 28, no. 4 (2010): 469, 471; Dare Arowolo, "Fiscal Federalism in Nigeria: Theory and Dimensions," *Afro Asian Journal of Social Sciences* 2, no. 2.2 (2011): 12; S. R. Akinola and Ayo Adesopo, "Derivation Principle Dilemma and National (Dis) Unity in Nigeria: A Polycentric Planning Perspective on the Niger Delta," *Journal of Sustainable Development* 4, no. 5 (2011): 254, doi:10.5539/jsd.v4n5p251; Kendhammer, "Getting Our Piece of the National Cake," 160; Watts, "The Political Ecology of Oil and Gas in West Africa's Gulf of Guinea," 575; Okafor-Yarwood et al., *Stable Seas*, 16; Reed, *Crude Existence*, 46–48, 95, 100–101, 107–110; 137–150, 184–186; Reuters Staff, "Factbox: Angola's Province of Cabinda," *Reuters*, January 9, 2010, <https://www.reuters.com/article/us-angola-togo-cabinda-idUSTRE60819220100109>.

¹⁷⁵ Reed, *Crude Existence*, 47, 100–101, 141, 156, 166, 182; Joseph Figueira Martin, "The Front (s) for the Liberation of Cabinda in Angola: A Phantom Insurgency," in *Secessionism in African Politics*, ed. Lotje de Vries, Pierre Englebert, Mareike Schomerus (Cham: Palgrave Macmillan, 2019): 217; Tony Hodges, *Angola: Anatomy of an Oil State*, 2nd ed. (Bloomington, IN: Indiana University Press, 2004), 159.

since at least independence. Empirical measurements used in cross national comparisons show nearly equal levels of ethnic factionalization in Nigeria and Angola, with Posner's measure of Politically Relevant Ethnic Groups (PREG) across 42 African countries ranking Nigeria and Angola as the fifth and six most fractionalized, respectively.¹⁷⁶

Meanwhile, both countries are notorious for their income inequality, which can be seen in their GINI coefficients, where a score of 1.0 represents a theoretical worst case in which a single person controls all national wealth and where a 0.0 is a perfectly equal distribution of wealth across the total population. Although GINI coefficients have been measured at irregular intervals, both countries have similar scores and have also been progressively trending towards greater income inequality. Angola scored 0.427 in 2008 while Nigeria scored 0.430 in 2009; by 2013, Nigeria had increased to 0.488, and by 2018, Angola had increased to 0.513. These analogous levels of ethnic factionalization and economic inequality should therefore exert comparable levels of pro-piracy influence in both countries.¹⁷⁷

G. THE ROLE OF NUANCED GEOGRAPHY, SECURITY FORCE CAPACITY, AND CORRUPTION IN THE AVAILABILITY OF PIRATE SAFE HAVENS

The availability of protected havens from which pirates may safely operate has featured prominently in qualitative analyses; however, large-N piracy studies have yet to instrumentalize the role of nuanced geographic features, such as inland waterways, protected coves, and scattered islands hypothesized to protect pirate activity. In this regard, the extensive system of creeks, islands, and waterways associated with the Niger Delta appears at first glance to be more hospitable to pirates than the comparatively exposed

¹⁷⁶ Daniel N. Posner, "Measuring Ethnic Fractionalization in Africa," *American Journal of Political Science* 48, no. 4 (2004): 856, <https://doi.org/10.1111/j.0092-5853.2004.00105.x>; Brandon Kendhammer, "Getting Our Piece of the National Cake: Consociational Power Sharing and Neopatrimonialism in Nigeria," *Nationalism and Ethnic Politics* 21, no. 2 (2015): 149; Rotimi Suberu, "Federalism in Africa: The Nigerian Experience in Comparative Perspective," *Ethnopolitics* 8, no. 1 (2009): 71–72; Hodges, 23–28; Whitman and Suarez, *The Root Causes and True Costs of Marine Piracy*, 94–95.

¹⁷⁷ World Bank World Development Indicators, "Gini Index (World Bank Estimate)—Nigeria, Angola," World Bank, accessed December 11, 2020, <https://data.worldbank.org/indicator/SI.POV.GINI?locations=NG-AO>; "CIA World Factbook," Central Intelligence Agency, accessed December 11, 2020, <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2172rank.html>.

coastline of Angola's Cabinda province. However, this distinction is mitigated to a degree by Cabinda's proximity to the Congo River, separated by a mere 25-mile swath of coastline belonging to the Democratic Republic of Congo. The Congo River—whose southern banks are Angolan territory—provides numerous inland creeks and waterways that can provide suitable pirate havens. Although not immediately co-located with Cabinda's existing separatist organizations, the Angolan side of the Congo River's mouth is marked by one of the few Angolan onshore oil production sites outside of Cabinda in the municipality of Soyo. The population of this region faced extensive violence from actors on both sides of civil war; thus, lingering resentment and an enduring sense of oil disenfranchisement seem to provide a receptive atmosphere for the area's use as a pirate haven. Lastly, in the wake of declining fish stocks from offshore oil spills, fishermen from Cabinda have been increasingly traversing to the mouth of the Congo River in search of better fishing prospects that indicates an existing proficiency with the maritime operational requirements needed to leverage pirate bases there. In sum, although the Niger Delta does present more immediate access to geographically suitable havens, the Congo River should provide similarly accessible geographic havens to would-be Angolan pirates.¹⁷⁸

At the core of the argument that certain geographic features promote a hospitable environment for piracy is the notion that these features hinder the penetration of state power, which in turn, reduces perceived risk and cost to conduct pirate operations. Thus, while geographic features may play a role in protecting pirates by hindering state intervention, if state security forces demonstrate the capacity to overcome these geographic barriers, their advantages to pirates are diminished, if not lost entirely. From this standpoint, Nigeria and Angola again display similar characteristics. Both countries have large militaries with approximately 130,000 personnel in Nigeria and 108,000 personnel in Angola with roughly equivalent military expenditures, which quantitative models suggest

¹⁷⁸ Reed, *Crude Existence*, 7–8, 70–76; Baumüller et al., *The Effects of Oil Company Activities on the Environment, Health and Development in Sub-Saharan Africa*, 20–21.

a comparable capacity to suppress piracy with marginally less piracy in Nigeria than Angola, contrary to the observed outcome.¹⁷⁹

A more multi-faceted measure of military capacity is the Composite Index of National Capability (CINC), which demonstrates statistical significance in modeling by Daxecker and Prins. The CINC accounts for both military size and expenditure levels but also includes measures of iron and steel production, energy consumption, total population, and urban population to establish an overall metric of prospective military power. In this regard, the CINC model is admittedly biased towards metrics for industrialized inter-state warfare rather than the types of internal security operations directed at countering pirates. By these metrics, the most recent set of CINC data from 2012 indicates that Nigeria possesses 0.91% of total global capacity compared to Angola's 0.24%, respectively ranking 21st and 55th globally out of 195 measured polities. In Daxecker and Prins' modeling, this ranking suggests that Nigeria, with greater material power, should experience measurably less piracy than Angola, which fails to bear out in observed piracy levels.¹⁸⁰

Noticeably absent in existing quantitative piracy modeling is an inclusion of non-military security forces, such as police, border patrol, customs officials, and the like. Qualitative analyses suggest that these forces play a significant role in determining state permissiveness toward piracy; however, quantitative data is not readily available for many countries, including Angola. While reliable numbers for the size of national police forces in Angola are not publicly available, their personnel budget exceeds that of the military,

¹⁷⁹ "The World Factbook Angola," Central Intelligence Agency, accessed December 11, 2020, <https://www.cia.gov/library/publications/the-world-factbook/geos/ao.html>; "The World Factbook Nigeria," Central Intelligence Agency, accessed December 11, 2020, <https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html>; World Bank World Development Indicators, "Military Expenditure (Current USD)—Nigeria, Angola," World Bank, <https://data.worldbank.org/indicator/MS.MIL.XPND.CD?locations=NG-AO>; "Angola—Armed Forces," Janes, accessed December 1, 2020, <https://customer.janes.com/Janes/Display/ANGOS100-SAFR>; "Nigeria—Armed Forces," Janes, accessed December 1, 2020, <https://customer.janes.com/Janes/Display/NIGS100-WAFR>.

¹⁸⁰ Daxecker and Prins, "The New Barbary Wars," 27–33, 42; Daxecker and Prins, "Insurgents of the Sea," 949; J. David Singer, "Reconstructing the Correlates of War Dataset on Material Capabilities of States, 1816–1985," *International Interactions* 14 (1987): 115–32, <https://correlatesofwar.org/data-sets/national-material-capabilities>.

and overall manpower is likely at least equivalent to the Angolan military's 100,000+ personnel, while off-budget expenditures for intelligence services, special-purpose enforcement units, and private security forces, further increase the aggregate size of Angola's state security forces considerably. Meanwhile, the Nigerian police force is among the largest in Africa with roughly 377,000 personnel. Thus, although a direct quantitative comparison of state security forces is not possible with current data, available information suggests similar state enforcement capacity in both countries fails to account for the divergent piracy outcomes.¹⁸¹

Beyond the overall size and capacity of each country's security forces, their manner of employment and effectiveness in piracy-prone regions has been established in qualitative studies as a key factor to determine the viability of pirate safe havens. In this regard, Nigeria and Angola are again similar in that they have each deployed large contingents of security forces to their coastal oil-producing regions. In Angola's Cabinda province, an evolving mix of Cuban forces, mercenaries, and state security forces have, since independence in 1975, protected critical oil infrastructure against threats from both Cabinda separatists and National Union for the Total Independence of Angola (Portuguese: União Nacional para a Independência Total de Angola) (UNITA) rebels. Most recently, after the military defeat of UNITA rebels in 2002, the Angolan Armed Forces deployed a contingent of 50,000 soldiers to Cabinda to crush any lingering prospects of separatism. For their part, Nigerian forces deployed a Joint Task Force (JTF) to quell Niger Delta unrest in 2003 that, while smaller than the Angolan deployment to Cabinda, has remained a dominant force in the region since then. The JTF has demonstrated a capacity to track militant movements, identify and destroy their strongholds, and map out the sites of illegal oil refineries and pipeline taps. However, despite their ability to track illicit activities and mobilize overwhelming force against them, press reports and academic field studies routinely cite JTF complicity in organized criminal activities that allow oil smugglers and pirates to operate with minimal interference. Thus, while the quantitative metrics to

¹⁸¹ Hodges, *Angola*, 73; Ricardo Soares de Oliveira, *Magnificent and Beggar Land: Angola since the Civil War* (Oxford: Oxford University Press, 2015), 45–46; Suberu, "Federalism in Africa," 75; Rotimi T. Suberu, "Constitutional Infidelity and Federalism in Nigeria," in *Decentralization and Constitutionalism in Africa*, ed. Charles M. Fombad and Nico Steytler (Oxford: Oxford University Press, 2019), 117–118.

measure the strength of state security forces suggest a similar capacity to eliminate pirate safe havens in both Nigeria and Angola, the failure of Nigerian security forces to employ their forces effectively to mitigate piracy suggests that piracy outcomes are mediated by other factors that extend beyond security force capacity.¹⁸²

Another enabler of piracy discussed in the literature relates to the corrupt practices of public officials that enable a permissive environment for the transfer of illicit products to licit markets, the unimpeded operation of illicit parallel market, or the impetus by corrupt politicians to sponsor piracy as a means to divert state fund for personal profit. With respect to this type of corruption and the operation of parallel markets, conventional metrics suggest that Nigeria and Angola have similar characteristics. The 2018 Corruption Perceptions Index rates Nigeria and Angola among the least effective countries in the world at controlling corruption, ranking 144 and 165, respectively, out of 180 countries. In a similar fashion, the World Justice Project's 2019 Rule of Law Index, out of 126 countries, Nigeria ranked 106 while Angola ranked 111, which places both among the weakest law enforcers in the world. Supporting these findings and highlighting widespread social acceptance of illicit activity, the prevalence of illicit parallel markets is well documented in both Angola and Nigeria while government officials in both countries are notorious for demanding bribes for basic access to government services, a *gasosa* in Angola, or a “dash” required to “settle” an official in Nigeria. Higher levels of corruption—including selective access to lucrative government contracts, business licenses, and preferential financing opportunities—are similarly reserved for politically connected elites in both countries.

¹⁸² Soares de Oliveira, 125–126; Reed, *Crude Existence*, 137–150; Andrew McGregor, “Nigeria Expands Its ‘War on Terrorism’ to the Niger Delta,” *Terrorism Monitor* 14, no 18 (2016): 8; Transparency International, *Military Involvement in Oil Theft in the Niger Delta* (Berlin, Germany: Transparency International, 2019), 3, https://ti-defence.org/wp-content/uploads/2019/05/Military-Involvement-Oil-Theft-Niger-Delta_WEB.pdf; Stakeholder Democracy Network, *Communities not Criminals: Illegal Oil Refining in the Niger Delta* (London: Stakeholder Democracy Network, 2013), 34, <https://www.stakeholderdemocracy.org/wp-content/uploads/2015/04/CommunitiesNotCriminals.pdf>; Jennifer M. Hazen and Jonas Horner, “Small Arms, Armed Violence, and Insecurity in Nigeria: The Niger Delta in Perspective” (occasional paper, Small Arms Survey, 2007), 28.

These elites in both Angola and Nigeria commonly use the authority of their positions for personal financial gain.¹⁸³

H. PRESENCE OF ARMED GROUPS, CRIME SYNDICATES, AND SMALL ARMS

As noted in the literature review, several studies qualitatively suggest that the presence of armed groups, organized crime syndicates, and the availability of small arms may indicate suitable existing conditions for the emergence of piracy.¹⁸⁴ Nigeria and Angola both have long histories of independent armed groups. Compared to Angola, Nigeria's 1967–1970 civil war was relatively short and further removed from recent events; however, in the decades since, robust international arms trafficking and domestic production have ensured that small arms remain readily accessible, while prolific militant groups have been routinely instrumentalized by competing sub-state political interests and criminals alike. A 2019 study cataloged the locations of 35 militant camps in the Niger Delta, overseen by at least 28 independent commanders, many of whom enjoy formal government recognition and stipends as the result of the 2009 amnesty program while continuing criminal activities with relative impunity. The Switzerland-based Small Arms

¹⁸³ Soares de Oliveira, 160–161; Daniel Jordan Smith, *A Culture of Corruption: Everyday Deception and Popular Discontent in Nigeria* (Princeton: Princeton University Press, 2008), <https://press.princeton.edu/books/paperback/9780691136479/a-culture-of-corruption>; Okafor-Yarwood et al., *Stable Seas*, 13; World Justice Project, *2019 World Justice Project Rule of Law Index* (Washington, DC: World Justice Project, 2019), 6–7, <https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2019-Single%20Page%20View-Reduced.pdf>; “2018 Corruption Perceptions Index,” 3, Transparency International, 2018, <https://www.transparency.org/en/publications/corruption-perceptions-index-2018>; Jan Van Dijk, “Mafia Markers: Assessing Organized Crime and its Impact upon Societies,” *Trends in Organized Crime* 10, no. 4 (2007): 43, <https://doi.org/10.1007/s12117-007-9013-x>; Leandro Medina, Andrew W. Jonelis, and Mehmet Cangul, “The Informal Economy in Sub-Saharan Africa: Size and Determinants” (working paper, International Monetary Fund, 2017), 30; Kate Meagher, “Smuggling Ideologies: From Criminalization to Hybrid Governance in African Clandestine Economies,” *African Affairs* 113, no. 453 (2014): 507–509; Marie Chêne, *Overview of Corruption and Anti-corruption in Angola* (Bergen, Norway: U4 Anti-Corruption Resource Centre, 2010), 1–7, https://www.transparency.org/files/content/corruptionqas/257_Corruption_and_anti_corruption_in_Angola.pdf; Maira Martini, *Nigeria: Evidence of Corruption and the Influence of Social Norms* (Bergen, Norway: U4 Anti-Corruption Resource Centre, 2014), 2–10, https://www.transparency.org/files/content/corruptionqas/Nigeria_overview_of_corruption_and_influence_of_social_norms_2014.pdf.

¹⁸⁴ de Groot, Rablen, and Shortland, “Gov-aargh-nance,” 4, 14–15, 17; Percy and Shortland, “The Business of Piracy in Somalia,” 544–545; Whitman and Suarez, *The Root Causes and True Costs of Marine Piracy*, 41; Murphy, *Small Boats, Weak States, Dirty Money*, 30–31.

Survey estimates that in 2017, Nigeria had roughly six million small arms in private circulation, enough to supply a weapon to three out of every 100 people in the country.¹⁸⁵

Contrasting with Nigeria, Angola's civil war stretched for nearly 30 years from 1975 until 2002. During the war, armed opposition to the People's Movement for the Liberation of Angola, or the People's Movement for the Liberation of Angola—Labour Party (Portuguese: Movimento Popular de Libertação de Angola—Partido do Trabalho) (MPLA)-led government based in Luanda was largely unified under the competing UNITA movement, which as late as the mid-1990s, was able to control 80% of Angola's territory. As a result of the lengthy war, firearms remain pervasive among the civilian population. Although the total estimate of civilian-held weapons in Angola is half that of Nigeria, at roughly three million, given Angola's smaller population, civilian weapon density is at least three times larger than Nigeria, with more than 11 weapons for every 100 people. In the years following the war, organized militant groups with identifiable camps have remained in Cabinda, while less visible forms of armed criminal activity have proliferated widely.¹⁸⁶

To assess the prevalence of organized crime, a 2006 study across 156 countries measured perceptions of organized crime, the prevalence of high-level corruption, indications of money laundering, the extent of black-market activity, and rates of unsolved murders. The resulting Composite Organized Crime Index (COCI) ranked Nigeria and Angola 4th and 8th highest, respectively, globally. In more recent work, the 2019 "Africa Organized Crime Index" tracks 14 indicators of criminality and 12 resilience variables for all African countries. In this study, the range of criminal actors is divided into mafia-style groups, criminal networks, state-embedded actors, and foreign actors. The index rates Nigeria as having higher levels of mafia-style groups, criminal networks, and foreign

¹⁸⁵ Jonah Rexer, *Black Market Crude: Organized Crime and Environmental Externalities in Nigeria's Oil Sector* (Philadelphia, PA: University of Pennsylvania, Kleinman Center for Energy Policy, 2019), 2, <https://kleinmanenergy.upenn.edu/sites/default/files/policydigest/Black-Market-Crude.pdf>; Hazen and Horner, "Small Arms, Armed Violence, and Insecurity in Nigeria," 25–51; Aaron Karp, "Estimating Global Civilian-held Firearms Numbers," *Small Arms Survey Briefing Paper* (June 2018), Annex E, 5.

¹⁸⁶ Karp, "Estimating Global Civilian-held Firearms Numbers," Annex E, 1; Hodges, *Angola*, 85–87; Reed, *Crude Existence*, 74; Soares de Oliveira, *Magnificent and Beggar Land*, 109.

actors; however, Angola is rated as having more state-embedded actors involved in criminal activity.¹⁸⁷ Thus, both countries meet the broad qualitative definitions set out in existing literature to provide piracy-enhancing environmental conditions. The following case studies in Chapters II and IV show that the different forms of armed groups and organized crime in the two countries are a result of the level of rent centralization, and that the forms of networked criminal behavior that emerge from these different structural incentives help explain piracy outcomes.

I. SUB-STATE DYNAMICS, ELECTORAL COMPETITION, AND FORMAL AND INFORMAL RULES

As discussed previously, Gaibullov and Sandler argue that the number of tiers of government and the average territorial size of the lowest government echelons correspond to higher levels of piracy, while local government elections, autonomy, and fiscal decentralization reduce piracy.¹⁸⁸ Angola and Nigeria each have two tiers of subnational governance—18 provinces and 162 municipalities in Angola compared to 36 states and 774 local governments in Nigeria—implying no difference in expected piracy rates based on the number of government tiers. Meanwhile, with respect to the territorial size of the lowest-tier governance unit, Angola’s municipalities are, on average, more than six times larger than are those of Nigeria’s local governments, which should correlate to greater piracy levels in Angola.¹⁸⁹

With respect to the factors that Gaibullov and Sandler’s model correlate with lower levels of piracy—local government elections, autonomy, and fiscal decentralization—the conditions in Nigeria should favor lower levels of piracy than in Angola. Although the Angolan government formally committed to decentralizing the

¹⁸⁷ Jan Van Dijk, “The ICVS and Beyond: Developing a Comprehensive Set of Crime Indicators,” *Publication Series-European Institute for Crime Prevention and Control* 50 (2006): 133; “Africa Organized Crime Index 2019—Angola,” Organized Crime Index, 2019, <https://ocindex.net/country/angola>; “Africa Organized Crime Index 2019—Nigeria,” Organized Crime Index, 2019, <https://ocindex.net/country/nigeria>.

¹⁸⁸ Gaibullov and Sandler, “Decentralization, Institutions, and Maritime Piracy,” 364.

¹⁸⁹ United Cities and Local Governments, *Subnational Governments around the World: Structure and Finance* (Barcelona, Spain: United Cities and Local Governments, 2016), https://www.uclg.org/sites/default/files/global_observatory_of_local_finance-part_iii.pdf.

government and hold local elections with the 1999 Local Administration Decree, it has repeatedly delayed local elections on the basis of administrative limitations while the president continues to appoint provincial governors and municipal leaders.¹⁹⁰ Following a similar pattern, Nigeria's 1999 constitution calls for the election of local leaders; however, a widely exploited procedural loophole gives state governors the ability to suspend elections or elected officials and place appointed caretakers in their place. As a result, locally elected officials control only slightly more than half of local government councils.¹⁹¹ Despite only partially satisfying the criteria for local elections, Nigeria's comparatively higher level of local elections would still suggest, according to Gaibullov and Sandler's model, that this variable should favor higher levels of piracy in Angola than Nigeria.

For local government autonomy—defined as having the authority to manage the local delivery of at least one public good—Nigeria and Angola have similar conditions in which local governments are constitutionally charged with various authorities, but are rarely resourced or staffed to carry out those responsibilities effectively.¹⁹² As a result, the minimal differences in local government autonomy should have a null effect on the difference in piracy outcomes. Regarding fiscal decentralization, Angolan provinces and municipalities collectively account for only 12–15% of government spending, while Nigerian states and local governments constitute between 38–55% of overall

¹⁹⁰ Paula Cristina Roque, *Angola's New President: Reforming to Survive*, Southern Africa Report 38 (Pretoria, South Africa: Institute for Security Studies, 2020), 5, 17, <https://issafrica.s3.amazonaws.com/site/uploads/sar38.pdf>; Soares de Oliveira, *Magnificent and Beggar Land*, 119.

¹⁹¹ Ayobami Ojebode, Ike Ernest Onyishi, and Fatai A. Aremu, "Is Election a Disadvantage? Nigerian Local Councils and Security Provision," *IDS Bulletin* 48, no. 2 (March 2017): 31, 36, doi:10.19088/1968-2017.115; "Local Government Elections in Nigeria (as of August 24, 2020)," Shine Your Eye, 2020, <https://www.shineyoureye.org/info/local-government-elections>.

¹⁹² Soares de Oliveira, *Magnificent and Beggar Land*, 119–120; Ojebode, Onyishi, Aremu, 48–49.

expenditures.¹⁹³ The greater level of fiscal decentralization should therefore reduce piracy levels in Nigeria below those of Angola, the reverse of the actual outcome.

Contrasting with Gaibullov and Sandler's conclusion that states conducting local elections incentivize more effective local governance, and thereby, have lower levels of piracy, Daxecker and Prins examine temporal and geographic sub-state variation of piracy levels in Indonesia and find that local elections correspond to increased levels of piracy, especially when a high degree of competition produces a narrow margin of victory. They suggest that election-related increases in piracy are based on the relationship of pirates to local government actors whose complicity facilitates their operations. As elections approach, Daxecker and Prins argue, pirates increase their activities to demonstrate their political relevance as security spoilers, compete with other would-be pirates to retain privileged political relationships, and maximize profits in advance of a possible defeat of facilitator incumbents.¹⁹⁴

In the absence of available sub-state datasets for local elections across other states, they also show a parallel but weaker effect in their cross-national analysis of state-level elections suggesting that the effect of sub-state variables likely has applicability beyond Indonesia.¹⁹⁵ Looking at Nigeria's coastal states, all but one (with the shortest coastline among them) currently has regular cycles of local electoral competition.¹⁹⁶ A more extensive analysis of the precise temporal and geographic coding of each piracy event relative to local election locations and timing, which occur at irregular intervals in each state, would be required to verify the piracy-enhancing effect of local elections predicted by Daxecker and Prins. Although the scale of that analysis exceeds the scope of this work,

¹⁹³ United Cities and Local Governments, *Subnational Governments around the World*; Maria Cristina MacDowell et al., *Diagnosis of Fiscal Decentralization in Angola* (New York: United Nations Development Programme, 2006), 8, http://www.undp.org/content/dam/angola/docs/documents/UNDP_AO_DIAFISDECANG_2006.pdf; World Bank Group, *Angola Systematic Country Diagnostic: Creating Assets for the Poor* (Washington, DC: World Bank, 2018), 44–46; Annalisa Fedelino and Teresa Ter-Minassian, "Making Fiscal Decentralization Work: Cross-Country Experiences" (occasional working paper, International Monetary Fund, 2010), 90, <https://doi.org/10.5089/9781589069855.084>.

¹⁹⁴ Daxecker and Prins, "The Politicization of Crime," 384, 391.

¹⁹⁵ Daxecker and Prins, 384, 391.

¹⁹⁶ Shine Your Eye, "Local Government Elections in Nigeria (as of August 24, 2020)."

the fact that extensive local government electoral competition occurs along the Nigerian coast, and that Angola lacks any local electoral competition does suggest that this distinction may carry some utility in explaining the higher levels of piracy in Nigeria and Angola. However, the case studies show that the incentives Daxecker and Prins identify to explain increased pirate activity near elections—relevance signaling, competitor domination, and profit maximization—are in fact a byproduct of decentralized patronage management norms, rather than electoral competition itself.

In a similar regard, the case studies show that Hastings and Phillips’s argument that formal and informal state rules play a role in facilitating or constraining pirate activity also has explanatory utility relative to the different piracy outcomes in Nigeria and Angola. Specifically, this thesis argues that the formal and informal norms of Nigeria’s and Angola’s patronage systems are linked to the degree of each system’s centralization and explain their divergent piracy outcomes. The case studies show how Nigeria’s decentralized patronage system incentivizes competition between pseudo-autonomous sub-state actors, who in turn, seek to instrumentalize piracy in a manner parallel to European sovereigns in piracy’s “golden age” of the 1600s and 1700s; while in Angola, tight central control over sub-state actors inhibits this process.¹⁹⁷

¹⁹⁷ Hastings and Phillips, “Maritime Piracy Business Networks and Institutions in Africa,” 576; Hastings and Phillips, “Order Beyond the State,” 26; Thomson, *Mercenaries, Pirates, and Sovereigns*, 143–151; Colás and Mabee, “The Flow and Ebb of Private Seaborne Violence,” 103–105.

III. NIGERIA

A. PATRONAGE STRUCTURE

At independence in 1960, the Nigerian state was an unwieldy amalgamation of three highly autonomous regional blocs, each dominated by one of the country's three largest ethnic groups, to the exclusion of ethnic minorities. These regions were mutually distrustful, and the central government was therefore designed with limited authorities. The authorities who did remain with the central government were quickly dominated by the more populous northern region, which led to two military coups and a devolution into a brutal civil war that lasted from 1967–1970 and claimed the lives of between one and two million people. Following the war, successive iterations of military and civilian governments attempted to dilute hegemonic ethnic political blocs and build a governing framework that could mitigate the centrifugal tendencies of the multi-ethnic nation. To accomplish this, the central state engaged in parallel efforts to centralize revenue collection and subdivide the country into smaller administrative blocs. These smaller blocs served complementary objectives of increasing ethnic minority representation and resource access while diluting the autonomous capacity of substate units to either capture the central government or secede. As a result of this evolutionary process, the stability and legitimacy of the modern Nigerian state came to rely on a provisioning pact in which it buys governing consent from substate elites in 36 states and 774 local government areas in exchange for a mix of statutory and discretionary patronage allocations from a pool of centrally managed resources. Although this framework has proven successful in preventing a return to civil war, ethnic domination, or secession, the distribution of state resources remains a highly contentious issue. The resulting competition has led to violent forms of rent seeking and illicit modes substate of accumulation, both of which have evolved to include piracy.¹⁹⁸

¹⁹⁸ Markus Schultze-Kraft, "Understanding Organised Violence and Crime in Political Settlements: Oil Wars, Petro-Criminality and Amnesty in the Niger Delta," *Journal of International Development* 29, no. 5 (2017): 618–619, <https://doi.org/10.1002/jid.3287>.

1. Decentralized Legacy of Colonialism

The geographic boundaries of the modern Nigerian state originated with an act of colonial administration in 1914 that “amalgamated” the formerly distinct colonial regions under a unified “Colony and Protectorate of Nigeria.” Although the consolidated colony had a single governor, it was sub-divided into north, east, and west sub-regions (Figure 4), each with a semi-autonomous lieutenant governor managing affairs through a system of indirect rule. By design, each of the colonial regions was dominated by a different primary ethnic group—Hausa-Fulani in the north, Yoruba in the west, and Igbo in the east—though each region also contained a multitude of minority groups. The intentionally uneven application of decentralized colonial administration in the already dissimilar ethnic regions reinforced ethnic and regional differences.¹⁹⁹

¹⁹⁹ Helen Chapin Metz, “Introduction,” in *Nigeria: A Country Study*, ed. Helen Chapin Metz (Washington, DC: Federal Research Division, Library of Congress, 1992), xxiii–xxiv; Paul E. Lovejoy, “Historical Setting,” in *Nigeria: A Country Study*, ed. Helen Chapin Metz (Washington, DC: Federal Research Division, Library of Congress, 1992), 34–36; Eghosa Osaghae, “Government and Politics,” in *Nigeria: A Country Study*, ed. Helen Chapin Metz (Washington, DC: Federal Research Division, Library of Congress, 1992), 207; Kendhammer, “Getting Our Piece of the National Cake,” 149; Suberu, “Federalism in Africa,” 71–72.

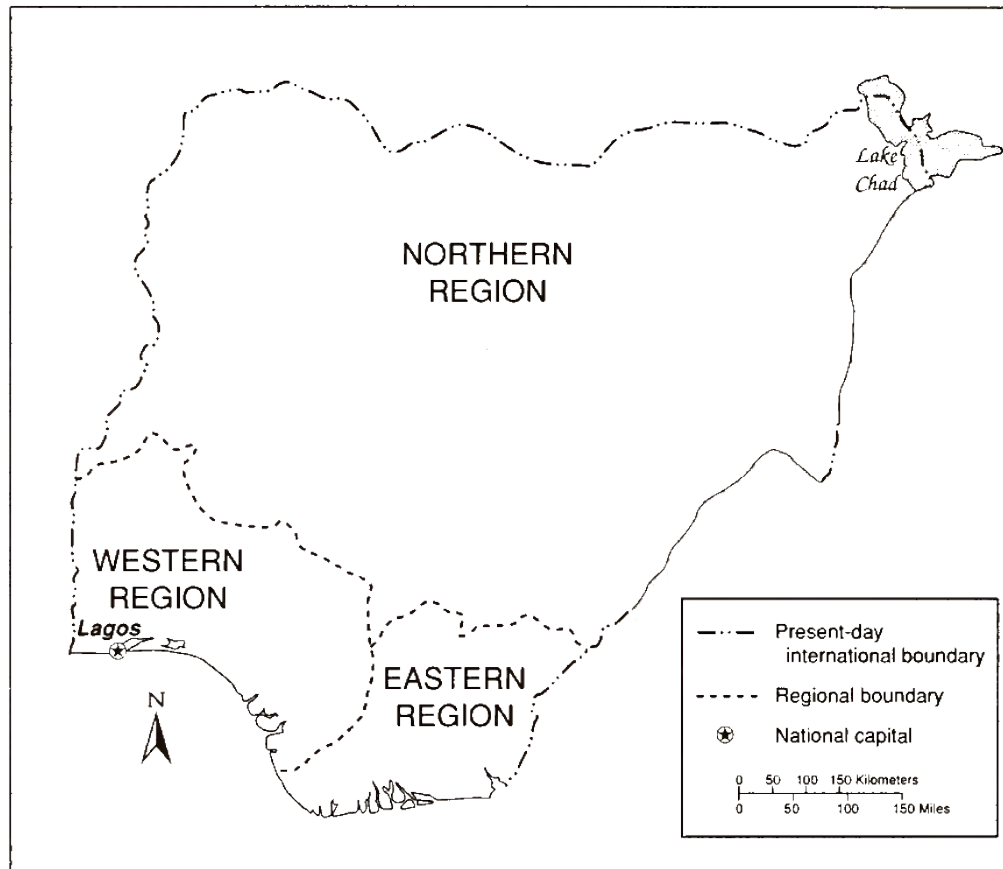


Figure 4. Colonial Nigeria at Unification in 1914²⁰⁰

In the mid-1950s, the British began to deliberately to prepare their colonies for independence and adopt governance structures for their self-rule. The “traditional rulers” empowered by colonial administrators in each region, and the clientelist networks they had established, would form the backbone of the dominant political parties to emerge in each region. The northern region enjoyed a population advantage but given the colonial deference to their retention of an Islamic-based education system, lagged behind the southern regions in both economic development and in the development of a technocratically competent body of civil servants. Northerners therefore feared that southern civil service and economic interests would dominate a centralized national government, while southerners feared electoral cooption by the more populous north. As a

²⁰⁰ Adapted from Lovejoy, “Historical Setting,” 36.

result, initial British-led efforts at designing a unitary government met strong resistance from a factionalized cadre of national elites who, fearing domination by a competing regional power that might disrupt their established regional networks of authority, preferred a decentralized federal model in which the central government remained weak and the regions retained a high degree of autonomy. These fears were so pronounced that each region considered secession as independence approached; however, the northern region recognized its dependence on the southern regions for economic access to oceanic trade, while all three regions saw the international relations advantages of membership in a country with a larger territory and population.

2. Independence, The First Republic, and Civil War (1960–1970)

In response to the preference of regionalized elites with a mutual distrust of central state power, the First Republic devolved the preponderance of power to regional governments. Prior to independence, regional elites agreed upon a fiscal allocation system that limited both the central government's budget and its discretion over financial flows. The regions maintained independent tax jurisdictions to collect income internally and produce sales taxes, and where they recognized that the central government would more efficiently collect import and export revenues, these proceeds were statutorily distributed back to the regions. The largest sources of government revenue were therefore constitutionally guaranteed to flow to the regional governments, either directly to the region of origin (in what was known as the "derivation principle") or through the "distributable pool account" (DPA) that served to balance regional income levels to account for differential levels of development. Meanwhile, the federal government funded its operations based on 60% share of less significant "other import duties" not claimed by the regions, and a 20% share of mining rents and royalties. The latter was perhaps the most significant concession to the federal government at independence, which gave it a 20% stake in the nascent but promising growth of oil revenues, while 50% was allocated directly

back to the region of origin, and the remaining 30% was balanced equally among the regional governments through the DPA.²⁰¹

Mirroring efforts to decentralize fiscal authority away from the central government, the First Republic adopted a centrally weak British-style parliamentary system in which representation was determined based on population and power was vested in a majority political party.²⁰² Despite the limited fiscal authority of the central government, the departure of British administrators had opened a wide array of civil service jobs to be filled, and political contestation for central control was therefore consequential. Political party organization in all regions remained closely aligned to the dominant ethnic identity of each, and even if they professed platforms with cross-regional appeal, the core leadership distinctly coalesced around the dominant, ethnically defined elite networks of each region. At independence, the northern region contained 54% of the population, and as southerners had feared, northern interests established a dominant position in the new government and disproportionately benefitted from an “affirmative action” program to include them in the civil service at the expense of more qualified southerners. The north’s population advantage grew larger in two highly contentious (and clearly corrupted) census attempts in 1962 and 1963, which further exacerbated southern fears of political domination, inflamed ethnic tensions, and ultimately resulted in an Igbo-led military coup in January 1966.²⁰³

The Igbo-led military government disbanded the legislature and political parties while attempting to consolidate national power in a unitary system; however, less than seven month later, northern and middle-belt elements of the army staged a counter coup to revert to the First Republic’s decentralized model of federalism, albeit under military control. The coup and counter-coup precipitated widespread ethnic violence against southerners living in the north, against northerners in the south, and within the armed

²⁰¹ Adedotun Phillips, “Nigeria’s Federal Financial Experience,” *The Journal of Modern African Studies* 9, no. 3 (1971): 393–394, 400–401; Lawrence A. Rupley, “Revenue Sharing in the Nigerian Federation,” *The Journal of Modern African Studies* 19, no. 2 (1981): 260–266.

²⁰² Osaghae, “Government and Politics,” 207–209; Metz, “Introduction,” xxiv; Lovejoy, “Historical Setting,” 38–47; Akinola and Adesopo, “Derivation Principle Dilemma and National (dis) Unity in Nigeria,” 252; Kendhammer, “Getting Our Piece of the National Cake,” 151.

²⁰³ Akinola, and Adesopo, 252–253; Kendhammer, 151–152; Lovejoy, 46; Osaghae, 209–212.

forces. The escalating violence and the Igbo rejection of the counter-coup government ultimately prompted the attempted secession of the eastern region. In an attempt to prevent secession, and the potential for a further fracturing of the country, the northern-dominated military government split the existing regions into 12 smaller states, each led by a military governor, to dilute the power of the regional blocs relative to the central government, break up northern hegemony, and fracture support for the Igbo secession. The new states were allocated a prorated share of the statutory allocations of the regions from which they had been carved out, while the federal government decreased its share of mineral rents by 5% to be distributed among the new states. Although the changes did not ultimately prevent the eastern region from seceding, or the Biafran War that followed (1967–1970), the state creation exercise was effective in depriving Igbo secessionists of support from several minority groups in the oil rich Delta that earned independent state recognition, as intended.²⁰⁴

The creation of the new states began a distinct centralizing shift away from the regional autonomy of the First Republic. Although the military government continued to apply the pre-coup formulas for decentralized revenue sharing, each of the more numerous states naturally controlled fewer resources than their regional antecedents, while their new state governors were centrally appointed and therefore answerable to the central government. Despite their displacement from controlling powerful regional blocs, elites from the northern and western region remained influential figures in the new framework and aligned behind the federal military government (FMG) to end the Igbo separatist movement and preserve the economic and international advantages that had justified a unified state at independence. These incentives were magnified by the prospect of nationally shared incipient oil revenues from the eastern region, which had begun substantial growth in 1958. As a result, the war had a centripetal effect that prompted regional elites (excluding those in the breakaway east) to accept reduced regional autonomy in favor of greater centralized political power. However, as the war came to an end, its unifying effect on regional elites began to wane. Fortunately, the end of the war

²⁰⁴ Lovejoy, 57–59; Osaghae, 217–218; Rupley, “Revenue Sharing in the Nigerian Federation,” 260–261.

coincided with an enormous growth of oil revenue that permitted the reestablishment of a provisioning pact with expanded formal revenue allocations and discretionary patronage distributions to aligned the interests of legacy elites, military leaders, state bureaucrats, and the general population.²⁰⁵

3. Post-war Military Federalism (1970–1979)

The brutality of the Biafran War motivated military leaders to develop a government framework that would mitigate the structural failures of the First Republic and prevent a return to violent ethnic conflict. The military government therefore embarked on an effort to institutionalize central state authority and develop a framework for a less fractious form of civilian rule. However, doing so required it to satisfy the short-term interests of legacy elites, military leaders, the civil service, and the general population. To this end, it was aided by the rapid growth of state oil revenues that allowed it to substantially expand formal and informal channels for revenue distribution.

The end of the war coincided with a massive influx of government oil revenues owing to regulatory changes that increased the state's share of profits relative to international oil companies, a rapid increase in oil production volumes, as well as an increase in the global price per barrel. The year prior to the civil war, Nigerian agricultural exports still accounted for 76% of foreign exchange. While oil production had slowed during the war years due to the proximity of oil fields to the conflict, as the war approached an end, oil production began to expand quickly well beyond pre-war levels. As the war was winding down in 1969, the federal government issued "Nigerian Petroleum Decree No. 51" and established the 1969 Petroleum Act, which began a process by which the federal government would claim an increasing equity share of oil production activities. From 1959 until the 1969 decrees, state oil revenues consisted of a 50% share of the final profits

²⁰⁵ Lewis, *Growing Apart*, 133–142; Sofiri Joab-Peterside, Doug Porter, and Michael Watts, "Rethinking Conflict in the Niger Delta: Understanding Conflict Dynamics, Justice and Security" (working paper, University of California, Berkley, 2012), 20–21; Lovejoy, "Historical Setting," 57–59; Osaghae, "Government and Politics," 217–218; Watts, "The Political Ecology of Oil and Gas in West Africa's Gulf of Guinea," 572; Mark C. Thurber, Ifeyinwa M. Emelife, and Patrick RP Heller, "NNPC and Nigeria's Oil Patronage Ecosystem" (working paper, Freeman Spogli Institute for International Studies, 2010), 13; Sarah Ahmad Khan, *Nigeria: The Political Economy of Oil* (Oxford: Oxford University Press, 1994), 18–19, 22; Schultze-Kraft, "Understanding Organised Violence and Crime in Political Settlements," 618–619.

realized by international oil companies and 12.5% royalty; however, inspired by a global trend of state nationalization of oil resources, and joining OPEC in 1971, the government established the Nigerian National Oil Corporation (NNOC) to take an equity ownership share in the volumes of extracted oil, which could in turn be used for domestic consumption or sale abroad. By 1975, the Nigerian government owned 55% of all extracted oil volumes while increasing royalties to 20% and the petroleum profit tax to 85% of whatever remaining revenues the international oil companies were able to achieve. At the same time, production volumes had increased from a pre-war high of 420,000 barrels per day (bpd) to more than two million bpd. The revenue influx was further magnified by a steady increase in the price per barrel on the world market from less than \$4/barrel in 1973 to nearly \$40/barrel in 1980. Therefore, by the end of the war in 1970, oil exports had begun to exceed the value of non-oil revenues for the first time, and by 1975, they accounted for 93% of foreign exchange and 81% of government revenue.²⁰⁶

From 1970–1975, the military government leveraged the influx of revenue to adjust the federal revenue allocation formulas in favor of greater central government, at the expense of fiscal autonomy at the state level. In 1970, it shifted the allocations of the distributable pool to a new formula in which 50% of the funds were distributed based on population, and the remaining 50% equally among the states; a shift away from the more population-centric approach that had been applied previously. In 1971, all offshore oil revenues (the fastest-growing revenue stream) were excluded from the derivation principle and the distributable pool to be allocated exclusively to the federal government. In 1974, the central government assumed responsibility for collecting a nationally standardized income tax, and although these revenues remained statutorily allocated to the states, the elimination of produce sales taxes in the same year gutted the states' internal revenue generation capacity and increased their reliance on centrally collected and distributed revenues. In 1975, all derivation-allocated funds, except for 20% of mineral resources,

²⁰⁶ World Bank, *Nigeria. Bi-Annual Economic Update: Fragile Recovery* (Washington, DC: World Bank, 2017), 33, <http://documents1.worldbank.org/curated/en/349511494584937819/pdf/114996-WP-P163291-PUBLIC-NEUNoFinalfromPublisher.pdf>; Abubakar Oladeji, "Fiscal Crisis and the Politics of Non-Oil Revenue Drive in Nigeria," *Public Policy and Administration Research* 5, no. 9 (2015): 44; Khan, *Nigeria*, 9, 16–19; Akinola, and Adesopo, "Derivation Principle Dilemma," 252–253; Kendhammer, "Getting Our Piece of the National Cake," 155.

were diverted to the distributable pool. At the same time, the federal government deferred its control over offshore oil rents and royalties to the distributable pool, although it retained 100% of both the petroleum and company profits taxes. While these changes represented a shift in fiscal authority to the center, they faced little resistance as the growing pool of oil revenues led to a four-fold increase in state budgets between 1973 and 1977.²⁰⁷

While state budgets grew considerably during military rule, regional autonomy was further eroded by the appointment of military officers to serve as state governors who were accountable to the central government instead of their state constituencies. The governors had wide discretion over their state's statutory allocations of federal resources and were therefore able to develop their own clientelist networks. The entry of these new military pseudo-elites into the patronage landscape generated understandable friction with legacy regional elites; however, the expanded pool of resources allowed them to deploy palliative patronage distributions broadly. These patronage opportunities included preferential contract awards that accompanied the proliferation of state owned enterprises, generous import subsidies on agricultural and manufacturing inputs, selective access to arbitrage opportunities made possible with fixed exchange rates, opportunities to skim overhead from foreign-owned businesses with front-companies in "indigenization" programs, side-payments and "mobilization fees" to connected individuals on government contracts, and privileged access to commercial banking opportunities.²⁰⁸

Despite the expanded pool of state resources, the military government's hold on power remained tenuous in the face of legacy elites whose power over extensive and potentially disruptive regional clientelist networks was only reinforced by the patronage distributions. As a result, the military government faced escalating demands from diffuse and competing networks, which made it difficult to develop a long-term strategy by which they could discipline rent allocations, achieve more targeted developmental outcomes, or build a tighter circle of coherent elites. Amidst the competing pressures, the military

²⁰⁷ Rupley, "Revenue Sharing in the Nigerian Federation," 263–265.

²⁰⁸ Lewis, *Growing Apart*, 139–140; Akinola, and Adesopo, "Derivation Principle Dilemma," 252–253.

government resorted to shortsighted and ad hoc patronage distributions that ultimately reinforced the counter-productive rent-seeking behaviors of a broad group of competing elites. The failure of the regime to discipline the patronage allocation process resulted in a failure to achieve productive economic outcomes while the unpredictable and haphazard allocation of patronage increased elite fragmentation and competition. As a result, elites continued their unproductive drain on state resources with the sole interest of amassing their own power, wealth, and local clientelist networks.²⁰⁹

The fragility of this seemingly insatiable provisioning pact became evident in a bloodless July 1975 coup and a failed counter coup less than a year later. The fraying of government stability prompted the new military regime to begin another deliberate effort to scale back patronage excesses, downsize the bloated civil service, and recommit to a transition to civilian government. It began drafting a new constitution for the Second Republic, while making a concerted effort to mitigate the centrifugal forces that led the First Republic to civil war.²¹⁰

4. The Second Republic (1979–1983)

Although the Second Republic would only last from 1979–1983 before reverting to military rule, the 1979 constitution would have several lasting impacts on patronage distribution strategies and structures. First, the constitution sought to ameliorate minority ethnic grievances with greater administrative sub-division of the states. It increased the number of states from 12 to 19, and created a new tier of sub-state governance, called “local government areas” (LGAs), to distribute representation and resources to previously excluded groups.²¹¹ These structural changes coincided with a shift in the fiscal allocation formula that further expanded the statutory allocations of federally collected revenues to state and local governments while simultaneously increasing the dependence of these substate units on the federal center. The distributable pool was replaced by a substantially

²⁰⁹ Lewis, 136–145.

²¹⁰ Osaghae, “Government and Politics,” 225–229; Kendhammer, “Getting Our Piece of the National Cake,” 152–155; Suberu, “Federalism in Africa,” 74; Lewis, 145–152.

²¹¹ Osaghae, 225–229, 236; Kendhammer, 152–155; Suberu, 74; Lewis, 145–152.

expanded state joint account into which all federal revenues were collected, including the sizeable oil profit revenues that had been previously excluded from state distributions. From this consolidated pool, the federal government retained 60%, the states were allocated 30%, and local governments were allocated 10% (to be channeled through their respective states). In its first fiscal year of implementation (1979–1980), the new formula provided states with 37% more revenue than under the old formula while the budget of local governments (which had been created in 1976 and begun operations on discretionary federal grants) doubled. The new states and local governments were therefore well funded to hire an expanded class of civil servants to populate their expanding administrations.²¹²

To guide this expansion, the constitution formally adopted a “federal character principle” that required the composition of all elements of central, state, and local government—including cabinet-level positions, the civil service, and the armed forces—to reflect the ethnic make-up of the (national, state or local) territory. The principle was intended to prevent state domination by larger ethnic groups, but in a country with more than 250 distinct language groups, it opened formal state institutions and informal patronage channels to constant competition between minority groups seeking entry into, or a greater share of, the provisioning pact. The creation of new states and local governments therefore provided expanded civil service rosters to be exploited by local power brokers and establish new and more diffuse clientelist networks, while the federal character principle added a layer of ethnically articulated competition to the process.²¹³

Second, the 1979 constitution abandoned the parliamentary structure of the First Republic—whose winner-take-all majority governance would always favor northern control of the central government—and instead adopted an American-style system that centralizes state authority around nationally representative political parties. This system was intended to mitigate the power of ethno-regional political blocs by shifting power from parliament toward a directly elected president and balance the population-based authority

²¹² Rupley, “Revenue Sharing in the Nigerian Federation,” 266–270.

²¹³ Osaghae, “Government and Politics,” 225–229, 236; Kendhammer, “Getting Our Piece of the National Cake,” 152–155; Suberu, “Federalism in Africa,” 74; Lewis, *Growing Apart*, 145–152.

of the lower legislative house with an equally powerful upper house with uniform representation for each state, regardless of population. To ensure that the Second Republic's stronger central institutions avoided ethnic domination, political parties were barred from organizing around ethnic identities and presidential candidates were required to secure 25% of the vote in two thirds of the states to be elected. Unfortunately, instead of producing programmatic national political parties as intended, the requirements simply pushed existing ethno-regional political machines to attract new support bases beyond their core constituencies. Incumbents did this through distribution of rents and rent-seeking opportunities, while challengers did it through promises of future access to rent. Without coherent party ideologies, short-term patronage distribution strategies were employed to attract and retain enough non-core political allies to form a broad-enough electoral majority; however, the short-term nature of these election-driven transactions created unstable party structures that fostered continuous competition to gain, retain, or expand patronage access.²¹⁴

While the constitution's provisions served their intended purpose of undermining secessionist tendencies and national-level conflict, their broader efficacy was dependent upon the upward trajectory in oil revenues. Expanding revenues had allowed the patterns of unproductive patronage allocations to harden in the absence of a centralized force for discipline. The transition to civilian rule therefore did not represent a fundamental change in the provisioning pact, but rather a transfer of its custody from military rulers to the northerner-dominated political coalition whose political machine, the National Party of Nigeria (NPN), captured the new civilian government. The new legislative assemblies became a clearinghouse for discretionary federal patronage and quickly decimated the coherence of opposition parties by coopting their members with short-term incentives. The collapse of oil prices in 1981 cut state revenues in half while the NPN struggled to sustain its opposition payoffs. Unrestrained distributive politics in the context of an imploding

²¹⁴ Osaghae, 225–229; Kendhammer, 152–155; Suberu, 74; Lewis, 151.

resource base lead to the collapse of the Second Republic in a mostly peaceful coup on December 31, 1983.²¹⁵

5. Return to Military Rule (1983–1999)

Despite the attempts of new military rulers to reign in the patronage excesses of the Second Republic, their hold on state power remained dependent on the provisioning pact that necessitated continued distributions to key elites. In addition to preserving elite acquiescence, the military government sought to maintain popular support with demonstrable efforts to rectify the unforeseen vulnerabilities of the 1979 constitution as it prepared for a return to civilian rule. Their chief concern was again the mitigation of ethnic tensions that could lead to another civil war. Despite the failure of the Second Republic, “federal character,” nationally structured political parties, expansion of administrative subdivisions, and formulaic distribution of state revenues remained central to these efforts, even as focus shifted to breaking the entrenched political machines and perverse distributional pressures that had derailed their implementation.²¹⁶

The military regime attempted to break the dominance of legacy political elites with further administrative sub-division and a state-controlled framework for political mobilization. It created 17 new states and 473 LGAs (bringing the totals to the current 36 and 774, respectively), and shifted significant resources from legacy elites to their formerly excluded political rivals. It attempted to create a two-party political system *and* the only two legal parties, wrote the parties’ (center-left and center-right) manifestos, made significant investments in building office space, financed the organizational framework for each party to operate in all states and LGAs on an equal footing, and banned all politicians of the First and Second Republics from direct participation in these parties or holding key offices. To buy their acquiescence to political marginalization, the military government directed extensive financial resources to these legacy elites.

²¹⁵ Lewis, 159; Kendhammer, 155; Osaghae, 227–229; Lovejoy, “Historical Setting,” 76.

²¹⁶ Lewis, 159; Kendhammer, 155.

Once again, the logic of the provisioning pact swallowed the reform effort. The popular, patronage-rich, administrative sub-division made the pact more inclusive—and more expensive. Meanwhile, the “old guard” politicians did not resign themselves to marginalization, but instead used their considerable—and recently supplemented—resources to adopt a strategy of political “godfatherism” in which they sponsored surrogate candidates to represent their interests, preserve their access to resources, and sustain their respective clientelist networks. The competition already built into the provisioning pact now extended to the very top; the political godfathers had the resources to compete with those doling out oil rents from inside the central state. Although the Third Republic was immediately aborted by another military coup following the 1993 elections, a diverse and decentralized set of political godfathers became an entrenched feature of political competition and patronage distribution from this time.²¹⁷

As the oil-bust lingered into the 1990s, economic austerity measures, which further shrunk distributable state resources, became unavoidable. With few state resources available for redistribution, the military government clung to power by turning a blind eye as politically connected elites engaged in oil theft, fuel smuggling, heroin and cocaine trafficking, money laundering, and international commercial fraud. While these avenues of illicit enrichment had a palliative effect in the short term, they were a highly inefficient means of patronage distribution that established channels of decentralized resource accumulation that the state had little capacity to regulate or discipline. This devolution from the relatively high-level elite diversion of state resources toward decentralized criminal accumulation channels would further reduce the dependence of elite clientelist networks

²¹⁷ Lewis, 159, 169; Andrew Apter, “IBB=419: Nigerian Democracy and the Politics of Illusion,” in *Civil Society and the Political Imagination in Africa, Critical Perspectives*, ed. John L. and Jean Comaroff (Chicago, London: The University of Chicago Press, 1999), 280–285, 296–299; A. Carl LeVan, “Reciprocal Retaliation and Local Linkage: Federalism as an Instrument of Opposition Organizing in Nigeria,” *African Affairs* 117, no. 466 (2018): 16; Johnson O. Ndubuisi, “Comparative Legacies of Godfatherism to Party Politics and Democracy in Nigeria: 1960–2015,” *Journal of Nation-building & Policy Studies* 2, no. 1 (2018): 78; Kendhammer, 155–159; Osaghae, “Government and Politics,” 231–232; Khan, *Nigeria*, 6–7; S. T. Akindele, O. R. Olaopa, and A. Sat Obiyan, “Fiscal Federalism and Local Government Finance in Nigeria: An Examination of Revenue Rights and Fiscal Jurisdiction,” *International Review of Administrative Sciences* 68, no. 4 (2002): 574.

on central state-controlled resources, and lead to increasingly exotic rent-seeking and rent-accumulation strategies that would eventually include piracy.²¹⁸

6. The Fourth Republic (1999–Present)

The 1999 constitution drew heavily from the 1979 constitution and its emphasis on federal character, nationally structured political parties, administrative sub-division, and formulaic distribution of central state revenues. It carried forward the 36 states and 774 local government councils from the 1996 additions and preserved the requirement for presidents to demonstrate national representation with 25% or more of the vote in at least two-thirds of the states. It extended the same provision to state governors that needed to win at least 25% of the votes from 2/3 or more of the LGAs. The 1999 constitution also consecrated the Federal Character Commission (FCC), which gave the central government a powerful formal mechanism of patronage distribution through the apportionment of civil service posts at all levels of government. In a similar vein, it also required that the revenue sharing formulae be adjusted to establish broad, statutory revenue distribution channels to state and local governments, especially in oil producing regions, which would now retain 13% of all oil revenues from their territories.²¹⁹ After the deduction of the 13% derivation component of oil revenues, the states get a statutory distribution of 26.72% of the remaining federation account incomes (from oil revenues, customs and excise duties, and corporate taxes) and 50% of the national value added tax (VAT) while LGAs receive 20.60% of the federation account and 35% of the VAT. That these distributions are now protected from central government interference by law, and substantially larger than at any point in Nigerian history—especially the in the Niger Delta, where the budgets of top oil-

²¹⁸ Lewis, 163–174; Apter, 295–299; Kendhammer, 156; Dauda S. Garuba, “Trans-Border Economic Crimes, Illegal Oil Bunkering and Economic Reforms in Nigeria,” *Global Consortium on Security Transformation, Policy Brief Series* 15 (2010): 8, 18; Stephen Ellis, “Nigerian Organized Crime,” in *Routledge Handbook of Transnational Organized Crime*, eds. Felia Allum and Stan Gilmour (Routledge, 2012), 133–140; Osaghae, 234–236; Western Africa Department Country Operations Division, *Nigeria’s Structural Adjustment Program, Policies, Implementation, and Impact*, Report No. 13053-UNI (Washington, DC: World Bank, 1994), 23.

²¹⁹ Watts, “The Political Ecology of Oil and Gas in West Africa’s Gulf of Guinea,” 573–574; Lewis, *Growing Apart*, 248, 255; Lewis, “Rules and Rents,” 189–190; Akindele, Olaopa, and Obiyan, “Fiscal Federalism,” 574; Suberu, “Federalism in Africa,” 74–75, 82; Kendhammer, 144, 158–159; LeVan, “Reciprocal Retaliation and Local Linkage,” 8.

producing states can now exceed \$1 billion per year—provide enormous incentives for the capture of now openly contestable state and local offices.²²⁰

As in the Second Republic, prospective party leaders had to establish an ordering framework that could attract enough influential power brokers to form a dominant governing coalition while remaining sufficiently broad to meet the minimum standards of national character laid out in the constitution. However, unlike the Second Republic, political parties of the Fourth Republic did not have robust, existing electoral machines to rely on after 16 years attrition during military rule, especially given the deliberate efforts of successive military governments to dismantle that electoral machinery with the state-created parties in the lead up to the failed Third Republic. As a result, parties competing for dominance in the Fourth Republic were faced with an expansive and highly fractionalized constellation of elites composed of “old guard” politicians, military elites who had built their own clientelist networks over 16 years of military rule, and new political entrepreneurs.²²¹

To recruit a sufficient number of established godfathers and minority elites to build a dominant national coalition, the People’s Democratic Party (PDP) established a set of

²²⁰ Current values depicted. The distribution has been modified slightly since independence, when the distribution was based on a 1992 formula that allocated 48.5% to the federal, 24% to the state, 20% local, and 7.5% to a “special fund” that included 1% for the federal capital territory, 2% for an ecology fund, 1.5% stabilization fund, and 3% natural resource fund. Since then, an April 2002 Supreme Court ruling altered it because it deemed the pre-deduction of special funds to be unconstitutional. A May 2002 Executive Order and a July 2002 Ministry of Finance letter then updated the current distribution to 52.68% federal (from which special funds are drawn: 1% federal capital territory, 1% ecology fund, 0.5% stabilization fund, and 1.68% natural resource fund), 26.72% state, and 20.6% local. Emem Udoh, “Revenue Allocation in Nigeria: Implications for Sustainable National Development,” *International Journal of Operational Research in Management, Social Sciences & Education* 5, no. 1 (2019): 73–87, <http://www.internationalpolicybrief.org/images/2019/FEBRUARY/IJORMSSE/ARTICLE7.pdf>; Adeleke Salami, “Taxation, Revenue Allocation and Fiscal Federalism in Nigeria: Issues, Challenges and Policy Options,” *Economic Annals* 56, no. 189 (2011): 27–50, <https://core.ac.uk/download/pdf/27238465.pdf>; Richard Amaechi Onuigbo and Eme Okechukwu Innocent, “State Governors and Revenue Allocation Formula in Nigeria: A Case of the Fourth Republic,” *International Journal of Accounting Research* 42, no. 2437 (2015): 1–23, https://www.researchgate.net/profile/Okechukwu_Eme/publication/302453311_State_Governors_and_Revenue_Allocation_Formula_in_Nigeria_A_Case_of_the_Fourth_Republic/links/57fa084108ae280dd0bddab5.pdf.

²²¹ Watts, “The Political Ecology of Oil and Gas in West Africa’s Gulf of Guinea,” 573–574; Lewis, *Growing Apart*, 248, 255; Lewis, “Rules and Rents,” 189–190; Akindele, Olaopa, and Obiyan, “Fiscal Federalism,” 574; Suberu, “Federalism in Africa,” 74–75, 82; Kendhammer, “Getting Our Piece of the National Cake,” 144, 158–159; LeVan, “Reciprocal Retaliation and Local Linkage,” 8.

internal power-sharing rules that exceeded constitutional requirements and attracted broad support from both existing elites and minority aspirants. Specifically, the PDP employed an internal geopolitical zoning system by which it would rotate access to the most senior party positions (president, vice president) between electoral cycles among six zones (Figure 5) and balance the remainder of its patronage-allocated positions among the remaining zones. While competitive access to senior power positions was not new, the use of the internally applied system of geopolitical zoning was new in the way it opened opportunities for ethnic minority leaders to scale the party ladder and achieve national level offices previously reserved for the largest three ethnicities. To help the PDP minimize the resources it had to expend to attract enough minority elites to satisfy the national character requirements it implemented a system of “open elite recruitment” by which it relied on local elites to self-identify their potential value to the party by establishing dominant clientelist networks at the local level. This approach was equally important to the PDP in states in which it was in the minority, since attracting a sufficient number of local-level adherents who could dominate local elections would build the required base of support needed to meet the “25% in 2/3rds” rule for both state and national elections. The PDP therefore encouraged regional godfathers to act in a similar fashion to local party bosses to recruit prospective local elites and help them mobilize successful campaigns. Given the new stakes involved for both meeting minority representation requirements, and the financial incentives tied to the capture of statutory state revenues in state and local governments, political competition for LGA elections became defined by ethnic identities and quickly escalated to overt militant mobilization along these lines. As this militarization was occurring, the PDP had incentives not to interfere, even where militants began to take a life of their own as unpredictable but politically protected rogue actors, because ultimately, these militants were critical to the local political mobilization the PDP relied upon to build its governing coalitions at the state and national level.²²²

²²² Brandon Kendhammer, “Talking Ethnic but Hearing Multi-Ethnic: The Peoples’ Democratic Party (PDP) in Nigeria and Durable Multi-Ethnic Parties in the Midst of Violence,” *Commonwealth & Comparative Politics* 48, no. 1 (2010): 55–58, 60–63, 65–68, <https://doi.org/10.1080/14662040903444509>; Suberu, “Constitutional Infidelity and Federalism in Nigeria,” 109–110, 124; Schultze-Kraft, “Understanding Organised Violence and Crime in Political Settlements,” 617–620; Lewis, *Growing Apart*, 242–244; Lewis, “Rules and Rents,” 189–190.

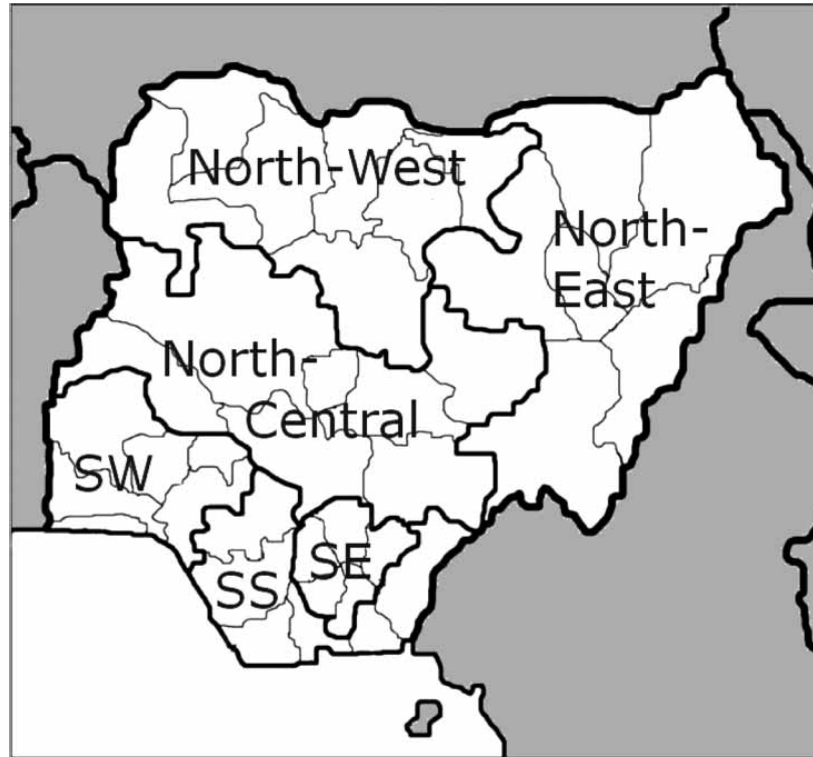


Figure 5. Geopolitical Zone Delineations—Used Internally by the PDP to Balance National Office Appointments²²³

Therefore, despite its apparent similarities with the Second Republic, the Fourth Republic's revised framework interacted with the informal organizing principles of the ascendant PDP—and parallel frameworks of the All Progressives Congress (APC) that displaced the PDP in 2015—in a way that would shift the locus of political competition to local governments as the necessary building blocks to capture patronage resources at all levels of government. Political entrepreneurs able to demonstrate local political dominance were rewarded with broad statutory resource distributions and the prospects of upward political mobility for even more lucrative rewards at the state and national level. This political ordering framework thereby generated powerful incentives for local entrepreneurs to partner with wealthy godfathers and mobilize ethnically aligned militias that could dominate local elections as a means to demonstrate merit for inclusion in the PDP's elite

²²³ Source: Kendhammer, "Talking Ethnic but Hearing Multi-Ethnic," 58.

provisioning pact. These militants have subsequently become an enduring feature of Nigeria's political landscape and are thereby afforded political latitude to engage in disruptive criminal activities that the state would otherwise be incentivized to suppress. It is in this unique framework that militants have been able to engage in sophisticated rent-seeking and rent-appropriating forms of patrimonial piracy.²²⁴

B. PATRIMONIAL PIRACY

Piracy in the Gulf of Guinea began to attract international attention after it surpassed levels of Somali piracy in 2012; however, instances of piracy in the region have been on an upward trajectory since the mid-1990s. As of this writing, the Gulf of Guinea remains the world's most piracy-prone region, accounting for 95% of global maritime kidnapping incidents through the first nine months of 2020. Most of the region's piracy events are concentrated in Nigerian waters, and many of the other attacks—as far away as Côte d'Ivoire and Angola—have been carried out by Nigerian pirate syndicates that demonstrate high levels of operational sophistication. To account for this phenomenon, this section argues that several features unique to Nigeria's decentralized system of patronage creates powerful incentives for both rent seeking and rent appropriating forms of piracy.²²⁵

1. Rent-Seeking Piracy

The legitimacy of the Nigerian state is, by design, predicated on an elite provisioning pact that broadly distributes centrally collected resources to satisfy a diverse array of competing ethno-regional demands. Formal resource distributions to state and

²²⁴ Kendhammer, "Getting Our Piece of the National Cake," 159.

²²⁵ Hastings and Phillips, "Maritime Piracy Business Networks and Institutions in Africa," 572–573; Onuoha, "Piracy and Maritime Security in the Gulf of Guinea," 274–277; Whitman and Suarez, *The Root Causes and True Costs of Marine Piracy*, 21; Ralby, *Downstream Oil Theft—Global Modalities*, 22; Okafor-Yarwood et al., *Stable Seas: Gulf of Guinea*, 39; Alan Cowell, "West African Piracy Exceeds Somali Attacks, Report Says," *New York Times*, June 18, 2013, <https://www.nytimes.com/2013/06/19/world/africa/west-african-piracy-exceeds-somali-attacks-report-says.html>; Vanda Felbab-Brown, "The Not-So-Jolly Roger: Dealing with Piracy off the Coast of Somalia and in the Gulf of Guinea," in *Foresight Africa: Top Priorities for the Continent in 2014* (Washington, DC: Brookings, 2013), 8; Libby George, "Kidnappings by Pirates up 40% in Gulf of Guinea: IMB," *Reuters*, October 14, 2020; Chijioke J. Nwalozie, "Exploring Contemporary Sea Piracy in Nigeria, the Niger Delta and the Gulf of Guinea," *Journal of Transportation Security* 13 (2020): 164; International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2019 Annual Report*.

local governments are made on a statutory basis, while the central state retains discretionary and informal patronage mechanisms it can allocate to connected elites or employ to pacify disruptive grievances. The central state has very little capacity to interrupt statutory budget allocations or regulate how substate units employ them; thus, substate actors are empowered to apply these resources toward rent-seeking activities in competition for contestable forms of discretionary and informal resources. The stability of this provisioning pact is therefore predicated on the ability of central authorities to consistently deliver resources to core constituencies while moderating distributional grievances without disenfranchising existing beneficiaries. This careful balancing act relies heavily on a reliable supply of oil revenues derived from mining operations concentrated in the Niger Delta. Shocks to this revenue stream have historically undermined regime stability, and the state is therefore highly sensitive to disruptions. Rent-seeking piracy has exploited this vulnerability by conducting disruptive attacks against critical offshore oil infrastructure, hijacking support vessels, and kidnapping oil company employees to drastically reduce oil production and thereby force the Nigerian government to respond with palliative forms of patronage.

Rent-seeking piracy is a costly and organizationally sophisticated endeavor. Although Nigeria's patronage system is designed to respond to grievance, it has coercive institutions that are its recourse of first resort. Using piracy to convince central state authorities to concede to patronage demands therefore requires a persistent campaign of attacks to demonstrate a credible capacity to impose sustained costs that exceed the expense of the demanded rent settlement or coercive measures that might suppress such attacks. Pirate attacks to support such an objective are generally designed to maximize financial and reputational costs to the government by *reducing production*, and thus are unlikely to be profitable in their own right (as rent appropriation attacks, discussed as follows, are). A campaign of this nature therefore requires a high level of organizational sophistication that includes substantial financing for operational expenses, technically competent personnel, havens from which to operate, and effective public messaging of distributional demands. Given the extensive entry barriers to conducting a successful rent-seeking piracy campaign, they are understandably rare; however, at least two organizations have successfully used

piracy operations to yield patronage concessions from the Nigerian government. The following case studies highlight how Nigeria's decentralized patronage system enhanced the incentives and capacities for substate actors to leverage piracy to achieve patronage distribution goals.

a. *Precursors to Piracy: Patterns of Rent Seeking and Rent Appropriation in the Niger Delta*

The question of “resource control” and the “derivation principal” remain contentious topics in the oil-producing Niger Delta and are deeply woven into the narratives of both rent-seeking and rent-appropriating pirates. As noted previously, at independence in 1960, 50% of oil revenues were retained by the regional (and subsequently state) governments of origin under the derivation principal. As oil revenues grew exponentially after the civil war, the derivation component of statutory revenue allocations was reduced in favor of a more balanced distribution across the country, initially dropping to 20% in 1975 then broken into separate “derivation” and “development of mineral producing areas” components totaling 5% in 1981, 3.5% in 1982, and 2.5% in 1990.²²⁶ Until the early 1980s, the growing oil revenues offset the reduction in derivation percentage so that states saw continuously increasing budgets. As a result, the derivation principle did not evolve into a widely held source of overt public grievance until after the implementation of austerity measures that accompanied the 1986 Structural Adjustment program, which caused nationwide economic hardship as the national currency (naira) was devalued by two thirds while social programs, civil service jobs, and state-owned enterprises were slashed. Out of this economic despair, unemployed youths began to mobilize around ethno-community self-help groups that quickly took on a political

²²⁶ Starting in 1981, the portion of the federal budget allocated to oil-producing states was divided into two components, a pure derivation component (2% in 1981 down to 1% in 1990) and a “development of mineral producing areas” component (3% in 1981, 1.5% in 1982, and back up to 3% in 1992); Udoh, “Revenue Allocation in Nigeria,” 82.

character and served as an impetus for the articulation of resource control grievances that would grow into rent-seeking and rent-appropriating piracy.²²⁷

One of the first organized rent seeking movements in the Niger Delta was the Movement for the Survival of the Ogoni People (MOSOP), founded in 1990. It led a campaign of peaceful but disruptive activism that included the mobilization of 300,000 protesters in 1993 to occupy flow stations, which ultimately forced Shell to shut down its extensive oil operations in Ogoniland indefinitely. The federal government responded swiftly with a brutal military occupation, which razed villages, killed hundreds of people, and employed divide-and-conquer tactics to fractionalize the movement with devastating efficacy. By 1995, nine Ogoni leaders had been captured and executed after a hasty military tribunal. Thus, at this stage, the Nigerian state appeared to mirror the will and capacity displayed by the Angolan state (see Chapter IV) in applying overwhelming coercive force to suppress minority grievances that threatened the state's oil revenues.²²⁸

During the same period, an ethnic Ijaw movement began that would eventually spawn some of the most effective pirates in the region, began to take root. The Ijaw are the largest of the Niger Delta's "minority" groups, and the fourth largest ethnic group in Nigeria, which accounts for nearly half of the Delta's 30 million inhabitants. By administrative design, they were divided up into political minority populations across multiple Niger Delta states and thereby marginalized from political power. Thus, following in the example of MOSOP, the Ijaw National Congress (INC), and later the Ijaw Youth Council (IYC), came together to advocate across existing administrative lines for the creation of three homogenous Ijaw states, an upward adjustment of the derivation principle, and economic compensation for the oil industry's environmental degradation. Like

²²⁷ Lewis, *Growing Apart*, 163–164; Elias Edise Courson, "Spaces of Insurgency: Petro-Violence and the Geography of Conflict in Nigeria's Niger Delta" (PhD diss., University of California, Berkeley, 2016), 111–117.

²²⁸ Courson, 111–117; Bronwen Manby, "The Price of Oil: Corporate Responsibility and Human Rights Violations in Nigeria's Oil Producing Communities," *Human Rights Watch* (January 1999): 9–13, <https://www.hrw.org/reports/1999/nigeria/nigeria0199.pdf>; Tantua, Devine, and Maconachie, "Oil Governance in Nigeria's Niger Delta," 304; Obi, "Gunning for Security Governance," 610.

MOSOP, they proactively engaged in disruptive measures to pressure the government for concessions.²²⁹

With growing restiveness and an increasing frequency of oil output disruptions caused by these ethnic movements in the Niger Delta, both the military regime and the newly elected civilian regime continued deployments of military forces, while applying new forms of palliative patronage distributions. In 1992, the central government created the Oil Mineral Producing Area Development Commission (OMPADEC), later the Niger Delta Development Commission (NDDC), as a mechanism to funnel patronage-based contracting opportunities to select elites. The portion of the federal budget allocated to oil-producing states was increased from 2.5% to 4% in 1992, before being set at 13% by the 1999 constitution.²³⁰ Lastly, the first Ijaw-majority state, Bayelsa, was created in 1996, along with a new “Warri South” LGA in neighboring Delta state. The state and LGA creations, along with the 13% derivation revision, provided major channels of statutory state funding allocations to Ijaw-controlled regions for the first time.²³¹

The “Warri Crisis” (1997–2003) originated in a dispute over whether the headquarters of the Warri South LGA would be in an Ijaw or Itsekiri town. This seemingly minor issue grew into a long and deadly conflict to control the statutory revenues associated with the LGA. The conflict was amplified in the 1999 and 2003 election cycles, as local elites sought to demonstrate their local dominance and viability for upward mobility in the PDP party structure. Given the highly political issue, regional godfathers and state politicians also became actively involved in the conflict, and funded a myriad of militia units to help secure political control of the statutory resource flows and demonstrate their own salience to the PDP. Thus, unlike the earlier ethnic mobilizations by organizations like

²²⁹ Courson, 118–121.

²³⁰ Figures include two components, a pure derivation component (1% since 1990) and a “development of mineral producing areas” component (1.5% since 1982, and up to 3% in 1992); Udoh, “Revenue Allocation in Nigeria,” 82; J. Shola Omotola, “From the OMPADEC to the NDDC: An Assessment of State Responses to Environmental Insecurity in the Niger Delta, Nigeria,” *Africa Today* (2007): 73, 79, <https://www.jstor.org/stable/27666875>.

²³¹ Courson, “Spaces of Insurgency,” 118–124; Bronwen Manby, “The Warri Crisis: Fueling Violence,” *Human Rights Watch* 15, no 18 (A) (November 2003): 3–4, 13; Watts, “Petro-Insurgency or Criminal Syndicate?,” 642–643, 652; Oriola, *Criminal Resistance?*, 68–69.

MOSOP and the INC, the Warri Crisis was highly destructive and militarized. As the conflict went on, ethnic militants were increasingly well armed and able to mount repeated organized attacks against each other and federal forces. When federal forces attempted to intervene against the Ijaw, Ijaw militants attacked land-based oil infrastructure and shut in as much as 300,000 bpd of oil production. As a result, the federal government relented and moved the LGA headquarters to an Ijaw-controlled town. One of the lessons that militants took from the Warri Crisis was that large-scale oil disruptions were a viable rent seeking strategy for ethnic minorities seeking to secure greater access to state patronage. The first appreciable spike in IMB-recorded piracy attacks in Nigeria began with four attacks in 1996 and escalated to 39 by 2003. While most of these early piracy events were criminal in nature, they were an outgrowth of militant mobilization surrounding the Warri Crisis, and these militants would later mobilize both rent-seeking and rent-appropriating forms of piracy.²³²

In response to the distributive incentives to capture statutory resources flowing to state and local governments, and to signal political relevance and compete for party-allocated patronage at the state and federal level, Niger Delta power brokers sponsored extensive militant mobilizations for the 2003 election as they had done in the military organized transitional election of 1999. As a result, the 2003 election cycle overwhelmingly favored PDP incumbents. President Obasanjo's re-election in 2003, a constitutional two-term limit, and the PDP's zoning rotation policy, created an expected opening for a southern vice presidential nominee in 2007. Having established their party loyalties in 1999 and 2003 with extensive militant mobilizations behind PDP candidates, two leading Niger Delta power brokers—Rivers State Governor Peter Odili and prominent

²³² David F. Marley, *Modern Piracy: A Reference Handbook* (Santa-Barbara: Greenwood Publishing Group, 2010), 48, <https://books.google.com/books?hl=en&lr=&id=CNGyXuecpY8C&oi=fnd&pg=PP2&dq=Modern+Piracy:+A+Reference+Handbook+By+David+Marley&ots=7ntoAVa3MY&sig=Q6sdn-px-D94DSNXk3mrcnBLDqA>; National Geospatial Intelligence Agency, "Anti-shipping Activity Messages"; 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, no. 425 (2007): 591–600; Manby, "The Warri Crisis," 3–4, 13; Elias E. Courson, "The Burden of Oil: Social Deprivation and Political Militancy in Gbaramatu Clan, Warri South West LGA Delta State, Nigeria" (working paper, University of California, Berkeley, 2007), 26; Courson, 190–195, 198, 216, 259; Kendhammer, "Talking Ethnic but Hearing Multi-Ethnic," 60–62.

Ijaw godfather, Chief Edwin Kiagbodo Clark—each began to align the region’s various militant groups in support of opposing bids for the vice presidential nomination and to keep the region’s grievances at the forefront of national dialogue to pressure the PDP to choose a candidate from the Niger Delta’s “South-South” region. Thus, two dominant militant camps emerged behind the rival political sponsors. “Mujahid” Dokubo-Asari led the Niger Delta People’s Volunteer Force (NDPVF) aligned to Chief Clark and his bid to secure the PDP vice presidential nomination for Bayelsa State Deputy Governor Goodluck Jonathan, while Ateke Tom and his Niger Delta Vigilantes (NDV) aligned behind Governor Odili’s personal bid for the vice presidency.²³³

Illegal oil bunkering as a form of illicit rent *appropriation* by military government elites had been going on since the late 1970s. Following the 1999 elections, the militants who had been employed as political enforcers for successful candidates (or their godfathers) were given political protection to take over and vastly expand oil-bunkering networks, kidnap oil workers, and run localized protection rackets for oil companies. The government’s tolerance of these illicit rent appropriation activities was tied to the role these militants played in assuring electoral victories for supported party members, and by extension, national electoral success, and thus control of state resources. By 2004, NDPVF and NDV were engaged in open conflict to control the region’s lucrative oil bunkering networks, which were siphoning 10–20% of Nigeria’s oil production in what was rapidly becoming a multi-billion dollar enterprise of illicit rent appropriation.²³⁴

With illicit revenue streams fueling the conflict, the battling militant oil kingpins satisfied the political objectives of their godfathers; Niger Delta grievances remained

²³³ Courson, 190–194, 199–203, 210, 216, 259; Akpo Abugo, “Edwin Clark: Portrait of a Statesman at 92,” *Vanguard*, May 27, 2019, <https://www.vanguardngr.com/2019/05/edwin-clark-portrait-of-a-statesman-at-92/>; Patrick Smith, “Profile: Goodluck’s Advisor, Edwin Clark,” *The Africa Report*, October 1, 2010, <https://www.theafricareport.com/8992/profile-goodlucks-advisor-edwin-clark/>; Stratfor, “Nigeria’s MEND: A Different Militant Movement”; Stratfor, “Nigeria’s MEND: Odili, Asari and the NDPVF,” *Stratfor Worldview*, March 18, 2009.

²³⁴ Courson, 139–142; Manby, “The Warri Crisis,” 17–18; Thurber, Emelife, and Heller, “NNPC and Nigeria’s Oil Patronage Ecosystem,” 15–17; Katsouris and Sayne, *Nigeria’s Criminal Crude*, 26–30; Morten Bøås, “‘Mend Me’: The Movement for the Emancipation of the Niger Delta and the Empowerment of Violence,” in *Oil and Insurgency in the Niger Delta*, ed. Cyril Obi and Siri Aas Rustad (London: Zed Books, 2011), 119–120; Stratfor, “Nigeria’s MEND: Odili, Asari and the NDPVF.”

highly visible and politically relevant. As the violence threatened to grow beyond his control, in June 2004 Governor Odili called for the support of federal forces to suppress it, which led Asari to announce an all-out war to destroy the Niger Delta's oil infrastructure systematically. Asari's threat caused a spike in international crude oil prices and prompted President Obasanjo to summon the leaders of the NDPVF and the NDV to the capital for negotiations. The militant leaders agreed to a ceasefire in exchange for amnesty and the president's consent to organize a national forum to address the Delta's distributional grievances. Although the resulting 2005 forum ended in a deadlock over demands for increasing the derivation percentage from 13% to 25%, Niger Delta opposition groups took note that a credible threat of large-scale disruption to federal oil rents was an effective way to compel central government negotiation on critical distributional issues.²³⁵

The rise of the militant leaders from obscurity to national political recognition in less than a decade was a peculiar byproduct of the political mobilization incentives that emerged from the post-1999 resource distribution and competition framework. Buoyed by the system's incentives to push ethnic outbidding down to the local level, these militants became a vital component of successful political mobilization and patronage capture. As a result, they came to enjoy political protection to engage in otherwise counter-productive forms of illicit accumulation that gave them some capacity to balance against the central government. This balancing capacity was magnified by militant proximity to, and ability to disrupt, the country's vulnerable oil infrastructure. Militants therefore quickly found themselves in a position to exert credible threats against the government's primary revenue stream, which gave them a degree of independent political relevance as proto elites in the political and patronage environment. As the militants ventured into rent-seeking piracy, this relevance would only expand.

²³⁵ Asuni, "Understanding the Armed Groups of the Niger Delta," 15–16; United Nations Office for the Coordination of Humanitarian Affairs, "Nigeria: National Conference on Constitutional Change Meets with Skepticism," *Integrated Regional Information Networks News*, February 20, 2005; Stratfor, "Nigeria's MEND: Odili, Asari and the NDPVF"; Bøås, 119–120.

b. *Rent-Seeking Pirates and Provisioning Pact Inclusion: The Movement for the Emancipation of the Niger Delta (2006–2009)*

The Movement for the Emancipation of the Niger Delta (MEND) was formed by multiple militant factions in Delta, Rivers, and Bayelsa states following the late 2005 arrest of several prominent Ijaw figures, including Asari, which they saw as a direct assault on the Ijaw community and its agitation for greater resource control.²³⁶ Although MEND was never a fully coherent entity—its membership fluctuated and various groups invoked the name to their own ends—the mutually reinforcing actions of the loose-knit movement succeeded in pressuring the PDP to nominate an Ijaw vice president and concede substantial state patronage streams to Niger Delta militants.²³⁷ This success flowed from specific elements of Nigeria’s provisioning pact: its grievance-responsive distribution logic, the decentralized autonomy of substate elites, and its near total reliance upon, and thus susceptibility to disruptions of, oil revenue.

One week after Asari’s arrest, roughly 100 members of the NDPVF executed a retaliatory piracy event—the first of its kind—in which they conducted an 8-boat simultaneous assault on Chevron’s Idama oil production platform and took 8,000 bpd of production capacity offline.²³⁸ The attack was a dramatic display of a new militant seaborne capacity; the scale of its disruption (and international attention) would quickly escalate as these capabilities expanded under the wider MEND umbrella.²³⁹ MEND’s first successful attacks occurred in January 2006 involving coordinated assaults to shut down 115,000 bpd of production at Shell’s EA offshore oil platform, kidnapping four of its workers, and launching a simultaneous operation that caused extensive damage to the Trans Ramos Pipeline that stop 100,000 bpd from flowing to the Forcados offshore export

²³⁶ United Nations Office for the Coordination of Humanitarian Affairs, “Nigeria: National Conference on Constitutional Change Meets with Skepticism”; Akinola, and Adesopo, “Derivation Principle Dilemma,” 254–255; Watts, “Petro-Insurgency or Criminal Syndicate?,” 645; Stratfor, “Nigeria’s MEND: Odili, Asari and the NDPVF”; Asuni, “Understanding the Armed Groups of the Niger Delta,” 15–19.

²³⁷ Stratfor.

²³⁸ Mikhail Kashubsky, “A Chronology of Attacks on and Unlawful Interferences with, Offshore Oil and Gas Installations, 1975–2010,” *Perspectives on Terrorism* 5, no. 5/6 (2011): 149.

²³⁹ Oriola, *Criminal Resistance?*, 157–158.

terminal.²⁴⁰ A few days later, MEND militants attacked Shell's Benisede flow station, killed 16 people, and reduced output capacity by another 106,000 bpd.²⁴¹ In the span of a week, MEND attacks had taken roughly 15% of Nigeria's oil exports offline.²⁴² A tentative ceasefire was reached with the central government on February 11, but immediately fell apart as federal forces conducted an aerial bombing of several Ijaw villages while purportedly pursuing oil bunkering barges.²⁴³ In response, on February 18, MEND conducted three simultaneous operations to attack and disable the Forcados offshore export terminal, the Ekeremore-Yeye manifold, and the Escravos-Lagos gas pipeline; thereby "shutting in" 477,000 bpd, or roughly 20% of Nigeria's export capacity in a single day.²⁴⁴ In addition to the damage to existing production capacity, the MEND's introduction of politically motivated pirate attacks against offshore oil infrastructure caused international oil companies to question the security of future investments in offshore exploration and investment for future production, which thereby exacerbated the potential financial toll on the central government, and its myriad patronage networks.²⁴⁵

MEND published a set of formal demands after their initial attacks in January, and called for the release of the prominent Ijaw community members who had been arrested, the withdrawal of federal forces from the Niger Delta, the payment of an existing \$1.5 billion ruling against Shell Oil Company for environmental damages, and 100% “resource

²⁴⁰ Kashubsky, “A Chronology of Attacks,” 150; Nodland, “Guns, Oil, and ‘Cake,’” 198; Watts, “Petro-Insurgency or Criminal Syndicate?,” 646.

²⁴¹ Kashubsky, 150; Watts, 646.

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²⁴³ Watts, “Petro-Insurgency or Criminal Syndicate?,” 646.

²⁴⁴ Kashubsky, “A Chronology of Attacks,” 150; Watts, 646; Stephanie Hanson, “MEND: The Niger Delta’s Umbrella Militant Group,” Council on Foreign Relations, March 21, 2007.

²⁴⁵ Spencer Swartz, “Nigerian Militants Move Oil Attacks Offshore,” RigZone, April 5, 2006, https://www.rigzone.com/news/oil_gas/a/31023/nigerian_militants_move_oil_attacks_offshore/.

control” of all oil revenues at the state level.²⁴⁶ In the following months, the resource control demand was reduced to 50%, but additional demands were added, for increased political representation for the Niger Delta, training and jobs in the oil industry, and deliberate efforts to improve the region’s socioeconomic conditions and reduce marginalization.²⁴⁷

As attacks continued through the early months of 2006, MEND succeeded in achieving its stated goal of reducing Nigeria’s oil export capacity by 30%, a total reduction of 500,000 to 600,000 bpd, which resulted in over \$2 billion of lost oil revenues by mid-year.²⁴⁸ As these staggering losses mounted, the Nigerian Senate formally blocked President Obasanjo’s bid for a third term in May 2006. MEND’s sophisticated, infrastructure-devastating, and highly visible piracy attacks, contributed to frustrating the incumbent President’s third term ambitions, which thus opened the vice presidency to a southern politician, while increasing the likelihood that a Delta politician would be elevated to this patronage rich position, in line for the ultimate prize—the presidency—eight years later.²⁴⁹ MEND’s disruptive activity continued to escalate as the December 2006 primaries approached—with at least five piracy events against oil industry targets in October and November—and Chief Clark’s Ijaw protégé Goodluck Jonathan was nominated vice president.²⁵⁰ MEND continued to conduct kidnappings and infrastructure attacks to showcase their grievances through the April 2007 election, while a wide range of militant groups were simultaneously employed to rig ballots and intimidate voters across the Niger

²⁴⁶ Watts, “Petro-Insurgency or Criminal Syndicate?,” 646–647; Nodland, “Guns, Oil, and ‘Cake,’” 198; Asuni, “Understanding the Armed Groups of the Niger Delta,” 17–18.

²⁴⁷ Asuni, 18.

²⁴⁸ Watts, “Petro-Insurgency or Criminal Syndicate?,” 647.

²⁴⁹ Stratfor, “Nigeria’s MEND: A Different Militant Movement.”

²⁵⁰ Data for Gulf of Guinea countries manually filtered from regions 51 and 57. Stratfor; National Geospatial Intelligence Agency, “Anti-shipping Activity Messages”; Oriola, *Criminal Resistance?*, 241–242.

Delta on an unprecedented scale.²⁵¹ President Umaru Yar'Adua and Vice President Goodluck Jonathan won election and were sworn in on May 29, 2007.

Having achieved their objectives of securing patronage inclusion at the national level, oil disruptions were now counterproductive to maximizing the flow of state-provided rents to Niger Delta elites; thus, Jonathan and Clark had new incentives to quell the militant unrest and restore oil output. In response to MEND's demands, Asari and Chief Alamieyeseigha were released from prison, and the government held a "Niger Delta Summit" to address grievances.²⁵² Early rounds of pre-summit negotiations failed to yield meaningful results based on several factors. First, although the Delta's political godfathers could now expect to be placated with traditional mechanisms of patronage owing to the national-level access their militant proxies had helped them achieve, their militant proxies had established highly-profitable, independent mechanisms of resource accumulation through oil bunkering, kidnapping, and localized protection rackets for oil companies.²⁵³ As a result, Delta elites exercised decreasing levels of control over militant activity, while militants came to recognize that they held leverage—independent of their former political sponsors—to negotiate for their own patronage rewards from the central government. Second, the government hoped that after Asari's release from prison, he would be able to reassert influence over his former militant sub-commanders to articulate consolidated Delta demands and internally enforce negotiated militant disarmament. However, while Asari had been in prison, MEND sub-commanders had grown accustomed to independent regional authority, and more importantly, the sizable revenue streams they derived through regular oil worker kidnappings, oil theft operations, and through localized security contracts with oil companies. Thus, in initial negotiations, it was Government Oweizide, better known as Tompolo, of Western MEND, not Asari, who was able to claim the title of

²⁵¹ Watts, "Petro-Insurgency or Criminal Syndicate?," 656; data for Gulf of Guinea countries manually filtered from regions 51 and 57, National Geospatial Intelligence Agency, "Anti-shipping Activity Messages"; Kashubsky, "A Chronology of Attacks," 15; Oriola, 153–157.

²⁵² Asuni, "Understanding the Armed Groups of the Niger Delta," 20; Stratfor, "Nigeria's MEND: A Different Militant Movement"; Stratfor, "Special Series: Militancy in the Niger Delta, Part 2," *Stratfor Worldview*, April 23, 2011; Watts, "Petro-Insurgency or Criminal Syndicate?," 657; Nodland, "Guns, Oil, and 'Cake,'" 198–200; Oriola, 241–242.

²⁵³ Oriola, 178–182.

“Grand Commander of MEND” by uniting a spectrum of Delta militant factions with the prospect of collective patronage bargaining.²⁵⁴

When these negotiations failed to satisfy MEND demands, attacks resumed with a higher degree of intensity and coordination, especially with respect to sophisticated piracy. Amidst a surge of dozens of low-level piracy incidents from May 2007 to May 2008, MEND-affiliated militants conducted at least six high profile pirate attacks against offshore drilling platforms, offshore export terminals, floating production storage and offloading units (FPSOs), and floating storage and offloading units (FSOs). The attacks caused growing concern among international oil companies, whose fears were exacerbated by MEND’s June 2008 coordinated assault on Shell’s Bonga FPSO facility 75 miles offshore, which shut in 225,000 bpd, and thereby cut Nigeria’s oil production to its lowest level in 25 years, and demonstrated the most expansive reach to date.²⁵⁵ A government report later estimated that from January to September 2008, pirate attacks and associated land-based attacks on oil infrastructure cost the state \$23.7 billion in revenue. By May 2009, MEND’s ongoing attacks on land and sea had cut Nigeria’s overall oil production by more than one million bpd from production levels five years earlier, which represented a 40% reduction.²⁵⁶ The government’s Joint Task Force launched a fresh wave of assaults on militant camps that month, which prompted MEND to unleash a wave of devastating piracy attacks that culminated in an audacious, multi-vessel assault on the Atlas Cove import terminal in Lagos, the country’s economic capital, previously insulated from direct attacks

²⁵⁴ Asuni, “Understanding the Armed Groups of the Niger Delta,” 20; Stratfor, “Nigeria’s MEND: A Different Militant Movement”; Stratfor, “Special Series: Militancy in the Niger Delta, Part 2”; Watts, “Petro-Insurgency or Criminal Syndicate?,” 657; Nodland, “Guns, Oil, and ‘Cake,’” 198–200.

²⁵⁵ Ali Kamal-Deen, “Maritime Security Cooperation in the Gulf of Guinea: Prospects and Challenges” (PhD diss., University of Wollongong, 2014), 173–174; Kashubsky, “A Chronology of Attacks,” 15; data for Gulf of Guinea countries manually filtered from regions 51 and 57, National Geospatial Intelligence Agency, “Anti-shipping Activity Messages”; Asuni, 3; Jeff Vail, “Nigeria—The Significance of the Bonga Offshore Oil Platform Attack,” *The Oil Drum*, June 24, 2008, <http://www.theoil Drum.com/node/4196>; Kamal-Deen, “The Anatomy of Gulf of Guinea Piracy,” 5–8.

²⁵⁶ Watts, “The Political Ecology of Oil and Gas in West Africa’s Gulf of Guinea,” 570; Kamal-Deen, “Maritime Security Cooperation in the Gulf of Guinea,” 180.

by MEND's militant camps 300 miles to its southeast.²⁵⁷ With this single pirate attack on Atlas Cove, MEND disabled 35% of Nigeria's capacity for refined imports that directly impacted a wide cross-section of Nigeria's domestic economic activity; a dramatic expansion of its disruptive capacity.²⁵⁸ The same day as the Atlas Cove attack, the government dropped charges against Henry Okah, one of the most prominent MEND figures jailed since February 2008. Three days later, MEND declared a ceasefire in response to a government proposal for a Presidential Amnesty Program (PAP), which would provide a monthly stipend, skills training, and civil reintegration counseling to militants who demobilized and disarmed.²⁵⁹

Nearly all the major militant leaders accepted the amnesty once it became clear that the PAP provided them far greater patronage opportunities than a traditional decommissioning, disarmament, and rehabilitation (DDR) process. While typical DDR

²⁵⁷ Watts, 570; Asuni, "Understanding the Armed Groups of the Niger Delta," 1, 23; "Tens of Thousands Caught in Crossfire in Niger Delta Fighting," Amnesty International, May 21, 2009, <https://www.amnesty.org/en/latest/news/2009/05/tens-thousands-caught-crossfire-niger-delta-fighting-20090521/>; Andrew McGregor, "Niger Delta Militants Mount First Ever Raid on Lagos Oil Facilities," *Terrorism Monitor* 7, no. 22 (2009): 4–5, <https://jamestown.org/program/niger-delta-militants-mount-first-ever-raid-on-lagos-oil-facilities/>.

²⁵⁸ While the Niger Delta is the primary source of Nigeria's crude oil production and export, the infrastructure was the primary target for MEND's disruption, the country's limited refining capability necessitates reliance on imports to satisfy the 70–80% of refined product demand (predominantly kerosene, diesel, and petroleum), where Lagos is the primary import hub. Aaron Sayne, Alexandra Gillies, and Christina Katsouris, *Inside NNPC Oil Sales: A Case for Reform in Nigeria* (New York: Natural Resource Governance Institute, 2015), 4, https://resourcegovernance.org/sites/default/files/NRGI_InsideNNPCOilSales_CompleteReport.pdf; Anthony Ogbuigwe, "Refining in Nigeria: History, Challenges and Prospects," *Applied Petrochemical Research* 8, no. 4 (2018): 181; United States Energy Information Administration, *International Energy Statistics* (Washington, DC: U.S. Energy Information Administration, 2020); McGregor, "Niger Delta Militants Mount First Ever Raid on Lagos Oil Facilities," 4–5.

²⁵⁹ United Nations Office for the Coordination of Humanitarian Affairs, "Nigeria: Timeline of Recent Unrest in Niger Delta Region," *Integrated Regional Information Networks News*, February 4, 2010; Tarila Marclint Ebiede, Arnim Langer, and Jale Tosun, "Disarmament, Demobilisation, and Reintegration: Analysing the Outcomes of Nigeria's Post-Amnesty Programme," *Stability: International Journal of Security and Development* 9, no. 1 (2020): 3; Rexer, *Black Market Crude*, 1; Akinola, and Adesopo, "Derivation Principle Dilemma," 254–25; Schultze-Kraft, "Understanding Organised Violence and Crime in Political Settlements," 621; Surulola James Eke, "No Pay, No Peace: Political Settlement and Post-Amnesty Violence in the Niger Delta, Nigeria," *Journal of Asian and African Studies* 50, no. 6 (2015): 755–756; Ndubuisi Nwokolo and Iro Aghedo, "Consolidating or Corrupting the Peace? The Power Elite and Amnesty Policy in the Niger Delta Region of Nigeria," *Chinese Political Science Review* 3, no. 3 (2018): 328–329; Tarila Marclint Ebiede, *Instability in Nigeria's Niger Delta: The Post Amnesty Programme and Sustainable Peace-Building* (Dakar: Friedrich-Ebert-Stiftung Peace and Security Centre of Competence Sub-Saharan Africa, 2017), 21.

programs seek to dissolve militant bonds with their prior organizations and supplant them with education and civil integration, the Niger Delta PAP channeled monthly stipend payments for militants through their former commanders. This stipend served to reinforce militant dependence on commanders and preserve the integrity of militant organizations for the continuation of criminal activities, while elevating their political profile. Structuring PAP payments in this way also afforded militant commanders enormous self-enrichment opportunities, both by claiming exaggerated numbers of militants—in the case of Ateke Tom who claimed 10,000 militants while having roughly 1,000—and by embezzling a share of payments intended for their militants.²⁶⁰ Despite the inflated militant numbers, PAP records indicate that the number of post-amnesty training participants eventually rose to match the number of claimed fighters, which suggested that the records were either falsified to justify overpayment to training providers, or that commanders apportioned the excess vocational and educational opportunities to new clients that thereby allowed commanders to expand their personal patronage networks and enhance their political influence, or both. In total, the PAP cost the government approximately \$140 million per year in stipends and an average additional cost of roughly \$240 million per year for training and rehabilitation programs.²⁶¹

On top of the direct patronage payouts to militants and commanders participating in PAP, the government also offered lucrative pipeline security contracts to four leading militant commanders with \$22.9 million/year to Tompolo, \$9 million/year to Asari, and \$3.8 million/year each to Ebikabowei “Boyloaf” Victor-Ben and Ateke Tom.²⁶² The fact that the scale of oil theft increased by as much as 500% after these contracts went into effect, and that central government forces in the Delta have been widely reported to share in the profits from the illicit oil trade suggests that these “security contracts” carried

²⁶⁰ Ebiede, *Instability in Nigeria’s Niger Delta*, 21; Nwokolo and Aghedo, “Consolidating or Corrupting the Peace?,” 333; Eke, “No Pay, No Peace,” 756–757; Schultze-Kraft, “Understanding Organised Violence and Crime in Political Settlements,” 622; Oriola, *Criminal Resistance?*, 78–79.

²⁶¹ Nwokolo and Aghedo, 331; Ebiede, 21–22.

²⁶² Watts, “The Political Ecology of Oil and Gas in West Africa’s Gulf of Guinea,” 570; Eke, 756–757; Sayne, Gillies, and Katsouris, *Inside NNPC Oil Sales*, A18; Ebiede, 21–22; Nwokolo and Aghedo, 338.

implicit government consent and political protection for militant leaders to semi-formalize oil theft operations as another form of patronage concession; so long as militants agreed to discontinue their crippling infrastructure attacks.²⁶³ Of the patronage avenues presented to militants, it was government permissiveness toward, or complicity in, oil theft that represented the largest diversion of state resources; estimated in 2013 to have accounted for \$3–8 billion/year before global oil prices declined.²⁶⁴

Thus, MEND's introduction of high-profile pirate attacks to augment earlier land-based disruption tactics allowed it to cripple oil export capacity systematically on an unprecedented scale while simultaneously demonstrating a credible threat to offshore oil infrastructure and personnel previously insulated from militant activity. To stem the vast revenue losses MEND was inflicting—roughly \$77 billion in lost revenue in 2005–2008 alone—the government faced mounting financial incentives to placate militant demands and would ultimately choose to coopt them in the state's provisioning pact to avoid suffering greater losses.²⁶⁵

Although MEND did not accomplish its goal of increasing the Niger Delta's formal "resource control" from 13% to 50%, its deliberate use of high-profile piracy allowed the group to achieve virtually all of its other objectives: the release of key Ijaw prisoners, securing national-level political representation with Goodluck Jonathan as vice president and later president, and greater opportunities for inclusion in the oil industry through the PAP's job training program and a vast expansion of parasitic pipeline security contracts. In place of formal "resource control" for the region, militant commanders were granted access to lucrative new mechanisms of informal patronage through the PAP, pipeline security contracts, and official complicity in the expansion of oil theft activities.

While the amnesty does not explicitly endorse the piracy, oil theft, or other criminality that has followed, oil theft is higher within 50 km of militant camps that

²⁶³ Schultze-Kraft, "Understanding Organised Violence and Crime in Political Settlements," 624; Eke, 757; Sayne, Gillies, and Katsouris, 5, 32, 68, A18; Rexer, *Black Market Crude*, 4–5; Stakeholder Democracy Network, *Communities not Criminals*, 5.

²⁶⁴ Katsouris and Sayne, *Nigeria's Criminal Crude*, 17.

²⁶⁵ Schultze-Kraft, "Understanding Organised Violence and Crime in Political Settlements," 623.

participated in the amnesty program (Figure 6) and therefore supports the assertion that that these camps enjoy political protection to engage in criminal pursuits.²⁶⁶ This research, confirmed by other NGO field work, shows that the locations of militant camps—and often their affiliation to a particular godfather or politician—is well known to the local community and to the federal military forces deployed to the region.²⁶⁷ It also shows that militants who did not participate in the amnesty are still able to continue criminal operations from known locations without government suppression.

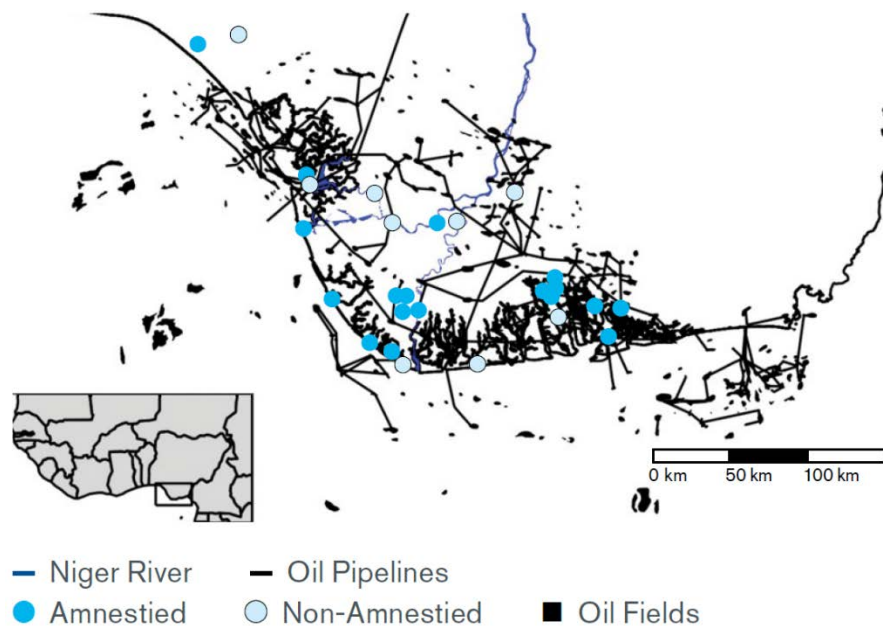


Figure 6. Niger Delta Militant Camps²⁶⁸

The lesson to Niger Delta militants from the MEND mobilization was that the government would eventually respond to large-scale oil industry disruptions with palliative patronage allocations, albeit only after violent and often indiscriminate military interventions had failed. Of the available means for militants to scale disruption rapidly to

²⁶⁶ Rexer, *Black Market Crude*, 2.

²⁶⁷ Rexer, 2; Transparency International, *Military Involvement in Oil Theft in the Niger Delta*, 3; Stakeholder Democracy Network, *Communities not Criminals*, 5, 12–13, 34.

²⁶⁸ Source: Rexer, 2.

a level at which the government would negotiate instead of retaliating, militants came to recognize that pirate attacks on waterfront and offshore infrastructure could be especially effective. While attacks against land-based pipelines had a disruptive effect, numerous land-based pipelines funnel into a small number of waterfront or offshore export terminals where the disruptive effect of attacks can be much higher. In addition, the adoption of pirate tactics for seaborne infrastructure attacks and kidnappings challenged long-held assumptions that offshore oil infrastructure and personnel were insulated from militant threats, and therefore, garnered amplified international media attention while imposing elevated pressure on the Nigerian government for swift remediation. With these lessons in mind, militant leaders would later employ deliberate waves of politically motivated piracy—operating from their known, but politically protected havens—on at least two more occasions.

While the amnesty deal successfully reduced attacks on oil infrastructure by coopting most of MEND's prominent militant commanders, several smaller militant factions refused the amnesty and continued operating under the MEND banner. The intent of holdouts—with Henry Okah as their most prominent backer—was to press the government for broader concessions ostensibly to address the root causes of Niger Delta unrest. However, shortly after the first round of talks concluded between MEND representatives and President Yar'Adua in November 2009, the president died and Goodluck Jonathan served out his term before being elected to a full term in April 2011. With Jonathan's selection as the PDP's presidential nominee, who faced stiff internal resistance from powerful northern godfathers (who maintained that the north was due another term in the presidency under the party's informal regional rotation policy); he faced increased pressure to demonstrate that he could contain unrest in his home region.²⁶⁹

Seeking to capitalize on this delicate political climate, an amnesty-rejecting faction of MEND—led by Sotonye “Tony Obese” Kaneji Ikiba and allegedly supported by Henry Okah—conducted a series of nine pirate attacks from July to November 2010 in which

²⁶⁹ Oriola, *Criminal Resistance?*, 70, 149, 153–155, 187, 210; Al Jazeera, “Nigeria’s President Yar’Adua Dies,” *Al Jazeera News*, May 6, 2010, <https://www.aljazeera.com/news/africa/2010/05/20105523627997165.html>; Kendhammer, “Getting Our Piece of the National Cake,” 160.

international oil workers were kidnapped from offshore facilities and vessels. While these attacks lacked the sensational scale of the pre-amnesty offshore infrastructure attacks, the kidnapping victims included nationals of Canada, France, Germany, Ghana, Honduras, Indonesia, Lithuania, Russia, Thailand, Ukraine, and the United States, and therefore, garnered an elevated degree of international interest, and corresponding pressure on the Jonathan government. Competing analyses suggest these pirate kidnappings were designed to either undermine Jonathan's presidential bid or press for additional patronage allocations.²⁷⁰ Thus, to demonstrate control over Niger Delta unrest in support of his presidential bid, Jonathan surged federal forces into the region to suppress amnesty defectors. To further that end, he coordinated Henry Okah's October 2010 arrest in South Africa for his alleged role in a MEND car bombing, while "Tony Obese" was captured in November 2010.²⁷¹

Between patronage payoffs for militants who took the amnesty deal, increased federal enforcement to contain those who rejected it, and militant recruitment for land-based election violence and manipulation, piracy in Nigerian waters declined from a high of 40 incidents in 2008 to just 10 in 2011, while kidnappings at sea fell from 39 individuals in 2008 to none in 2011.²⁷² Demonstrating an effective capacity to mitigate militant

²⁷⁰ Pérouse de Montclos, "Maritime Piracy in Nigeria, 536; Daxecker and Prins, "The Politicization of Crime," 388.

²⁷¹ Austin Ekeinde, "Nigerian Militants Warn of More Oil Delta Kidnappings," *Reuters*, November 19, 2010, <https://www.reuters.com/article/us-nigeria-delta/nigerian-militants-warn-of-more-oil-delta-kidnappings-idUSTRE6AI2PF20101119>; Pérouse de Montclos, 536–538; Stratfor, "Special Series: Militancy in the Niger Delta, Part 2"; Oriola, *Criminal Resistance?*, 140–141, 159; Tom Roberts, "Maritime Risk & Piracy: Differentiating Piracy in the East and West Africa," *Maritime Professional* 1, no. 1 (2011): 8–11; Browne Onuoha, "Peace and Security Concerns in the Niger Delta: A Persisting Struggle for Autonomy and Self-Determination," *Journal of Contemporary African Studies* 33, no. 1 (2015): 78–80; Nwokolo and Aghedo, "Consolidating or Corrupting the Peace?," 329–330; Ebiede, *Instability in Nigeria's Niger Delta*, 21–22; Thomas Horn Hansen and Dirk Steffen, "The Lull before the Storm: Maritime Piracy and Election Violence in the Niger Delta," *Journal of Energy Security*, March 15, 2011, http://ensec.org/index.php?option=com_content&view=article&id=285:the-lull-before-the-storm-maritime-piracy-and-election-violence-in-the-niger-delta&catid=114:content0211&Itemid=374.

²⁷² International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2008 Annual Report* (London: International Chamber of Commerce, 2009); International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2009 Annual Report*; International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2010 Annual Report* (London: International Chamber of Commerce, 2011); International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2011 Annual Report*; Ebiede, *Instability in Nigeria's Niger Delta*, 24.

activities, and with oil production recovering to near pre-MEND levels, Jonathan went on to win both his party's nomination and the presidential election. Shortly after winning the election, however, Jonathan—with Chief Clark serving as his principal advisor in Abuja—began to funnel vast new patronage to Ijaw co-ethnics at all levels of government. This patronage included expanding PAP benefits and providing amnesty, stipends, and training to an additional cohort of militants who had not been included in the initial program. The PAP was originally designed to last five years (2009–2014), which cost an average of \$60 million/year. With the expansion, the end date was removed and program costs grew to an average of \$445 million/year in 2011–2015.²⁷³

In addition to the nearly \$40 million/year that went to the four dominant militant leaders for pipeline security contracts, of which roughly 60% went to Tompolo, the Jonathan government awarded two maritime security contracts to Global West Vessel Specialists Nigeria Ltd. (GWVSL), of which Tompolo is allegedly the beneficial owner. The first contract was worth \$3.8 million/year for GWVSL to purchase and operate maritime patrol vessels on behalf of the Nigerian Maritime Administration and Safety Agency (NIMASA), while the second contract paid GWVSL \$103.4 million to provide 10 years of maritime surveillance and enforcement services. Under these contracts, GWVSL purchased six retired Hauk-class missile-torpedo boats from the Norwegian Navy and a 2,500-ton Norwegian Navy support vessel in an illicit arms deal that resulted in the conviction of a Norwegian Navy officer, the arrest of four British intermediaries, and the establishment of a small privately owned navy in the hands of a former MEND commander.²⁷⁴

Piracy incidents rebounded after the 2011 election, with 26 kidnappings in 2012, and a series of brazen hijacking incidents in which tankers laden with refined petroleum were captured by Nigerian pirates in the territorial waters of neighboring states, and sailed

²⁷³ Ebiede, 21–22; Ebiede, Langer, and Tosun, “Disarmament, Demobilisation, and Reintegration,” 3–5; Smith, “Profile: Goodluck’s Advisor, Edwin Clark.”

²⁷⁴ Ebiede, 21–22; Ebiede, Langer, and Tosun, “Disarmament, Demobilisation, and Reintegration,” 3–5; Xiaodon L. Liang, “CAS-Global Ltd. and the Private Nigerian Coast Guard Fleet,” *World Peace Foundation: Compendium of Arms Trade Corruption*, 2018; Ralby, *Downstream Oil Theft*, 23.

back to Nigerian waters where their cargo mysteriously vanished. As discussed in the next section, these attacks differed from previous ones; rather than seeking to take oil production off-line as a means of rent-seeking, they were directly profit-motivated, or rent-accumulating. The sophistication of these attacks suggests that they also enjoyed elite complicity, possibly at very senior levels of the government. The type of patronage-seeking, politically motivated piracy displayed by MEND returned once more after the election of President Buhari in 2015.²⁷⁵

c. *Resurgence of Rent-Seeking Piracy and a Piracy-Enhancing Political Settlement: the Niger Delta Avengers (2015–2016)*

Buhari's upset of Jonathan in the 2015 election was, among other factors, a reflection of a growing wave of popular resentment with the scale of government corruption, and the failure of the PDP to enforce internal party discipline and its commitment to ethnic regional balancing, which saw many high level patrons defect to Buhari's APC. Buhari immediately began to crack down on the bloated patronage mechanisms that Jonathan had provided to the Niger Delta, especially to his favored Ijaw kinsman Tompolo. He confiscated GWVSL's ships and terminated its maritime security contracts, cancelled Tompolo's pipeline security contracts, and issued an arrest warrant for

²⁷⁵ Ralby, 23; Benjamin Augé, *Nigeria: From Goodluck Jonathan to Muhammadu Buhari* (Paris: French Institute of International Relations, 2015), https://www.ifri.org/sites/default/files/atoms/files/note_ba_ocppc-ifri_en_0.pdf; A. Carl LeVan, *Contemporary Nigerian Politics: Competition in a Time of Transition and Terror* (Cambridge: Cambridge University Press, 2019), 49, doi:10.1017/9781108560467.002; Zainab Usman, "The Successes and Failures of Economic Reform in Nigeria's Post-Military Political Settlement" (working paper, University of Oxford, 2016), 36, 46; International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2012 Annual Report* (London: International Chamber of Commerce, 2013).

Tompolo on 40 counts of fraud for the alleged embezzlement of \$171 million through his security contracts.²⁷⁶

In addition, Buhari announced that all amnesty stipends would be reduced by 70% for one year and then phased out entirely. In response, a new militant group, Niger Delta Avengers (NDA), began a systematic campaign of oil infrastructure disruption in January 2016 that slashed Nigerian oil outputs to nearly 30-year lows after just three months of sustained attacks. Although many of the attacks were conducted against land-based infrastructure, the NDA also conducted several high-profile seaborne attacks including a sophisticated underwater attack against a critical 48-inch sub-sea pipeline that fed Shell's Forcados export terminal and subsequently took 15% of Nigeria's exports offline. When the line was repaired, the NDA repeated the attack in May and again in June 2016. Ironically, these attacks were likely facilitated by the vocational skills—including diving, welding, boat building, maritime technology, and industrial automation—that had been provided under the amnesty program. After NDA militants attacked Chevron's Okan offshore platform in May 2016, both Chevron and Shell shut down all their operations in the region and evacuated their personnel. As attacks continued to mount, President Buhari eventually came to the same conclusion Yar'Adua had in 2009, that the state lacked the capacity to suppress the piracy incidents through coercion and that a next-best solution was the continuation of the amnesty's patronage inclusion. Thus, by May 2017, Buhari had restored the amnesty payments. In the end, the NDA's attacks allowed it to negotiate successfully for the continuation of the amnesty program—that remains ongoing in 2020,

²⁷⁶ Ebiede, *Instability in Nigeria's Niger Delta*, 21–22; Ebiede, Langer, and Tosun, "Disarmament, Demobilisation, and Reintegration," 3–5; Liang, "CAS-Global Ltd. and the Private Nigerian Coast Guard Fleet; Ralby, *Downstream Oil Theft—Global Modalities*, 23; LeVan, "Reciprocal Retaliation and Local Linkage," 18–20; Rotimi T. Suberu, "Strategies for Advancing Anticorruption Reform in Nigeria," *Daedalus* 147, no. 3 (2018): 185–186; Jessica Moody, "The Niger Delta Avengers: A New Threat to Oil Producers in Nigeria," *Terrorism Monitor* 14, no. 12 (2016): 6–8; Dirk Steffen, "Who are the Niger Delta Avengers?" *Center for International Maritime Security*, June 14, 2016; Ulf Laessing, "Seawater Pipeline Attack Heralds Fresh Trouble in Nigeria's Delta," *Reuters*, March 4, 2016, <https://www.reuters.com/article/us-nigeria-delta/seawater-pipeline-attack-heralds-fresh-trouble-in-nigerias-delta-idUSKCN0W61DT>; Stakeholder Democracy Network, *Pipeline Surveillance Contracts in the Niger Delta* (London: Stakeholder Democracy Network, 2019); Okafor-Yarwood et al., *Stable Seas*, 42.

six years after its envisioned conclusion—and the continued use of pipeline security contracts as mechanisms for patronage payouts.²⁷⁷

Following the NDA's campaign, Nigerian elites across ethnic and party lines appear resigned to the conclusion that the most expedient way to manage Niger Delta unrest is to incorporate militants into the state's provisioning pact—in what Schultze-Kraft terms a *pax criminalis*—with a sustained stream of formal amnesty payments and acquiescence to their pursuit of minimally disruptive illicit accumulations that include rent-accumulating forms of piracy and non-destructive oil theft.²⁷⁸

d. Summary

The competitive electoral access to central state rents that accompanied the transition to civilian rule in 1999 served to decentralize access to patronage and therefore prompted Niger Delta godfathers and political aspirants to employ Niger Delta militants as political enforcers and foot soldiers. Political power brokers eventually expanded their militant tactics to include politically motivated piracy attacks. Nigeria's patrimonial structure—both grievance-responsive and dependent on oil rents—proved to be especially susceptible to pirate attacks that were both highly disruptive to oil revenue and framed in the language of regional grievance. As a result, Niger Delta godfathers were able to secure formal access to national-level patronage spoils with the election of Vice President Goodluck Jonathan.

In the process, however, militants came to recognize their ability to employ piracy tactics independent of their political godfathers to negotiate their own access directly to centrally dispersed patronage. Thus, in response to the piracy-articulated grievances that followed Goodluck Jonathan's assumption of the vice presidency, the state was eventually forced to negotiate new patronage opportunities for major militant networks through the stipends, training, and jobs of the amnesty program, parasitic pipeline security contracts,

²⁷⁷ Ebiede, 21–22; Ebiede, Langer, and Tosun, 3–5; Liang; Ralby, 23; LeVan, 18–20; Suberu, 185–186; Moody, 6–8; Steffen; Laessing; Stakeholder Democracy Network; Okafor-Yarwood et al., 42; Felix Onuah, “Nigeria Almost Triples Budget for Niger Delta Amnesty: Presidency,” *Reuters*, May 7, 2017, <https://de.reuters.com/article/us-nigeria-oil-idUSKBN18300E>.

²⁷⁸ Schultze-Kraft, “Understanding Organised Violence and Crime in Political Settlements,” 615, 625.

and the latitude for organized criminal networks to continue to operate from safe havens in the Niger Delta. The criminal activities of these politically protected militants predominantly revolve around minimally disruptive forms of oil theft (upstream diversions, and excess liftings) and profitable forms of piracy. From 2010–2014, these new pirate attacks, as detailed in the next section, predominantly focused on petroleum tanker hijackings, but the reputational costs to the government were among the reasons Buhari attempted to crack down on Niger Delta militants in 2015. In the *pax criminalis* that emerged following the NDA's 2015–2016 destructive campaign, petroleum tanker hijackings have subsided, while kidnapping piracy attacks have proliferated in their place. As a result, piracy levels remain high, while their form has adapted to the acceptable bounds of militant inclusion in the state's provisioning pact.

2. Rent-Appropriating Piracy

Rent-appropriating piracy is a byproduct of relationships between political patrons and militant clients that engender elite permissiveness toward illicit forms of rent accumulation and thereby embolden sophisticated forms of profit-motivated piracy. Rent-appropriating forms of piracy emerged in Nigeria in response to the post-1999 political incentives to mobilize militants in pursuit of decentralized patronage capture. Politically protected militants engaged in three types of rent-appropriating piracy: unsophisticated opportunistic piracy, kidnapping for ransom, and cargo hijacking. The operational sophistication required for the latter two forms is often even higher than in rent-seeking forms of piracy since financial gains can only be realized after housing hostages and negotiating ransoms or transporting and selling stolen cargo. Given the challenges involved in moving or concealing hostages and large quantities of illicit goods without government interdiction, these forms of rent-accumulating piracy are generally restricted to countries in which pirates enjoy some degree of acquiescence or complicity from elites.

a. Seaborne Kidnappings-for-Ransom (2006–Present)

Following the 1999 elections, militants who had been sponsored by state and local elites to secure electoral victories enjoyed political protection to engage in oil theft and non-destructive harassment of oil company operations. The latter included protection

rackets guised as “security contracts” and kidnapping oil company employees to elicit community development projects or jobs for co-ethnics. While these disruptive activities existed prior to 1999, they had been more extensively suppressed by the military government. The symbiotic political relationships that emerged between local elites and militants in response to the Fourth Republic’s incentives for patronage capture permitted militants to operate on a larger scale and with greater impunity. Although this environmental permissiveness led to an increase in piracy attacks that included occasional kidnappings, the rise of sophisticated kidnapping-focused piracy syndicates did not arise until the emergence of MEND in 2006. In the years since, their operations have continued to evolve into a multi-faceted rent-appropriation enterprise with enduring support from local elites and tacit acquiescence from the central state.²⁷⁹

The development of sophisticated kidnapping syndicates in the Niger Delta was facilitated by their utility to MEND’s larger rent-seeking goals. While MEND’s attacks were driven by rent-seeking objectives, its kidnapping of international oil workers (on land and sea) began to generate profits as oil companies negotiated for the safe release of their employees. Although these profits were theoretically incidental to rent-seeking objectives, and MEND publicly refuted accepting ransom payments before the release of hostages, militant sub-units in Bayelsa and Rivers states seized on the opportunity to accumulate substantial profits; reports estimate more than \$1 billion in ransoms paid for the release of oil workers from 2004 to 2007, and \$3 billion from 2007 to 2009.²⁸⁰

As noted previously, following the implementation of the PAP all forms of piracy in Nigerian waters initially declined. However, as Goodluck Jonathan solidified his hold on the presidency in 2011, global oil prices reached unprecedented highs and government revenue soared. Flush with resources, and engaging in what some scholars have described

²⁷⁹ Pérouse de Montclos, “Maritime Piracy in Nigeria, 536; Hastings and Phillips, “Maritime Piracy Business Networks and Institutions in Africa,” 572; Ross, *The Oil Curse*, 152, 172; Le Billon, *Fuelling War*, 36; Ralby and Soud, *Oil on the Water*, 6–8; Reno, “Clandestine Economies,” 449; Watts, “Petro-Insurgency or Criminal Syndicate?,” 651; Manby, “The Warri Crisis,” 19.

²⁸⁰ Asuni, “Understanding the Armed Groups of the Niger Delta,” 19–20; Nwokolo and Aghedo, “Consolidating or Corrupting the Peace,” 328; Ebiede, *Instability in Nigeria’s Niger Delta*, 9, 15; Oriola, *Criminal Resistance?*, 2, 7, 124–126.

as a campaign of “economic revenge” for Ijaw exclusion since independence, Jonathan’s administration oversaw a flurry of new patronage opportunities directed to Ijaw co-ethnics, including state-facilitated purchase of a \$2.5 billion oil bloc, opaque oil lifting contracts, easily corruptible oil-for-product swap agreements, preferential access to oil import licenses, and fraudulent fuel subsidy.²⁸¹ At the same time, militants began to regroup and remobilize under a new post-amnesty status quo in which rent-appropriating forms of piracy were a tolerated, or even encouraged, means of off-budget resource diversion to the Niger Delta. Over the course of 2012 and 2013, kidnapping levels therefore rebounded to nearly the same levels as during the peak of MEND operations.²⁸²

Consistent with the rent-accumulation hypothesis, kidnapping trends continued to mirror political dynamics. As was the case prior to the 2011 election, kidnappings levels (and overall piracy) declined in advance of the 2015 election to just six kidnappings in 2014 as militant attention shifted to electoral mobilization. Although Delta militants made overt threats to return to a MEND-style insurgency if Jonathan was not reelected, their reaction to Buhari’s electoral victory was muted, as evidenced in both press statements and the gradual return to 19 kidnappings in 2015, as militants initially tested the limits of Buhari’s tolerance for their rent-appropriation. Following the suspension of amnesty payments in early 2016, however, the resumption of rent-seeking propelled kidnapping to

²⁸¹ By 2014, the governor of the Central Bank of Nigeria reported that \$20 billion of oil revenues had been diverted from the NNPC that should have gone to the federation account for distribution among the three tiers of government. An excellent account of the mechanisms used to obscure this siphoning can be found in Sayne, Gillies, and Katsouris, *Inside NNPC Oil Sales*; Benjamin Augé, “Nigeria,” 6–7.

²⁸² Augé, 6–7; Zainab Usman, “The Successes and Failures of Economic Reform,” 36–38, 46; International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2012 Annual Report*; International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2013 Annual Report* (London: International Chamber of Commerce, 2014); Rick Noack, “Why Nigeria’s Election Year May See a Spike in Pirate Attacks,” *Washington Post*, October 14, 2014, <https://www.washingtonpost.com/news/worldviews/wp/2014/10/14/why-nigerias-election-year-may-see-a-spike-in-pirate-attacks/>; Ehtisham Ahmad and Raju Singh, “Political Economy of Oil-Revenue Sharing in a Developing Country: Illustrations from Nigeria” (working paper, International Monetary Fund, 2003), https://www.elibrary.imf.org/doc/IMF001/05310-9781451843422/05310-9781451843422/Other_formats/Source_PDF/05310-9781451891355.pdf?redirect=true.

65 in 2017, well beyond the previous peak.²⁸³ As the amnesty program resumed, kidnappings reverted to purely rent-accumulating, which declined to 40 in 2018 and 48 in 2019, but remained much higher than the profit-motivated levels observed during the Jonathan presidency.²⁸⁴ This decline can be explained by three factors. First, the Buhari government's capitulation to the NDA set new boundaries for permissible rent-accumulation activities. Second, the decline in oil prices reduced the profitability of oil bunkering networks ashore, which pushed profit-seeking militants towards a greater involvement in kidnapping. Third, the scale of profits associated with these kidnappings has spawned a thriving criminal ecosystem in parallel, especially with respect to hostage negotiations where local politicians and self-described "ex-militant" commanders take a cut of ransom payments in return for their services as intermediaries with supposedly rogue factions of kidnappers to secure the release of hostages.²⁸⁵ That local elites receive a direct financial benefit from kidnapping negotiations reinforces their incentives to allow kidnappers to operate unfettered by government intervention.

b. Tanker Hijackings (2011–Present)

Vessel hijackings have occurred sporadically in and around Nigerian waters since as early as 1996; however, 2011 marked a dramatic shift in both the number of attacks and their analytical significance. From 1996 to 2010, 23 recorded hijackings occurred in the Gulf of Guinea. In all but one case, vessel seizure was incidental to other pirate objectives:

²⁸³ Mojeed Adekunle Animashaun, "Nigeria 2015 Presidential Election: The Votes, the Fears and the Regime Change," *Journal of African Elections* 14, no. 2 (October 2015): 190, 194; Julia Payne, "Nigeria's Oil Delta Quiet as Militants Weigh Options after Jonathan Defeat," *Reuters*, April 2, 2015, <https://www.reuters.com/article/idUSKBN0MT1TA20150402>; Ebiede, *Instability in Nigeria's Niger Delta*, 22; International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2015 Annual Report*; International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2016 Annual Report* (London: International Chamber of Commerce, 2017); International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2017 Annual Report* (London: International Chamber of Commerce, 2018).

²⁸⁴ Alexis Akwagyiram, "Nigeria's 'Delta Avengers' Militants End Oil Hub Ceasefire," *Reuters*, November 3, 2017, <https://www.reuters.com/article/us-nigeria-oil-idUSKBN1D3268>; Ebiede, *Instability in Nigeria's Niger Delta*, 22; International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2017 Annual Report*; International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2018 Annual Report* (London: International Chamber of Commerce, 2019); International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2019 Annual Report*.

²⁸⁵ Oriola, *Criminal Resistance?*, 122–126.

robbing valuables from the crew, dock worker labor disputes, pressuring oil companies for community concessions, kidnapping for ransom, ransoming the vessel, or stealing a vessel as a mode of transportation to attack an offshore oil platform.²⁸⁶

This trend abruptly changed on December 24, 2010 when Nigerian pirates hijacked an Italian tanker, *Valle di Cordoba*, while it was anchored in Benin's waters roughly 20 miles from Cotonou and 60 miles from Lagos. The pirates forced the tanker to sail to an "undesignated position" where they spent nearly three days discharging approximately 5,000 metric tonnes (MT) of refined petroleum—worth roughly \$4 million—into a smaller vessel before releasing the ship and its crew.²⁸⁷ A private firm's analysis of attacks in the following three years (2011–2013) suggested that at least 87 attempts had been made to replicate this archetype, of which 34 succeeded in hijacking their target vessel.²⁸⁸ Although not all succeeded in offloading their target cargo, they collectively stole more than 117,000 MT of refined products, with a market value greater than \$100 million.²⁸⁹ Although a 2012 analysis concluded that in all successful cases of petroleum tanker hijacking by Nigerians to that point, a large percentage began outside Nigerian waters, predominantly in the waters of Benin and Togo.²⁹⁰ In 2011 and 2012, 23 attacks were conducted on tankers in Benin's waters and 15 in Togolese waters, yet when hijackings

²⁸⁶ Data for Gulf of Guinea countries manually filtered from regions 51 and 57, National Geospatial Intelligence Agency, "Anti-shipping Activity Messages."

²⁸⁷ A single "coastal tanker" typically can carry 5,000–10,000 MT, which is roughly equivalent to 31,000–62,000 barrels. Katsouris and Sayne, *Nigeria's Criminal Crude*, 3; Dirk Steffen, "Product Tanker Hijackings," *Marine Link News*, December 19, 2013, <https://www.marinelink.com/news/hijackings-product-tanker362191>; James Bridger, "African Piracy's Next Front," *USNI News*, March 4, 2013, <https://news.usni.org/2013/03/04/african-piracy-next-front>.

²⁸⁸ Steffen.

²⁸⁹ These figures exceed the total reports in the IMB or ASAM database; however, it is common for private analysts to have access to proprietary shipping company information that provides higher granularity on actual attacks that may not be reported in the public domain based on a company's fear that it will face reputational damage or elevated insurance premiums. Transaction information from the hijacking of the *Anuket Emerald* in 2012 suggests that stolen fuel can be expected to fetch roughly 90% of the market price. Steffen; Hans-Christian Stockfisch, "Lifting the Eyepatch: The Business Models of Piracy" (PhD diss., Helmut Schmidt University, 2017), 96, https://edoc.sub.uni-hamburg.de/handle/edoc/2019/3227/pdf/Dissertation_Lifting_the_Eyepatch_elektronischer_Versand.pdf.

²⁹⁰ Kaija, D. Hurlburt and Conor Seyle, *The Human Cost of Maritime Piracy, 2012* (Broomfield, CO: One Earth Future, 2013), 15, <http://oceansbeyondpiracy.org/publications/human-cost-maritime-piracy-2012>; Bridger, "African Piracy's Next Front"; data for Gulf of Guinea countries manually filtered from regions 51 and 57, National Geospatial Intelligence, "Anti-shipping Activity Messages."

were successful, the tankers were either forced to sail to Nigerian waters, or to the open ocean where their cargo was transferred into smaller vessels destined for Nigeria.²⁹¹

This mode of piracy—in which ships cargoes are hijacked for profits—is among the most organizationally challenging. The complexity of cargo hijackings is distinguished from that of kidnappings in that the former rely on the exploitation of a broader set of infrastructural and institutional support systems. A successful petroleum hijacking tends to involve an organizing principal actor who makes up-front capital investments and assembles a group of necessary agents to execute a pre-arranged plan. Available evidence suggests that in the petroleum hijackings that have occurred in the Gulf of Guinea, pirates are likely hired agents of a politically connected organizer.²⁹² In contrast to kidnappings, it is much more important for petroleum theft organizers to have access to privileged shipping information to conduct an effective target selection. Where kidnappers often have the freedom to select lucrative targets of opportunity, petroleum hijackers need to know specifically what grade and quantity of fuel will be on board at a specified time so that the appropriate buyers can be identified and arrangements for transfer and storage made. They also need access to the target ship’s intended schedule and routing so that pirates can be directed to intercept it effectively at sea. In addition to the fast intercept boats required for most forms of piracy, petroleum hijackers also need to have or take control of a fuel-carrying vessel into which they can offload the stolen cargo, and at least some of the pirates need to have sufficient expertise to conduct a technically demanding ship-to-ship transfer at sea.²⁹³ Subsequently, the cargo can either be transferred to licit storage tanks ashore

²⁹¹ Bridger; Lydelle Joubert, *Piracy Report March 2017, Piracy and Acts of Armed Robbery of Ships* (Cape Town, WC, South Africa: Piracy Report, 2017), 14–18, <http://piracyreport.co.za/Piracy%20Report%20March%202017.pdf>; Lydelle Joubert, *The State of Maritime Piracy 2018* (Broomfield, CO: One Earth Future, 2018), 10, https://www.stableseas.org/sites/default/files/stateofpiracy2018_0.pdf.

²⁹² Hastings and Phillips, “Maritime Piracy Business Networks and Institutions in Africa,” 570–576; Joubert, *Piracy Report March 2017*, 14–18.

²⁹³ Hastings and Phillips, 570–576. Niger Delta river barges typically range from 500 to 3,000 metric tonnes (MT) in size. In other words, they can transport from 3,000 to 18,500 barrels (bbl) of oil; however, they tend to be limited to riverine or very-near coastal environments. A more likely candidate is a “coastal tanker” (30,000–60,000 barrels, equivalent to 5,000–10,000 MT).

through a formal import jetty or it can be mixed into another tanker's cargo at sea.²⁹⁴ In either case, the vessel that pulls in to offload the stolen fuel at the import jetty will need to present forged documentation (bills of lading, quality and quantity certificates, and import permits) and have a pre-arranged deal to offload the fuel into one of the on-site storage farms from which it can then flow freely into the licit market.²⁹⁵

In 2012, the captured leaders of two petroleum-hijacking cells, whose separately claimed that “top government officials” bankrolled their operations and orchestrated the participation of officials of the Ministry of Petroleum Resources and the NNPC that provided target vessel details (location, destination, schedule, and cargo) while bribing numerous security agencies to avoid interference. Once the tankers were hijacked, the pirate commanders said they transship the petroleum into smaller vessels to deliver the stolen fuel to onshore tank farms. In the case of these commanders, they independently named several “traditional leaders” with ownership stakes in several participating tank farms. Although the names of these traditional leaders were not disclosed, subsequent reports show that the 2012 hijacking of the product tanker *Anuket Emerald* (led by one of these captured commanders) resulted in the delivery of 3,000 metric tons of stolen petroleum via a chartered intermediary vessel, *MT Grace*, to a tank farm owned by a former Minister of the Interior, Emmanuel Iheanacho.²⁹⁶

While this trend quickly gained momentum between 2011 and 2013, hijackings began a quantitative decline in 2013 while beginning to shift away from petroleum

²⁹⁴ While transferring cargoes from smaller vessels to larger vessels is common in crude oil theft networks since it parallels the licit practices of export-oriented crude oil operations—in which Suezmax and Aframax tankers (500,000–1.05 million barrel capacity) from shore-based export terminals routinely consolidate into very large crude carriers (~two million barrels) before departing the Gulf of Guinea for export markets—the licit market for refined petroleum products works in the reverse direction with very large tankers arriving from outside the region and subdividing into smaller vessels for delivery to Nigeria's shallow-water import jetties, predominantly concentrated in Lagos and Port Hartcourt. Katsouris and Sayne, *Nigeria's Criminal Crude*, 3–5, 27–32; Hastings and Phillips, 570–576.

²⁹⁵ Hastings and Phillips, 570–576; Sayne, Gillies, and Katsouris, *Inside NNPC Oil Sales*, B19–B20; *Report of the Ad-Hoc Committee to Verify and Determine the Actual Subsidy Requirements and Monitor the Implementation of the Subsidy Regime in Nigeria*, Nigerian House of Representatives, April 18, 2012, 31–38.

²⁹⁶ Hastings and Phillips, 570–576; Esther Komolafe-Hassan, “How NIMASA Underdeveloped Nigerian Maritime Sector,” *PM News Nigeria*, March 11, 2013, <https://www.pmnewsnigeria.com/2013/03/11/how-nimasa-underdeveloped-nigerian-maritime-sector/>; Joubert, *Piracy Report March 2017*, 14–18.

hijacking toward crew-targeted ransom kidnappings. While petroleum hijacking declined, those that did occur migrated to more distant hunting grounds. The first petroleum hijacking in Côte d'Ivoire's waters occurred in 2012, a tanker in Gabon's waters was taken in 2013, and in 2014, Nigerian pirates hijacked tankers in both Ghana and Angola.²⁹⁷ The downward trend continued in 2014 with only five successful cargo hijackings reported, of which three involved significant transfers of petroleum (or in one apparent outlier case, crude oil).²⁹⁸ Hijackings continued to decline with only one success in 2015, and in 2016, the Nigerian Navy interdicted what would have been the only successful petroleum hijacking of that year.²⁹⁹ In 2017, no successful hijacking-for-cargo incidents were reported and after a brief uptick of two petroleum hijackings in 2018, three would-be incidents in 2019 were successfully interdicted by naval patrols in the region.³⁰⁰

As the decline in petroleum hijackings occurred, overall piracy levels remained in an upward trajectory, as kidnapping-motivated hijackings expanded from 2012–2014 to supersede petroleum hijacking as the primary piracy concern across the region.³⁰¹ Given the persistence of profit-motivated piracy—simply shifting from one form to another—the

²⁹⁷ Jens Vestergaard Madsen et al., *The State of Maritime Piracy 2013* (Denver: One Earth Future, 2014), 73–74, http://oceansbeyondpiracy.org/sites/default/files/attachments/SoP2013-Digital_0.pdf; Matthew R. Walje et al., *The State of Maritime Piracy 2014* (Denver, CO: One Earth Future, 2014), 51, <http://oceansbeyondpiracy.org/sites/default/files/attachments/StateofMaritimePiracy2014.pdf>. Data for Gulf of Guinea countries manually filtered from regions 51 and 57, National Geospatial Intelligence Agency, “Anti-shipping Activity Messages.”

²⁹⁸ The sale of stolen crude cargoes would more likely be oriented toward international buyers while petroleum thefts generally feed into the high-demand domestic market in Nigeria. It is possible that the pirates boarded the wrong tanker, or their primary target did not materialize, and this new ship became a target of opportunity. Walje et al., 51.

²⁹⁹ Carly Meredith et al., *The State of Maritime Piracy 2015* (Broomfield, CO: One Earth Future, 2016), 26, <http://oceansbeyondpiracy.org/publications/state-maritime-piracy-2015>; Maisie Pigeon et al., *The State of Maritime Piracy 2016* (Broomfield, CO: One Earth Future, 2017), <http://oceansbeyondpiracy.org/publications/state-maritime-piracy-2016>.

³⁰⁰ Maisie Pigeon et al., *The State of Maritime Piracy 2017* (Broomfield, CO: One Earth Future, 2018), 10, http://oceansbeyondpiracy.org/sites/default/files/one_earth_future_state_of_piracy_report_2017.pdf; Joubert, *The State of Maritime Piracy 2018*, 10–11.

³⁰¹ A dip in overall piracy events occurred in 2014–2015 that was likely related to President Jonathan's desire to demonstrate a capacity to moderate militant activity in the Niger Delta in the run-up to the 2015 election. Before the 2011 presidential election in which Jonathan was a candidate, a similar dip occurred. However, the two previous election years (2007 and 2003) saw significant piracy spikes. This change suggests that differing incentives for grievance articulation may be based on whether or not a co-ethnic is competing in the election. James Bridger, “Kidnapping Resurgent in Gulf of Guinea Piracy,” *USNI News*, March 14, 2014, <https://news.usni.org/2014/03/14/kidnapping-resurgent-gulf-guinea-piracy>.

decline of petroleum hijacking does not appear to signify that militants are facing exclusion from the post-amnesty provisioning pact. In fact, the shift may be related to major domestic events in 2012 during the “Occupy Nigeria” movement that opposed the government’s removal of fuel subsidies. At nearly the same time, the Nigerian House of Representatives conducted an investigation into fuel subsidy fraud. The initial report and subsequent investigations showed that the government allocated oil import contracts to numerous “politically exposed persons” who collectively received \$6.5 billion for refined petroleum deliveries for which no valid records exist. In some cases, the investigation found that the companies had provided false documentation (bills of lading, quality and quantity certificates, and import permits) as the basis for fraudulent subsidy claims, while other companies collected subsidy payments with no documentation of delivery at all. As investigations, audits, and criminal prosecutions progressed starting in January 2012, scrutiny of illicit trafficking and tangible enforcement measures began to take hold across the Niger Delta.

It is not clear if there was a broader patronage shift going on concurrently with the protests and these reports or if the House investigation was designed to demonstrate the government’s newfound diligence in response to the protests against elite appropriation of oil resources. In either case, these reports leave open the possibility that petroleum hijacking was being sponsored by “politically exposed persons” who were leveraging the flow of stolen petrol to increase their access to subsidy payments. Although it is equally possible that petroleum hijackers were independently piggy-backing on the lax port enforcement that had developed in response to the much larger operations being run to siphon billions of dollars from the subsidy fund. With that in mind, it appears that before investigations began in January 2012, monetizing stolen fuel by importing it through official jetties may not have been very challenging. Such a shift would help explain why petroleum piracy declined, yet while forms of piracy persisted after tighter regulatory

measures went into place in the ports, thereby demonstrating the continuity of militant inclusion in the post-amnesty provisioning pact.³⁰²

C. CONCLUSION

Since independence, the structures of the formal Nigerian state and its informal patronage distribution mechanisms have evolved in response to the competing multipolar interests of a highly fractionalized set of elites. While their individual interests remain exceedingly fragmented, they have consistently aligned in support of an elite provisioning pact that, lubricated by oil revenues, serves as the fundamental connective tissue between them. The management of formal and informal rules that govern the provisioning pact's distributional channels remains contentious; however, successive iterations of structural federal design and political party organizational constructs have delivered in the Fourth Republic the longest period of civilian rule in Nigeria's post-independence history. The administrative decentralization of the state, paired with large, statutory revenue distributions—especially to oil-producing states and local governments—have successfully diluted the hegemony of the First Republic's ethno-regional blocs and mitigated serious threats of secession. However, these statutory revenues have also created powerful new incentives to capture elected office at the local and state levels. The application of the “federal character” system to all facets of government has similarly succeeded in empowering ethnic minority groups politically excluded at independence, but

³⁰² Hastings and Phillips, “Maritime Piracy Business Networks and Institutions in Africa,” 570–576; Sayne, Gillies, and Katsouris, *Inside NNPC Oil Sales*, B19–B20; Nigerian House of Representatives, *Report of the Ad-Hoc Committee to Verify and Determine the Actual Subsidy Requirements and Monitor the Implementation of the Subsidy Regime in Nigeria*, 31–38; Pedro Omontuemhen, *Auditor-General for the Federation Investigative Forensic Audit into the Allegations of Unremitted Funds into the Federation Accounts by the NNPC* (Lagos, Nigeria: PricewaterhouseCoopers Ltd., 2015), <https://www.vanguardngr.com/wp-content/uploads/2015/04/Audit-Report-on-NNPC.pdf>; Berne Declaration, *Swiss Traders' Opaque Deals in Nigeria* (Lausanne: Berne Declaration, 2013), 4–15, https://www.publiceye.ch/fileadmin/doc/Rohstoffe/2013_PublicEye_Swiss_Traders_opaque_deals_in_Nigeria_Report.pdf; Stakeholder Democracy Network, *More Money, More Problems* (London: Stakeholder Democracy Network, 2018), 12, <https://www.stakeholderdemocracy.org/moremoneyproblems/>; Babajide Oladipo Ogundipe, “First Convictions Handed Down in Fuel Subsidy Fraud Cases,” *International Law Office*, February 13, 2017, <https://www.internationallawoffice.com/Newsletters/White-Collar-Crime/Nigeria/Sofunde-Osakwe-Ogundipe-Belgore/First-convictions-handed-down-in-fuel-subsidy-fraud-cases>.

it has simultaneously hardened ethnicity as the most salient political characteristic around which political competition revolves.

Meanwhile, the internal organizing principles common to both political parties that have captured the presidency in the Fourth Republic have interacted with the formal structures of the post-1999 state in unpredictably toxic ways. The extension of the federal character principal to internal zoning rules of key party posts—in excess of constitutional requirements—has intensified episodic incentives for extreme levels of competition while continuing to reinforce ethnic identities as the currency of distributional competition. Additionally, the strategy of open elite recruitment—wherein local elites compete for upward party mobility by demonstrating local political domination and the broadest clientelist distribution networks with the help of godfathers and private political militias—openly promotes violent ethnic outbidding at the local level and the mobilization of increasingly powerful militant groups.

In exchange for the essential role that militants play in establishing party dominance at the local level—and by aggregation, political power at the state and federal levels—central party leadership and the federal government are incentivized to acquiesce to a degree of illicit rent-accumulation by militants. However, left to their own devices, militants have demonstrated the capacity to expand illicit accumulation channels to such a degree that they can mobilize against the state to seek greater access to patronage. This scenario is especially true in the Niger Delta where the presence of vulnerable oil infrastructure allows militants to exert tremendous coercive power on the oil revenue-dependent state.

The incentives of this system therefore produced ethnic militias in the 1999 elections that enjoyed the political protection of local elites to engage in independent rent-accumulation, predominantly through crude oil theft and the kidnapping of oil company employees. These groups continued to mature their criminal endeavors until they were re-energized as political foot soldiers in the 2003 electoral cycle before returning to their former criminal pursuits, yet with enhanced organization and financial capacity and the continued protection of political backers.

As the episodic competitive incentives of internal party zoning heated up in advance of the political open season expected in the 2007 electoral cycle, godfathers and local elites began to jockey for position to signal their inclusion value to national PDP leadership. To this end, various existing Ijaw militias came together under a common umbrella organization known as MEND. Emboldened by their common cause, MEND militants adopted a high-profile oil disruption campaign to exploit the state's dependence on vulnerable oil infrastructure. This campaign's effectiveness was enhanced by the incorporation of sophisticated, rent-seeking pirate attacks—against both oil infrastructure and in kidnapping international oil workers—such that PDP leadership responded to the powerful grievance signaling by selecting an Ijaw, Goodluck Jonathan, as its vice presidential nominee for the 2007 election.

With their immediate political objectives accomplished, MEND militants—having enriched themselves on the theoretically incidental financial rewards of oil worker kidnappings, and enjoying political protection from local elites and godfathers to gorge themselves in oil bunkering revenues—found themselves in a commanding position to continue their campaign against the federal government to press for their own private rent-accumulation interests. After a display of their capacity and will to destroy Nigeria's oil export capacity systematically, the federal government relented in 2009 to a Presidential Amnesty Agreement as a means to coopt militants by including them in the state's broader elite provisioning pact. Not to be confused with a traditional DDR campaign, this program would come to form an enduring channel of pseudo-statutory federal payments, along with a raft of discretionary state patronage allocations and the state's acquiescence to continue to pursue illicit forms of non-destructive accumulation.

At this point, pirate activities shifted from rent-seeking motivations to rent-accumulating motivations. To this end, they employed two lucrative piracy outlets to complement their land-based oil bunkering activities, kidnapping-for-ransom (both ashore and at sea) and petroleum tanker hijacking. These channels of piratical rent accumulation netted millions of dollars; however, by 2012, institutional vulnerabilities upon which petroleum hijacking was based began to harden. Thus, as petroleum hijacking declined, kidnapping attacks at sea continued to escalate.

With the change in presidential administration in 2015, the foundations of the post-amnesty provisioning pact was called into question. In response, the Niger Delta Avengers mounted a MEND-like destruction campaign that yielded a negotiation with the new administration to preserve the terms of militant inclusion in the state provisioning pact along with an indefinite extension of the amnesty program and continued state acquiescence to non-destructive illicit rent-accumulation.

Thus, in the course of structural evolutionary design in both the formal framework of the Nigerian state and the internal political part balancing rules, attempts to dilute ethnic competition at the national level in the post-1999 Nigerian state created perverse incentives for ethnic militant mobilization to serve as a fundamental building block of political mobilization for state and federal power. In so doing, the Fourth Republic has created a system in which militants have accumulated their own bases of power and eventually negotiated their inclusion in the broader elite provisioning pact. As such, they remain free to engage in rent-accumulating piracy so long as it does not threaten the oil revenue stream that feeds the national provisioning pact. Nigeria's elite accumulation strategies and patronage structures therefore serve to foster a highly permissive environment in which piracy flourishes.

IV. ANGOLA

A. PATRONAGE STRUCTURE

Standing in contrast to Nigeria's decentralized political power and diffuse resource distribution, Angola's political authority and patronage are tightly controlled by a centralized party-state, and more precisely, by its president.

1. Introduction

Angola's arrival at what Soares de Oliveira calls a "hyper-centralist" system was the product of several factors: a legacy of centralized colonial administration, the polarizing effects of an extended post-independence civil war, the alignment of party and state leadership with an interconnected "creole" elite, and the persistence of existential threats from internal and external competitors over the course of nearly three decades of civil war.³⁰³ The exigencies of war induced an already tight-knit cohort of elites to form a protection pact in which they incrementally ceded greater political and fiscal authority from the party-state structures of the ruling MPLA to the office of the presidency, initially under the leadership of Agostinho Neto from independence in 1975 until his death in 1979, then more extensively over the course of José Eduardo dos Santos' rule from 1979 until 2017. This transition of power occurred both formally—through successive constitutional changes that incrementally shifted power from the party and government to the president—and informally as the president established direct control over state oil revenues and parallel mechanisms of government administration. To preserve his dominant role in this system, dos Santos satiated core elites with generous, but reversible patronage opportunities, cultivated a political fluidity, and adopted a parallel administrative system that undermined the mobilization of elite competitors institutional capacity that could balance against presidential authority, limited the organization of civil society to state-

³⁰³ Soares de Oliveira, *Magnificent and Beggar Land*, 119.

sponsored and presidentially controlled outlets, and employed an expansive state security apparatus.³⁰⁴

2. Legacy of Colonialism

As in many African countries, the legacy of colonialism exerted a profound influence on Angola's post-independence political and social structures. Three facets of colonial influence are particularly relevant to the centralization of the post-independence Angolan state and its rent management practices: the development of a cosmopolitan "creole" elite during the first 300 years of colonial rule, the subsequent imposition of a centralized and authoritarian Portuguese colonial bureaucracy, and the corresponding implementation of an oppressive state security apparatus.

First, the ethos and objectives of post-independence ruling elites were heavily influenced by the status attained by "creole" elites in the early colonial period. From the founding of Luanda in 1576 until the conclusion of the Berlin Conference in 1885, the Portuguese colonial administration was structured to support limited objectives in its coastal enclaves, with minimal oversight and staffing from Lisbon. These conditions fostered the emergence of a social class of mixed-race, urban elites who played a major role in local commerce, actively participated in the colonial administration, and self-identified as members of a "modern" Euro-Atlantic community that rejected the

³⁰⁴ Federico Battera, "From Rentier to Developmental Neo-patrimonialism in Angola," *Poliarchie/Poliarchies* 1 (2018): 7–35, <https://www.openstarts.units.it/handle/10077/20570>; Nuno Carlos de Fragoso Vidal, "The Historical-Sociological Matrix and Ethos at the Heart and Strength of MPLA's Modern Angola," *Tempo* 25, no. 1 (2019): 153–173, <https://doi.org/10.1590/tem-1980-542x2018v250108>.

“backward” traditions of the African hinterlands.³⁰⁵ Following the Berlin Conference, Portugal took a more proactive role in colonial administration, as it worked to establish effective control of Angola’s inland territories, and by the time the authoritarian Salazar regime came to power in Lisbon in 1926, the influence of the creole *mestiços* had been relegated to a middle-strata beneath the growing white settler population. The government of Antonio Salazar hardened the second-tier status of the Afro-Portuguese *mestiços* with the strict definition of a legally distinct social class—*assimilados*—who, while more privileged than “uncivilized” *indígenas*, remained formally subordinate to white settlers. The disenfranchised creole elites played a central role in the formation of anti-colonial movements in the 1940s and 1950s, including the creation of the MPLA in 1956, which would join other movements in a violent insurgency to expel Portuguese rule in 1961. While the MPLA’s goal of rejecting the direct role of the Portuguese colonial government was common to the other anti-colonial movements, a distinguishing feature of the heavily creole-influenced MPLA was its desire to achieve Angola’s acceptance and integration in the Euro-Atlantic community through the rejection of “backward” traditions and a pan-Angolan embrace of a modernized, integrated society. The pursuit of these goals subsequently served as a key motivator and justification for the MPLA’s post-independence centralizing tendencies towards a protection pact.³⁰⁶

³⁰⁵ Patrick Chabal, “Angola and Mozambique: The Weight of History,” *Portuguese Studies* 17 (2001): 220–223, <https://www.jstor.org/stable/41105169>; Jacopo Corrado, “The Fall of a Creole Elite? Angola at the Turn of the Twentieth Century: The Decline of the Euro-African Urban Community,” *Luso-Brazilian Review* 47, no. 2 (2010): 100–19, <http://www.jstor.org/stable/40985097>; Rachel Warner, “Historical Setting” in *Angola: A Country Study*, ed. Thomas Collelo 3rd ed. (Washington, DC: U.S. Government Printing Office, 1991), 1–20; Kleoniki Alexopoulou, “An Anatomy of Colonial States and Fiscal Regimes in Portuguese Africa: Long-term Transformations in Angola and Mozambique, 1850s–1970s” (PhD diss., Wageningen University, 2018), 41–68, 109–187; Patrick Chabal, “*E Pluribus Unum*: Transitions in Angola,” in *Angola: The Weight of History*, ed. Patrick Chabal and Nuno Vidal (London: Hurst, 2007): 3–9; Malyn Newitt, “Angola in Historical Context,” in *Angola: The Weight of History*, ed. Patrick Chabal and Nuno Vidal (London: Hurst, 2007), 33–58; Soares de Oliveira, *Magnificent and Beggar Land*, 7–19; Nuno Carlos de Fragoso Vidal, “The Historical-Sociological Matrix,” and Ethos at the Heart and Strength of MPLA’s Modern Angola,” *Tempo* 25, no. 1 (2019): 153–173.

³⁰⁶ Chabal, “Angola and Mozambique,” 220–223; Corrado, “The Fall of a Creole Elite?,” 100–19; Warner, “Historical Setting,” 1–20; Alexopoulou, “An Anatomy of Colonial States and Fiscal Regimes in Portuguese Africa,” 41–68, 109–187; Chabal, “*E Pluribus Unum*: Transitions in Angola,” 3–9; Newitt, “Angola in Historical Context,” 33–58; Soares de Oliveira, *Magnificent and Beggar Land*, 7–19; Vidal, “The Historical-Sociological Matrix,” 153–173.

Second, the direct-rule format that the Portuguese colonial administration adopted from 1926 until independence in 1975 established a centralized bureaucratic framework that the MPLA would inherit at independence. The “New State” was established between 1930 and 1933 by the Salazar regime to centralize all Portuguese colonies under a unitary governance framework in Lisbon, which dispensed with earlier models of limited autonomy. The “New State” established strict administrative, budgetary, and economic controls to restrict dependence on foreign capital and impose a centrally directed development plan that would promote a closed, Lusophone mercantilist system. In the process, the Salazar government deployed a new, “professionalized” colonial civil service from Lisbon that displaced local settler populations and further relegated the *mestiço/assimilado* class to middle and low-level positions. State-directed economic activity included forced labor requirements for unassimilated *indígenas*, centrally controlled production initiatives for agriculture and raw material extraction, and import restrictions to make the colonies a guaranteed market for refined products from Portugal. This state-directed model of economic development necessitated a sprawling, centralized bureaucracy that permeated the Angolan colony and disenfranchised the urban *mestiços* and the rural traditional rulers—*sobas*—who had previously exercised a degree of autonomy in their respective spheres. This authoritarian, centralized mode of colonial governance would continue until the Portuguese haphazardly relinquished colonial authority to the ambiguously defined “Angolan people” on November 11, 1975.³⁰⁷

Unlike British and French colonial transitions that incorporated years of deliberate preparation, Portugal’s colonial exit was hastily conceived after Portuguese army officers, weary from more than a decade of suppressing colonial independence movements, mounted a coup in September 1974. Just three months later, the Alvor Accord provided a precarious transitional framework to hand power to a coalition of three warring nationalist movements to share control of the colonial structure the Portuguese left behind. Despite the distinct, regionally defined support bases of each of the three nationalist movements, they shared a similar, but mutually exclusive, goal of achieving unitary dominance across

³⁰⁷ Newitt, “Angola in Historical Context,” 56–65, 86–87; Warner, “Historical Setting,” 21–41; Hodges, *Angola*, 6–9; Soares de Oliveira, 7–19; Chabal, “*E Pluribus Unum*: Transitions in Angola,” 3–9.

the whole of Angola's territory. With competing visions of singular control and a shared aversion to power-sharing compromise, by August 1975, the transitional government collapsed. As it did, the MPLA quickly established control over Luanda and populated the colonial capital's remaining government framework with its own adherents. In October 1975, South African forces crossed into Angola to lead a UNITA advance on Luanda and secure *de facto* control before Portugal's departure in November; however, Cuban forces reinforced the city and cemented the MPLA's control over the capital as the Portuguese departed. Although the MPLA would go on to modify the administrative structure it inherited progressively, it did so from a centralized starting point that was well-suited to the superimposition of the MPLA's Marist-Leninist ideology and facilitated the subsequent evolution toward greater centralization.³⁰⁸

Third, the Portuguese's use of invasive state security mechanisms to suppress anti-colonial movements drove dissidents to seek refuge abroad—where they made inroads with sympathetic communist movements—while the success of these oppressive tactics set a precedent that the MPLA would later adopt for its own ends. Thus, Portuguese state security inadvertently encouraged the MPLA to adopt a centralized structure of governance that would later employ even more invasive state security tactics to preserve its control over Angola.³⁰⁹ The Portuguese deployed about 35,000 troops to Angola from the Metropole between 1961 and 1974, which peaked at 43,000 in 1967, and was complimented with modern weaponry and air power. The Portuguese counterinsurgency campaign also recruited 27,000 Angolans into military service, and deliberately employed them to exacerbate inter-ethnic rivalries as a means of undermining independence movements largely built around regional ethnic identities. In addition to establishing a tradition of heavy domestic militarization, the independence war's impact on society was further magnified by the 1967 implementation of a resettlement program that forcibly moved more than one million rural peasants into fortified villages to cut insurgents off

³⁰⁸ Newitt, 56–65, 86–87; Warner, 21–41; Hodges, 6–9; Soares de Oliveira, 7–19; Chabal, 3–9.

³⁰⁹ Warner, xxii, 21–41; Hodges, 6–9, 48–49; Soares de Oliveira, 7–19; Rita M. Byrnes, "Government and Politics," in *Angola: A Country Study*, ed. Thomas Collelo, 3rd ed. (Washington, DC: U.S. Government Printing Office, 1991), 161–162.

from material support and recruitment. The Portuguese security services placed spies and informants in each of the resettlement villages to monitor insurgent activities. While these techniques were successful in undercutting the momentum of the independence movements, the forced resettlement project devastated rural agricultural productivity and heightened peasant dependence on state-controlled urban centers. The decline of peasant agricultural production was accompanied by a relaxing of foreign capital prohibitions that, with militant activity relegated to peripheral harassment attacks, paradoxically facilitated colonial Angola's most successful period of economic development amidst an ongoing insurgency. The economic successes of this period were primarily driven by large-scale capital investments in commercial farming and the extraction of minerals and oil, whose centralized operations were well-suited to state oversight and a post-independence transition to state control. Thus, when the MPLA took control of Luanda and the remnants of the Portuguese administration in 1975, it saw little reason to abandon a set of demonstrably effective centralized and oppressive state security tools—including large-scale military mobilization, a pervasive state security apparatus, and the use of resettlement programs—that could be weaponized against its competitors, UNITA and FNLA. The MPLA, having lived under these mechanisms, made it particularly adept at expanding its application to its elite protection pact, with the help of the communist state security experts who would soon be advising this movement.³¹⁰

3. Post-Independence Centralization

Unlike the secessionist aims that drove the Nigerian civil war, the Angolan civil war was defined by the unwavering commitment of the MPLA and UNITA elites to secure control over the entire state under their mutually exclusive, but equally personalized visions of rule. The winner-take-all nature of the conflict therefore yielded additional incentives for MPLA elites to band together in an exclusionary protection pact under a centralized authority. Given the MPLA's overt leanings to Marxist-Leninist ideology in pursuit of this

³¹⁰ Newitt, "Angola in Historical Context," 79–81; João Paulo Borges Coelho, "African Troops in the Portuguese Colonial Army, 1961–1974: Angola, Guinea-Bissau and Mozambique," *Portuguese Studies Review* 10, no. 1 (2002): 136–137, 140–143, 146–147, https://www.ces.uc.pt/ces/estilhos_do_imperio/comprometidos/media/African%20Troops%20in%20the%20Portuguese%20Colonial%20Army.pdf.

goal, it received extensive support from the Soviet Union and Cuba, and it was therefore able to establish itself as the militarily dominant nationalist group during the war of independence. In the wider geo-political context of the Cold War, the expansion of communist influence alarmed the United States, which threw its support behind the FNLA and later UNITA. Mirroring the direct support of Cuban combat troops to the MPLA, and as part of its wider effort to undermine Namibian separatism, the apartheid South African government provided extensive military support to UNITA, on several occasions that resulted in direct combat between South African and Cuban forces on Angolan territory. External support heightened destructive capacity on both sides and facilitated a decade's long military stalemate. When the Soviet Union and the United States shifted their support in favor of a negotiated settlement in the late 1980s and early 1990s, the MPLA and UNITA remained focused on mutual elimination. The persistent post-independence warfare that waxed and waned from 1975 until UNITA's ultimate defeat in 2002 was punctuated by recurring moments of existential urgency for both sides, and thereby, provided an impetus and justification for continued rent centralization, the personalization of rent management, and a disciplined and exclusionary approach to patronage distribution. While similar trends can be seen on both sides, this section traces the centralization that occurred within the MPLA given its enduring control over the Angolan state.³¹¹

The MPLA's first major step toward post-independence centralization followed a failed coup attempt by a prominent party member, Nito Alves, in 1977. With the aid of Cuban forces, President Neto survived the coup, and then used it to justify a violent internal purge of the MPLA's ranks. In the "rectification campaign" that followed, party membership fell from 110,000 in 1977 to 16,500 in 1979, a mere 0.2% of the population.³¹² The coup and its aftermath cemented two key MPLA characteristics that facilitated enduring centralization. First, the MPLA members who remained after the purge were acutely aware that their continued access to state power was now wholly dependent

³¹¹ Warner, "Historical Setting," xxii–xxv, 4–5, 31–42; Soares de Oliveira, *Magnificent and Beggar Land*, 9–24.

³¹² Hodges, *Angola*, 50–52; Warner, 31–44; Soares de Oliveira, 13, 42, 95–96, 103, 115, 217; Vidal, "Angolan Political and Administrative," 5–8.

on their visible loyalty to President Neto. Second, the MPLA demonstrated that its control could be secured with the direct military support of Cuban and Soviet allies rather than popular support. The only public goods the MPLA needed to provide to maintain stability were a stable safe haven from UNITA predation and a minimum level of urban infrastructure. The insulation of the MPLA from popular accountability, and the discipline imposed on the remaining MPLA party members, permitted President Neto to enact constitutional revisions that would formally centralize state power in the executive while diminishing the balancing capacity of the legislative and judicial organs of the state. Specifically, four rounds of constitutional revisions from 1977–1978 incrementally gave the president the sole authority to nominate and remove provincial commissioners, the sole authority to nominate and remove the Prime Minister and other members of government, diverted the day-to-day governance functions of the Council of Ministers and the Council of Revolution to two presidentially managed commissions, increased presidential oversight of provincial commissioners by integrating them in the Council of Ministers, and ultimately, abolished the positions of Prime Minister and Vice Prime Minister entirely. Additional centralizing changes under Neto’s rule included a restructuring of judicial authorities under presidential authority that included broad latitude to impose the death penalty based on ambiguous criteria and presidential control over access to international education grants for the children of connected party members.³¹³ Having signaled his alignment with Soviet and Cuban strategic goals and broader ideology, Neto was empowered to continued centralizing and personalizing state power with far less regard for internal party resistance or popular discontent.³¹⁴

Despite Neto’s move to align the MPLA ideologically with its foreign backers, the MPLA was still required to pay the Soviet Union for the military hardware it imported, and to bankroll the Cuban forces deployed to prop up the regime. The reliable flow of financial

³¹³ Hodges, 50–52; Warner, 31–44; Soares de Oliveira, 13, 42, 95–96, 103, 115, 217; Vidal, 5–8; Christine Messiant, “The Mutation of Hegemonic Domination,” in *Angola: The Weight of History*, ed. Patrick Chabal and Nuno Vidal (London: Hurst, 2007), 96; Nuno Vidal, “The Angolan Regime and the Move to Multiparty Politics,” in *Angola: The Weight of History*, ed. Patrick Chabal and Nuno Vidal (London: Hurst, 2007), 130–131.

³¹⁴ Warner, 38–43; Soares de Oliveira, 26–27, 29–35; Hodges, 9, 50–52, 159–162.

resources needed to maintain this critical support, depended upon tight control of the oil rich enclave in Cabinda. Within a month of independence, the MPLA—backed by Cuban forces—secured and fortified control over the Cabinda region, which it would retain uninterrupted despite challenges from the FNLA, UNITA and the Cabinda Separatist Movement Front for the Liberation of the Enclave of Cabinda (Portuguese: Frente para a Libertação do Enclave de Cabinda) (FLEC).³¹⁵ However, it lacked the technical expertise to extract the oil resources efficiently. Thus, Neto carved out an exception for the oil industry within the broader Marxist-Leninist economic model, and provided assurances to western oil companies that their investments would be protected, so long as they kept the oil revenue reliably flowing to fund the MPLA's war effort. With UNITA's control over Angola's diamond producing region, the MPLA was heavily dependent on the viability of oil income to sustain its power. Petroleum Law 13/78 gave the national oil company—*Sociedade Nacional de Combustíveis de Angola* (Sonangol)—extensive authorities to manage international business relationships and oil revenues, under the sole oversight of the president, who shielded Sonangol from the kinds of internal patronage inefficiencies that plague Nigeria's Nigerian National Petroleum Corporation (NNPC).³¹⁶ Instead of distributing superfluous Sonangol jobs as patronage, Neto mandated strict adherence to technocratic standards, the development of long-term Angolan technical capacity to manage oil contract negotiations and company operations, and demanded that the maximization of oil revenues serve as Sonangol's core mandate. In 1976, Sonangol's staff was therefore confined to roughly 100 technocrats. As straightforward as these decisions seem, they are an anomaly among sub-Saharan oil producing states that typically prioritize patronage exploitation over efficient, revenue optimization management practices. Denying such patronage opportunities was only possible because of Neto's firm control of both the party and Sonangol, and the existential threat UNITA posed. For their part, MPLA elites recognized that excessively disruptive rent seeking competition among them could undermine the resources necessary to defeat UNITA and preserve their access to elite spoils. They therefore adopted a protection pact in which they consented to support

³¹⁵ Warner, 34, 38–43; Soares de Oliveira, 26–27, 29–35; Hodges, 9, 50–52, 100–102, 143–151, 159–162.

³¹⁶ Warner, 34, 38–43; Soares de Oliveira, 26–27, 29–35; Hodges, 9, 50–52, 100–102, 143–151, 159–162.

personalized rule and patronage discipline imposed by Neto and his successor José Eduardo dos Santos. That said, shielding Sonangol from *inefficient* patronage practices and optimizing its technical efficiency to maximize revenue did not mean that Sonangol would operate autonomously. The centralization of control over oil resources in the presidency gave Neto and his successor José Eduardo dos Santos, total discretion to apply oil revenues—representing 80% of Angola’s revenue—to state projects, personal interests, or targeted patronage allocations as they saw fit.³¹⁷

When Neto died in 1979, the MPLA selected dos Santos, whom MPLA elders believed would be easy to bend to their will, to succeed him. However, shortly after assuming power, dos Santos used constitutional revisions to shift broad legislative power from the government to the MPLA politburo in a move cleverly designed to both satisfy party elites and subordinate them to presidential oversight. At the same time, dos Santos established effective control over all legislative acts at both the central and local levels, modified the role of provincial commissioners to be direct representatives of the president instead of the People’s Assembly, and assumed autonomous control over all Angola’s foreign economic affairs, which had previously been managed by the party. As they had under Neto, MPLA elites maintained their protection pact to support dos Santos’ centralized control of the state in the face of a mutually recognized existential threat. Following a major South African incursion supporting a UNITA advance in 1982, dos Santos successfully argued for vaguely defined “emergency powers” that allowed him to establish a parallel structure of governance through regional military councils, overseen by a presidentially administered Council for Defense and Security whose unlimited authority over military, political, economic, and social matters superseded all other organs of the state or the party. Dos Santos achieved acquiescence for these changes through the adept manipulation of elite personalities and interests while employing a series of carrots and sticks. On one hand, he leveraged the incentives of selective party expansion to 30,000 members, with the corresponding access to patronage from state-run enterprises (other than Sonangol) and the tacit endorsement of illicit economic activities (other than in the oil

³¹⁷ Warner, 34, 38–43; Soares de Oliveira, 26–27, 29–35; Hodges, 9, 50–52, 100–102, 143–151, 159–162.

sector) by MPLA members. On the other, he employed a vast network of intelligence and state security services—professionalized by Soviet, Cuban, and Eastern Bloc advisors—to monitor rivals and suppress dissenters. Thus, by the time the MPLA held its Second Party Congress in 1985, dos Santos had amassed enough party control to displace the party’s elder elites from the politburo and achieve what Vidal describes as his “peak of administrative centralization and power concentration...as President of the Party, Head of State, Head of Government and Commander-in-Chief of the Armed Forces.”³¹⁸

Although dos Santo’s extreme concentration of power was sustained by mutual elite interest in their protection pact, elites still demanded a degree of patronage access. With an eye to extending his centralized control after the war’s eventual end, dos Santos sought to marginalize autonomous bases of elite power that could challenge his rule, and in successfully doing so, he prevented the kind of decentralized power accumulation that encouraged rent-seeking piracy in Nigeria. He therefore struck a careful balance of political consensus, alliance formation, and patronage management among the interconnected elites from the party, the government, and the military-managed parallel state while preserving his authority over each of them. Especially with respect to staffing the vastly powerful parallel governance system he created, dos Santos selected outsiders who lacked independent political legitimacy that could be mobilized against him. An Angolan academic described dos Santos’ preference to select “isolated men without retinue” to wield the powerful levers of the parallel system, and who, according to Soares de Oliveira, were preferably “whites, *mestiços*, foreigners, Angolan descendants of Cape Verdeans and Saotomeans, former *fraccionistas* (dissidents) from the 1977 Nito faction, and UNITA escapees,” that could hope to hold little independent authority outside what dos Santos explicitly provided them. At the same time, to preserve the party’s image as the legitimate foundation of governance and its relevance as the hub of the broader elite protection pact, if these presidentially entrusted power brokers or prominent military figures were not already senior party members, they

³¹⁸ Vidal, “The Genesis and Development”; Nuno Vidal, “The Genesis and Development of the Angolan Political and Administrative System from 1975 to the Present,” in *Lusophone Africa: Intersections between Social Sciences*, ed. Steve Kyle (Cornell, NY: Cornell Institute for African Development, May 2–3, 2003), 7–11; Soares de Oliveira, 41; Hodges, 51–53; Vidal, “The Angolan Regime and the Move to Multiparty Politics,” 132–138.

would be brought into the MPLA and expedited up the party hierarchy to duly mirror their level of presidential influence. Similarly, when presidential favorites experienced a falling out, they were relegated to lower duties in the party; yet they were rarely excluded entirely, and they often would be reincorporated to senior positions after a period of cooling off. The party therefore provided a structure in which current presidential favorites mixed with other party factions and developed mutually reinforcing bonds and dependencies that heightened the risk to individual defectors. Vidal credits dos Santos' maintenance of these interlinked elite relationships in preventing the Angolan military from seizing its broad authority to establish itself as an autonomous challenger to presidential, party, or state power as occurred in Nigeria.³¹⁹ Ensuring that elites were on constantly shifting terrain also mitigated opportunities for mobilization against the president and helped dos Santo's maintain party discipline and preserve his own longevity.³²⁰

The MPLA's war-induced protection pact reinforced dos Santos' longevity and centralized control over patronage channels that allowed him to take a long view to the management of elite coalitions and patronage distributions; however, dynamic global economic and geo-strategic trends also required him to adapt his strategies to maintain elite support and preserve control. The collapse of oil prices in 1986 coincided with growing elite dissent over the failures of agricultural and industrial state-owned enterprises. The illicit activities on informal markets in which MPLA elites had engaged was similarly failing to provide sufficient revenue generating opportunities, and by 1987, elite consensus had shifted toward market liberalization and privatization of state enterprises to improve domestic economic performance while opening new avenues to patronage. This liberalization and privatization was closely followed by the withdraw of Cuban and South African forces as the Soviet Union and the United States began to push for a negotiated settlement to the war. With the civil war in deadlock and the loss of foreign support to continue fighting, the MPLA

³¹⁹ Soares de Oliveira, 42, 46, 92–93; Vidal, “32–138.

³²⁰ Soares de Oliveira, 42.

and UNITA reluctantly bowed to international pressure in the 1991 Bicesse Accord and agreed to hold elections for a unified multi-party democracy.³²¹

When the MPLA won what international observers declared a free and fair election, UNITA rejected the results and resumed the conflict. In agreeing to elections, the MPLA had formally abandoned the one-party state model, but with UNITA's unilateral departure from the new government, dos Santos was free to cement an equal degree of centralized autonomy as he had exercised over the one-party state, while now enjoying nearly universal international recognition. The MPLA therefore remained the only politically relevant party in the new government, and although retaining centralized control over the new government framework required dos Santos to expand patronage distributions to a degree, the continuation of the conflict obviated the need to expand public goods while preserving the continuity of the MPLA's tight-knit party structure and war-justified protection pact that allowed him to avoid mass clientelist distributions. In the transition to a market economy while continuing the war without its foreign backers, dos Santos established new patronage opportunities with the privatization of state enterprises, selective access to foreign exchange exploitation, and an array of new contracts to support the war effort through arms deals and mercenary contracts, including an array of financial, legal, and administrative support services. While Angola's formal institutions lacked the international credibility to support the scale of contracts needed to privatize a successful war effort, dos Santos instead used a series of oil-backed joint ventures that borrowed Sonangol's name and reputation to finance arms deals, mercenaries, and foreign advisors. Although oil revenues that flowed from Sonangol supported these joint ventures, oil operations remained insulated from patronage disruptions, while the distribution of the revenue they generated through the expanded patronage machine of Sonangol-backed joint ventures remained at dos Santos' sole discretion. As he had done in the one-party state, dos Santos continued unpredictably to cycle

³²¹ Vidal, "The Genesis and Development," 11–12; Vidal, "The Angolan Regime and the Move to Multiparty Politics," 132–138; Messiant, "The Mutation of Hegemonic Domination," 95–98; Hodges, *Angola*, 16–19.

patronage spoils between elites to undermine their individual ability to balance against him while preserving centralizing incentives for disciplined party compliance.³²²

The civil war ultimately ended in 2002 after government forces killed UNITA's leader, Jonas Savimbi, and the remainder of the UNITA leadership surrendered. Given UNITA's decisive military defeat, dos Santos' MPLA-dominated government had little reason to expand patronage inclusion beyond a core set of UNITA elites. At the same time, the end of the war eroded the survival-induced imperative for MPLA elites to adopt a protection pact and continue to support dos Santos's highly centralized rule. That is not to say that MPLA elites abandoned the notion that their collective action was more profitable than open rent-seeking competition, they still had much to lose if the MPLA lost its electoral mandate to remain in power. The preservation of centralized power after the war therefore evolved to a hybrid of both a protection pact and a provision pact in which dos Santos channeled expanded patronage benefits within the confines of the MPLA to buy their continued support, while MPLA elites continued to support dos Santos's rule so long as he demonstrated the capacity to keep the MPLA in power.

Fortunately for dos Santos, the elimination of combat expenditures freed vast state revenues to be applied to new patronage opportunities that coincided with the rebuilding the country's war-ravaged infrastructure. As he had done since the 1990s, dos Santos leveraged Sonangol-backed joint ventures to control the flow of patronage opportunities amidst the reconstruction patronage boom. Although the scale of patronage expenditures reached unprecedented levels, dos Santos continued to restrict the most lucrative access to a small circle of trusted elites carefully while continuing to use a vast internal intelligence apparatus to prevent the development of decentralized threats to his authority. Many of these patronage opportunities came in the form of access to state-backed businesses in sectors insulated from external competition by restrictive state licensing. While these opportunities were enormously lucrative for the select elites who got access, virtually none of them developed

³²² Vidal, "The Genesis and Development," 11–12; Vidal, "The Angolan Regime and the Move to Multiparty Politics," 132–138; Messiant, "95–98; Soares de Oliveira, *Magnificent and Beggar Land*, 35–40, 42, 46, 92–93, 100–104; Nicholas Shaxson, "Angola's Quadruple Bonanza: Where Did All the Money Go?" (unpublished article, The Extractive Industries and Society, 2020), 4, <https://doi.org/10.1016/j.exis.2020.06.005>.

into competitive, self-sustaining enterprises. By virtue of their heavy dependence on generous state support, they posed little threat of empowering independent elite challenges to dos Santos' authority.³²³

Buoyed by unprecedented post-war oil profits, dos Santos maintained an iron grip on state and party authority with control over an expanded, but still highly centralized system of patronage distribution that accompanied lavish state infrastructure investments. In the midst of this post-war domination, dos Santos championed a consequential constitutional revision in 2010 that eliminated direct elections of the president and instead made presidential selection a function of party selection by the majority winner of legislative elections that thereby solidified a winner-take-all form of "democracy" in which executive, legislative, judicial, and country-wide provincial authority were all decided by a single election. Given the extensive electoral advantages available to an incumbent ruling party that controls every facet of government and can divert state oil revenues to party objectives, the constitutional change was envisioned to allow the MPLA to sustain its uncontested hegemony over the "democratic" state. However, when global oil prices crashed in 2014, the Angolan state faced financial distress under the weight of debt amassed by gratuitous reconstruction projects designed to feed patronage networks and attract popular support. The austerity measures that followed the crash all but eliminated many state services, which imposed the greatest toll on middle and low-income populations while MPLA elites continued to enjoy protected access to parallel exchange rates that further undermined the state's financial situation. As popular discontent quickly mounted, and although dos Santos continued to supply patronage benefits to satisfy the elite provision pact, support from MPLA elites evaporated as his unpopularity began to threaten the MPLA's continued hold on elected rule, and thereby, posed a threat to its core elite protection pact. In 2016, dos Santos announced that he would retire from the presidency, but by that point, his power had declined so precipitously that the MPLA successfully blocked both of his preferred successors and compelled dos Santos to name the party's choice of João Lourenço instead. Since coming to power, Lourenço has embarked on a fierce anti-corruption campaign to marginalize members

³²³ Soares de Oliveira, 35–40, 51–89, 135–148; Messiant, 106–122; Shaxson, 4.

of dos Santos' inner circle while empowering his own loyalists. Although Lourenço's "reforms" have been notable for their overt assault on dos Santos's closest allies, most indications suggest that the anti-corruption campaign has merely shuffled the ordering of the existing elite strata to break dos Santos' influence and centralize Lourenço's control over a nearly identical MPLA patronage system rather than pursuing decentralizing reforms.³²⁴

B. LINKS TO PIRACY

Although existing models of piracy indicate that Angola and Nigeria share a similar risk profile, the high degree of centralization and presidential control over Angolan patronage has played a key role in blocking the causal pathways observed in Nigeria. First, the Angolan patronage system is defined by a protection pact that limits distribution to a small circle of loyal elites while proactively suppressing dissenting voices. This pact fundamentally differs from Nigeria's provisioning pact in which patronage is widely distributed to sustain central legitimacy and serves as a conflict mitigation strategy that both incentivizes and rewards grievance signaling by dissenters and outsiders. Thus, while piracy and other militant proxies can serve as useful tools of competition within Nigeria's fluid and contestable patronage ecosystem, they hold little prospective value in the face of an exclusionary Angolan system more likely to respond with violent suppression than negotiated patronage inclusion.

Second, the centralized and exclusionary nature of Angolan patronage actively undercuts the accumulation of decentralized reservoirs of political or financial power that may be used to balance against the center. In contrast to Nigeria, where control over the central state's mechanisms of patronage changes hands frequently—either through periodic military coups, or more recently, through regular, highly competitive electoral transitions—the MPLA has maintained uninterrupted control of the government for 45 years since independence, with dos Santos serving as president for 38 of those years. Without the rotation of patronage control seen in Nigeria, and the persistent threats posed by 27 years of civil war,

³²⁴ Shaxson, 4; Mathias de Alencastro, *Angola under Lourenço: Towards a Negotiated Hegemony* (Paris: French Institute of International Relations, 2018), 4–12, https://www.ifri.org/sites/default/files/atoms/files/alencastro_angola_under_lourenco_2018.pdf; Roque, *Angola's New President*, 3–6, 8–20; Soares de Oliveira, 48–49; Battera, "From Rentier to Developmental Neo-patrimonialism in Angola," 16; Vidal, "The Historical-Sociological Matrix," 167.

dos Santos was empowered to discipline the distribution of patronage benefits among a small group of cohesive Angolan elites at the exclusion of peripheral actors. As a result, Angola lacks an equivalent of the widely distributed, independently powerful, and mutually competitive network of autonomous godfathers that developed in Nigeria. While Nigerian elites openly compete to capture centralized authority and establish decentralized mechanisms of patronage accumulation that they can continue to exploit once out of power, the MPLA party structure provides a forum that moderates internal elite competition while preserving the unified framework of a protection pact that discourages individual elite defections, overt forms of rent-seeking, or leveraging proxy actors that may disrupt efficient rent generation, especially from the oil industry. Without the sponsorship or political instrumentalization of competing elites, would-be Angolan pirates lack access to politically protected safe havens from which to operate or a politically motivated sponsor to assist in overcoming the organizational and financial entry costs of venturing into sophisticated piracy operations.

Third, dos Santos' centralized control over the military and state security services, paired with the exclusionary interests of the MPLA's elite protection pact, permitted and incentivized him to respond to militant rent-seeking in Cabinda with overwhelming state repression rather than needing to rely on a strategy of grievance-mitigating patronage inclusion or other political compromise. In similar fashion to Niger Delta militants seeking greater resource control, the FLEC has, since Angolan independence, conducted attacks on government forces, attacked oil infrastructure, and kidnaped oil industry employees to exert pressure on the Angolan government. Although FLEC's founding narrative is based on secession of an independent Cabinda from the Angolan state, as the region's oil revenues grew and it became clear that FLEC's organizational capacity was grossly inadequate to secure full independence from the MPLA-controlled unitary state, its periodic resumption of insurgent attacks can be seen as attempts at rent-seeking signaling similar to that of Niger Delta militants. Thus, the history of suppressing Cabinda's separatist movement highlights how the centralized design and discipline of MPLA's patronage system—a protection pact focused on optimizing rent generation, regulating rent-seeking behavior, and restricting rent distribution—responded to FLEC's disruptive activities most prominently with violent

coercion, and occasional examples of targeted elite cooption, which prevented FLEC's activities from metastasizing into prolific at-sea kidnapping and high-profile pirate attacks on oil infrastructure that have come to characterize the Niger Delta, despite motive and permissive conditions in Cabinda, which Chapter II indicates would otherwise support such an evolution.³²⁵

Until 1966, the MPLA supported the administration of Cabinda as an autonomous federal state; however, following Gulf Oil's discovery of major offshore oil deposits in that year, the MPLA shifted its stance to advocate that Cabinda be fully subsumed into the unitary state framework. As early as 1964, MPLA militants had been conducting guerilla attacks against Portuguese forces in Cabinda, and by the time the MPLA formally created its military wing, People's Armed Forces of Liberation of Angola (Portuguese: *Forças Armadas Populares de Libertação de Angola*) (FAPLA), it was well positioned relative to competing forces of the FNLA and UNITA. After the 1974 coup in Lisbon, the Portuguese government briefly favored a plan by which FLEC would govern Cabinda as part of a Zaire-Angola-Cabinda federation, but soon reversed its position in favor of a unitary state under centralized control from Luanda. The Portuguese military then began detaining prominent FLEC leaders who threatened a transition to unitary rule and allowed FAPLA to occupy Cabinda a full year before independence. Recognizing the importance of Cabinda's oil resources to finance the coming war for control of Angola, as well as the survival of their elite protection pact, by June 1975, FAPLA had pushed out the remaining FNLA and UNITA presence and—in parallel fashion to the Portuguese suppression of independence movements—began to hunt down remaining FLEC elements proactively, and as such, forced much of its leadership into exile. Signifying Cabinda's enormous importance to sustaining the MPLA regime, the first squadron of fighter jets to arrive from Cuba in December 1975 was directed to reinforce FAPLA positions there. Thus, from the very outset of the civil war, until their departure in 1991 in accordance with the Bicesse Accords, Cuban forces played an important role in ensuring that the MPLA was able to retain control over Cabinda's oil resources by halting

³²⁵ Reed, *Crude Existence*, 47, 100–101, 141, 156, 166, 182; Martin, “The Front (s) for the Liberation of Cabinda in Angola,” 217; Hodges, *Angola*, 159; Daniel Arbucias, “Sabotage or Appropriation? A Study of Agential Behavior in Three African Civil Wars,” *African Conflict and Peacebuilding Review* 10, no. 1 (2020): 79–84, doi:10.2979/africonfpeacrevi.10.1.04.

UNITA advances and suppressing FLEC attempts to attack oil infrastructure and personnel.³²⁶

At a time when Nigeria was experiencing its first wave of criminally motivated piracy in the late 1970s and early 1980s—as the oil boom triggered an influx of ships to Nigerian ports that fell prey to rapidly organizing criminal cells—the potentially vulnerable ports of Cabinda and Soyo remained heavily guarded by well-disciplined FAPLA and Cuban forces. That is not to say that FLEC was inactive or irrelevant during this time—it conducted numerous kidnappings and attacks on oil infrastructure and security forces—however, the centralized nature of the MPLA’s patronage structure incentivized it to respond to FLEC’s disruptive activity with force rather than palliative clientelist distributions. The FAPLA and Cuban deployments to Cabinda were expensive endeavors, especially considering the competing demand for scarce military resources to combat UNITA in other parts of Angola. While the MPLA might have employed a lower-cost short-term solution of coopting FLEC leaders to dissuade disruptions by including them in a more decentralized patronage network, doing so would have altered the power dynamic Neto and later dos Santos enjoyed in the existing protection pact, and made it vulnerable to the continuous distributional demands of a provisioning pact. It fundamentally rejected such a shift in dealing with FLEC (as well as UNITA and the FNLA) in favor of a longer-term vision of hegemonic control supported by tightly centralized rent control. As a result, by the time Cuban forces departed in 1991, and Angola prepared for the 1992 elections, the MPLA government had credibly demonstrated an enduring will to suppress FLEC forces and dissenting political voices in Cabinda violently. In the process, it marginalized the capacity of FLECs leaders to accumulate resources or establish protected havens that would facilitate the mobilization of pirate attacks.³²⁷

The internationally imposed move to multi-party democracy under the Bicesse Accords of 1991 had the potential to disrupt the centralized patronage system in a way that

³²⁶ Reed, *Crude Existence*, 44–56, 73–74, 137–171; Warner, “Historical Setting,” 34, 36; Martin, “The Front (s) for the Liberation of Cabinda in Angola,” 212–221.

³²⁷ Reed, 50–51, 141–146, 250; Martin, 216–219.

might have served as an inflection point towards piracy-inducing decentralization. In anticipation of a closely contested election in 1992, dos Santos attempted to attract Cabindan support with an offer of limited autonomy and a commitment to divert 10% of the region's oil revenues to local development. While such a deal might have created a pathway for decentralization similar to Nigeria, FLEC leaders rejected the proposal and the MPLA went on to win the election without concessions to FLEC and without its electoral support. When UNITA rejected the results and restarted the war, the MPLA resumed *de facto* single party control of the nominally democratic government, while FAPLA essentially became the "unified" Armed Forces of Angola (FAA). The MPLA was therefore able to continue its centralized hegemony without having to alter the foundations of its protection pact. However, the MPLA's loss of its foreign sponsors and FAPLA's disproportionate pre-election demobilization relative to UNITA put it in a vulnerable position that UNITA and FLEC would attempt to exploit. Within a year, UNITA seized control over 80% of Angola's territory—including, for the first time, the Soyo oil facilities at the mouth of the Congo River—leaving the internationally recognized MPLA government confined to its enclave fortresses of Luanda and Cabinda. FLEC also seized on the MPLA's momentary weakness to disrupt Chevron's operations in Cabinda, and to attack company busses and convoys, bomb its facilities, and kill, injure, and kidnap multiple foreign employees. However, by 1994, the MPLA government had replaced Cuban and Soviet support with an array of private military contractors, foreign intelligence advisors, and refreshed military hardware. Now enjoying an UN-recognized election mandate, the MPLA-controlled government began to push UNITA back and solidified its marginalization of Cabinda's distributional demands. The MPLA therefore emerged from the transition to electoral politics in a similar position to that it enjoyed beforehand; it remained a tight-knit group of elites with a common interest in, and ability to secure, centralized authority and limited patronage distributions outside of its protection pact. As a result, FLEC leaders continued to be deprived of opportunities for decentralized patronage accumulation and the independent political authority to carve out protected coastal havens that would allow militants to transition from their sporadic land-

based attacks to the more operationally sophisticated and resource-intensive demands of piracy.³²⁸

Following the end of the war in 2002, the MPLA could no longer use UNITA's military threat as basis to secure popular acquiescence to its exclusionary system of governance, distribution, and limited public investment. Since the sustainment of the MPLA's *de facto* single-party control of the state now depended on periodic electoral victories, it took steps to elicit broader popular support both within and outside traditional MPLA strongholds. One of the most visible examples was the expansion of the party to five million members by the 2012 election, up from 65,000 in 1990, as the party abandoned Marxism-Leninism, and 550,000 in the run-up to the 1992 elections. Although party membership was no longer a guarantee of patronage access, it was a prerequisite for access to expanding pool of patronage-allocated jobs with modest incomes in the civil service or a state-backed company. With previous war expenditures now free to redirect towards patronage in the form of reconstruction contracts and new state-backed business opportunities, the MPLA coopted select UNITA elites with inclusion in its hybrid protection/provision pact to divide its primary political opposition.³²⁹

Unlike the strategy of cooption and patronage expansion used with former UNITA members, the MPLA was unwilling to risk decentralized power accumulation in Cabinda. Unlike UNITA, FLEC had never been able to balance against MPLA power, which drove an elite cost benefit calculus that favored investments in coercion rather than a potential commitment to long-term cooption. The MPLA therefore excluded FLEC leaders and the population of Cabinda from most post-war inclusion avenues and instead chose to invest in more aggressive measures of state repression. In contrast to Nigeria, where the deployment of 3,000 federal forces to a Niger Delta region of roughly 30 million people had to carefully avoid disrupting the interests of politically powerful local godfathers while trying to impose

³²⁸ Reed, *Crude Existence*, 51–52, 141–142; Martin, “The Front (s) for the Liberation of Cabinda in Angola,” 216–219; Hodges, *Angola*, 14–15; Soares de Oliveira, *Magnificent and Beggar Land*, 15, 124–125; Messiant, 106–122.

³²⁹ Soares de Oliveira, 17–20, 121–122; Reed, 40, 54, 102, 142–144, 152–153, 168–171, 199–202; Vidal, “The Historical-Sociological Matrix,” 165; Janes, “Angola—Armed Forces”; Janes, “Nigeria—Armed Forces”; McGregor, “Nigeria Expands Its ‘War on Terrorism’ to the Niger Delta,” 8.

federal will, Angola's FAA deployment of 50,000 soldiers to "pacify" 300,000 politically disempowered Cabindans faced no such hinderance. The overwhelming size of the FAA deployment to Cabinda should not be seen as a purely military explanation of the differing piracy outcomes. The Nigerian military is larger than its Angolan counterpart is. The order of magnitude difference in the size of troop deployments reflects differences in patronage structures. While Nigeria's decentralized system empowers local actors to contest central authority both politically and through the mobilization of militant proxies that include pirates, Angola's tightly controlled and centrally managed patronage system denies the formation of decentralized reservoirs of local power that can challenge centralized political will to exert the kind of decisive coercion displayed in Cabinda.³³⁰

In 2007, a former U.S. Air Force intelligence officer turned energy analyst identified the waters off Cabinda as a hospitable environment for FLEC to adopt MEND's tactics of piratical political signaling.³³¹ Nevertheless, from 1991–2019, the International Maritime Bureau recorded only 25 actual or attempted piracy incidents in Angola's waters, nearly all of which involved petty crime in Luanda's anchorage.³³² The ASAM database contains incident descriptions for 19 of the 25 events, of which 79% were conducted while the ship was at anchor. Of the attempted pirate attacks conducted while a ship was underway, only the 2014 *MT Kerala* hijacking—perpetuated by sophisticated *Nigerian* pirates—was successful. Where reports include the number of pirates, 50% involved two or fewer individuals, and only four instances cited the involvement of more than one boat, which

³³⁰ Soares de Oliveira, 17–20, 121–122; Reed, 40, 54, 102, 142–144, 152–153, 168–171, 199–202; Vidal, 165; Janes, "Angola—Armed Forces"; Janes, "Nigeria—Armed Forces"; McGregor, 8.

³³¹ Jeff Vail, "Cabinda: Prospects for an Oil Insurgency in the Angolan Exclave," *The Oil Drum*, May 13, 2007, <http://theoildrum.com/node/2535>.

³³² Onuoha, "Piracy and Maritime Security in the Gulf of Guinea," 275; International Maritime Bureau, *Piracy and Armed Robbery against Ships—Annual Report: 1st January–31st December 1998* (Barking, Essex: ICC 1MB, 1999); International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2009 Annual Report* (London: International Chamber of Commerce, 2010); International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2011 Annual Report* (London: International Chamber of Commerce, 2012); International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2015 Annual Report* (London: International Chamber of Commerce, 2016); International Maritime Bureau, *Piracy and Armed Robbery against Ships: Report for the Period 1 January–30 September 2016* (London: International Chamber of Commerce, 2016); International Maritime Bureau, *Piracy and Armed Robbery against Ships: Report for the Period 1 January–30 June 2018* (London: International Chamber of Commerce, 2018); International Maritime Bureau, *ICC IMB Piracy and Armed Robbery against Ships—2019 Annual Report*.

suggested low levels of organization. Adding to the conclusion that most Angolan piracy is subsistence-based petty crime against ships at anchor, in all but one ASAM-recorded incident, successful incidents were limited to opportunistic theft, with *MT Kerala* as the sole exception.³³³

Although it is impossible to draw definitive conclusions from the few recorded piracy incidents in Angolan waters, two recent instances show that both permissive environmental factors and pro-piracy motives are present, and that Angola's centralized long-term rent management system has effectively prevented these from proliferating. The 2014 hijacking of the fuel-laden *MT Kerala* by Nigerian pirates venturing into Angolan territorial waters confirmed Angola's vulnerability to pirates able to overcome financial and organizational entry costs. At the time of the attack, the Angolan Navy had no patrol vessels in seaworthy condition to pursue the slow-moving tanker on its 1,300 nautical mile journey back to Nigerian waters, even as it made at least three stops to offload stolen cargo of diesel fuel along the way. This incident supports the conclusion that Angola has not needed an effective naval force to deter homegrown pirates, precisely because it has effectively undercut their organization capacity by denying them the decentralized bases of political power and financial resources upon which Nigerians pirates rely.³³⁴

In apparent fulfilment of the 2007 warning that FLEC might adopt MEND's tactics of targeting offshore oil infrastructure as means of rent-seeking political signaling, in May 2016, five FLEC militants boarded a Chevron oil platform in Cabinda's waters. The incident

³³³ "Anti-shipping Activity Messages," National Geospatial Intelligence Agency, accessed June 13, 2020, https://msi.nga.mil/NGAPortal/MSI.portal?_nfpb=true&_st=&_pageLabel=msi_portal_page_65.

³³⁴ Keith Johnson, "Oil Pirates and the Mystery Ship," *Foreign Policy*, January 29, 2014, <https://foreignpolicy.com/2014/01/29/oil-pirates-and-the-mystery-ship/>; Reuters Staff, "Pirates Hijacked Tanker Off Angola, Stole Cargo: Owners," *Reuters*, January 26, 2014, <https://www.reuters.com/article/us-angola-piracy/pirates-hijacked-tanker-off-angola-stole-cargo-owners-idUSBREA0P0QY20140126>; Svati Kirsten Narula, "Pretend Pirates and the Case of a Missing Oil Tanker," *The Atlantic*, January 27, 2014, <https://www.theatlantic.com/international/archive/2014/01/pretend-pirates-and-the-case-of-a-missing-oil-tanker/283355/>; James Bridger, "Piracy in the Gulf of Guinea: Oil Soaked Pirates," *U.S. Naval Institute News*, March 10, 2014, <https://news.usni.org/2014/03/10/piracy-gulf-guinea-oil-soaked-pirates>; Stephen Starr, "Maritime Piracy on the Rise in West Africa," *Combatting Terrorism Center Sentinel* 7 no. 4 (2014): 23–26, <https://www.ctc.usma.edu/wp-content/uploads/2014/04/CTCSentinel-Vol7Iss4.pdf>; Dryad Maritime, "Missing Vessel Feared Hijacked: Nigerian Pirates Launch Most Southern Attack to Date," *Maritime Security Review*, January 2014, <http://www.marsecreview.com/2014/01/missing-vessel-feared-hijacked/>.

occurred less than three months after dos Santos declared that he would be stepping down as president, and therefore, might have been a deliberate signaling attempt to compete for patronage inclusion amidst the MPLA's leadership shuffle. Although some of the remaining and highly factionalized FLEC leaders would go on to denounce the attack, it demonstrated a degree of local will that could be scaled to wider adoption of political signaling piracy if the centralized patronage system did not inhibit access to greater financial and organizational capacity. So far, Lourenço has maintained the tightly controlled hybrid protection/provisioning pact, even as he attempts to displace dos Santos' networks with his own, and he has continued the same exclusionary policies toward Cabinda as his predecessor. Consequently, no additional offshore FLEC attacks have been reported as of this writing.³³⁵

C. CONCLUSION

The Angolan patronage system was established by a tight-knit group of cohesive elites, incentivized by an existential and prolonged wartime crisis to cede a degree of individual authority toward the adoption of a protection pact. That pact enabled the concentration of authority around a central leadership figure with the capacity to discipline inefficient rent-reeking activity and apply a long-term strategy to the management of patronage distributions. Since the survival of that regime depended on the availability of oil rents, its leaders deliberately elected to pursue coercive investments to capture the oil-rich enclave of Cabinda decisively rather than adopting a distributive strategy of cooption. In doing so, MPLA elites deprived the region of decentralized bases of political power or financial resources that could be mobilized in the kind of rent-seeking grievance signaling that evolved to include piracy in Nigeria.

³³⁵ Ed Copley, "Rebels Alive and Kicking in Angolan Petro-Province, Oil Workers Say," *Reuters*, June 14, 2016, <https://www.reuters.com/article/angola-oil-security/rebels-alive-and-kicking-in-angolan-petro-province-oil-workers-say-idUKL8N1952C9>; Julianne Geiger, "Angola Could Face Niger Delta-Style Oil Threat," *UPI Energy News*, June 15, 2016, <https://www.upi.com/Energy-News/2016/06/15/Angola-could-face-Niger-Delta-style-oil-threat/3711466017708/>; Arbucias, "Sabotage or Appropriation?," 82; Dionne Searcey, "Angolan President, in Power Nearly Four Decades, Says He'll Step Down," *New York Times*, March 11, 2016, <https://www.nytimes.com/2016/03/12/world/africa/angolan-president-in-power-nearly-four-decades-says-hell-step-down.html>; Roque, *Angola's New President*, 19.

V. CONCLUSION

A. PATRIMONIAL PIRACY?

This thesis set out to determine the degree to which variation in elite rent accumulation strategies and patronage structures in Nigeria and Angola could explain the difference in piracy incidence in the waters surrounding the two countries. The analysis suggests that the decentralized mechanisms of Nigeria's elite provisioning pact, especially during the Fourth Republic, have played a strong role in encouraging the development of piracy. Conversely, Angola's tight-knit elite protection pact, embedded in MPLA rule since 1975, has centralized state authority and patronage management in a way that is piracy inhibiting.

1. Nigeria

The Nigerian state relies on a vast web of patronage distributions, through formal and informal channels, as a means to purchase some degree of elite cohesion amidst highly fractionalized and competing multipolar interests. The failure of the First Republic (1960–1966) as a result of fissures between its highly autonomous and ethically dominated regional governments, followed by the state's devolution into a short, but brutal civil war (1967–1970), served as foundational experiences that have heavily informed the evolution of Nigeria's formal and informal institutions since. The notion of ethnic fairness and national balancing, known as “federal character,” has become deeply ingrained in the national psyche and has informed an incremental administrative devolution of both political authority and resource allocation to state and local governments.

Nigeria's Fourth Republic, founded in 1999, has 36 states and 774 local government areas that receive statutory financial distributions from the federal government. The administrative devolution and statutory allocations were intended by constitutional framers to mitigate the kind of ethnic conflict that led to civil war; however, the resources and autonomy afforded to these openly contestable elected offices, combined with federal character incentives for ethnic grievance articulation, have created especially negative externalities when paired with internal political party organizational rules. The

party's use of rotational power sharing is also a well-intentioned mechanism of ethnic balancing, but it episodically heightens incentives for ethnic grievance articulation, while the party's use of open elite recruitment encourages local elites and godfathers to militarize local electoral contests along ethnic lines to demonstrate party viability. The unintended outcome of these interactive stimuli is the development of ethnically aligned militant groups that serve as unofficial but fundamental building blocs of the competitive electoral landscape.

Due to the reliance of local power brokers on these militants to capture government offices, and their statutory resource distributions, the militants enjoy broad political latitude to engage in criminal rent accumulation between electoral cycles. In addition, when political party zoning opportunities arrive, local and regional power brokers are incentivized to find ways to amplify militant grievance signaling. It was in such conditions in late 2005 that MEND was created, and it began to employ highly destructive forms of piracy as a rent-seeking tool by early 2006. Upon achieving its rent seeking goals, it reverted to sophisticated forms of rent-accumulating piracy. These pirate attacks both emerged from and are sustained by Nigeria's unique arrangement of elite rent accumulation strategies and patronage structures.

2. Angola

In contrast to Nigeria's diffuse and factionalized elites, political authority and patronage mechanisms in Angola are tightly bound up in a close-knit cadre of elites who have formed the core of the MPLA's elite-party-state nexus since 1975. The MPLA's uncommon degree of centralization was built upon a legacy of colonial administration, an extended post-independence civil war, and the alignment of party and state leadership with an interconnected "creole" elite. The exigencies of nearly three decades of war induced an already tight-knit cohort of elites to form a protection pact in which they incrementally ceded greater political and fiscal authority from the party-state structures of the ruling MPLA to an even tighter core group in the office of the presidency. From there, President dos Santos (1979–2017) established direct control over state oil revenues and developed parallel mechanisms of government administration answerable only to him. He proactively

curbed elite fractionalization by satiating core elites with generous, but reversible, patronage opportunities, while undermining mobilization of elite competitors, limiting civil society organizations, and employing an expansive state security apparatus.

This centralized control allows the president to prevent the accumulation of decentralized reservoirs of political or financial power that may be used to balance against the center. As a result, would-be pirates do not have a ready network of godfathers who can provide start-up capital to overcome entry barriers. In addition, the framework of Angola's protection pact does not reward grievance signaling as does Nigeria's provisioning pact, so rent-seeking forms of piracy hold little prospective value. Lastly, the Angolan state has both the military capacity and the political will to suppress dissenter mobilizations. Thus, unlike in Nigeria where the state is unable to employ its full coercive capacity in the face of local elite opposition, the Angolan state has no incentive to accept the reputational and inefficiency costs that rent-accumulating forms of piracy would introduce. As a result, the centralized form of the Angolan elite-party-state nexus is well-suited to inhibit piracy.

B. RISK OF FUTURE PIRACY

The existing structures of power and patronage in Nigeria and Angola provide insights to how recent events and future inflection points might impact the incidence of piracy in the Gulf of Guinea.

1. Nigeria

With President Buhari's reelection in 2019, it appears that the parameters of the post-NDA provisioning pact with Niger Delta militants will remain intact at least until the next election in 2023. Current conditions suggest that militants are still regularly engaged in hijacking-for-ransom piracy with scattered examples of hijacking-for-cargo piracy. The latter likely remains permissible within the provisioning pact, but operational constraints may make it less desirable than hijacking-for-ransom at this time. Other Niger Delta activities that appear to be tacitly sanctioned include oil theft and artisanal refining.

With respect to the upcoming election, historical piracy spikes coincided with the 1999, 2003, 2007, and 2019 presidential elections; however, they notably did not spike around the 2011 and 2015 elections. This irregularity suggests a possible pattern in which Niger Delta piracy spikes in advance of all elections except those in which a south-south candidate is running for president (as was the case with Goodluck Jonathan in 2011 and 2015). It stands to reason that in years when a co-ethnic politician is running for president (Niger Delta militants are concentrated in the south-south region), the prospect of co-ethnic victory (and its attendant patronage spoils) gives pirates an incentive to restrict their activity so their candidate can campaign on the ability to stabilize volatile situations. In all other cases, piracy appears to act as a rent-seeking, political-signaling tool used to justify patronage inclusion when distributional norms are subject to election-induced renegotiations.³³⁶

The 2023 elections will be the next opportunity to test this correlation hypothesis, depending on the region(s) from which presidential candidates are selected. Based on the informal power rotation within the leading political parties, it is unlikely that either will nominate a south-south politician as a presidential candidate in 2023. However, the informality of the zoning rules leaves room for political maneuvering, especially following the upset victory of President Buhari's APC party in 2015, which displaced and weakened the PDP party machine that had maintained control from 1999–2015. The heightened competitive pressures between the parties could lead to new adaptations in zoning interpretations.

2. Angola

Recent analysis suggests that the corruption purges President Lourenço has employed since coming to power in 2017 are designed to bolster the MPLA's popular legitimacy by displacing core allies of former President dos Santos but without altering the fundamental centralization of presidential power. If this is indeed the case, it is very likely that the MPLA's elite protection pact remains intact, and Lourenço—having established

³³⁶ Future study on this topic would complement Daxecker and Prins' recent work comparing piracy and substate electoral trends. Daxecker and Prins, "The Politicization of Crime," 375.

full control over the military and state security apparatus—is equally empowered by the remaining MPLA elites to engage in the violent suppression of rent-seeking defectors who might undermine the existing patronage architecture. However, the MPLA still faces mounting electoral risks as oil prices remain low and the economy is further depressed by COVID implications.³³⁷

At this stage, it stands to reason that the MPLA may not be able to continue its election-backed domination of the government indefinitely. The MPLA's margin of electoral victory has been gradually eroding since the end of the war, winning 82% of the vote in 2008, 72% of the vote in 2012, and 61% of the vote in 2017.³³⁸ If the MPLA is indeed defeated in the next set of elections in 2022, or in a future election, it is impossible to predict how a competing regime may choose to manage elite competition and rent centralization. It is reasonable to imagine that a future government could be built upon a weak coalition of fragmented elites who lack a unifying imperative to develop a protection pact, in which case, their coherence is more likely to be based on a provisioning pact that may serve to induce the kinds of competitive elite rent seeking behavior that led to sophisticated piracy in Nigeria. However, a new coalition of elites may simply work to coopt the framework of the existing centralized system and coalesce into a new protection pact, especially given the advantages that concentrated powers can provide in the service of whatever long-term interests a new elite pact may intend to pursue. In that case, the development of decentralized elites would be unlikely, and piracy events would likely remain infrequent and unsophisticated.

³³⁷ Shaxson, "Angola's Quadruple Bonanza," 4; Alencastro, Alencastro, *Angola under Lourenço*, 4–12; Roque, *Angola's New President*, 3–6, 8–20.

³³⁸ Vidal, "The Historical-Sociological Matrix and Ethos," 165–169.

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