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COMMISSION ON  
CRIME PREVENTION  
AND  
CRIMINAL JUSTICE



COUNTERING MARITIME  
PIRACY ON THE GULF  
OF GUINEA



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## INTRODUCTION

The Gulf of Guinea with a total area of 11 thousand square kilometers stretches from Angola to Senegal. This is one of the most important routes in the world for the delivery of both oil exported from the Niger Delta and consumer goods to and from Central and West Africa. But the bay is not very well guarded, which creates ideal conditions for piracy. For the last couple of years the UN tries to stop piracy in the Gulf of Guinea because it is one of the most important trade routes, there are a lot of oil and gas sources. Moreover, states located in the Gulf of Guinea are not capable of fighting piracy without any international assistance.

Over the past two or three years, the sea lanes in the Gulf of Guinea – a strategic region through which the majority of Europe's trade moves – has become the main theater of international piracy.<sup>1</sup>

According to Convention on the High Seas<sup>2</sup>, piracy is:

- any illegal acts of violence, detention or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
  - On the high seas, against another ship or aircraft, or against property on board such ship or aircraft;
  - Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
  - Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

1 Why is piracy increasing on the Gulf of Guinea? [Electronic resource] // URL: <https://www.dw.com/en/why-is-piracy-increasing-on-the->

2 Convention on the High Seas 1958. [Electronic resource] // URL: [https://www.un.org/ru/documents/decl\\_conv/conventions..](https://www.un.org/ru/documents/decl_conv/conventions..)

Any act of inciting or of intentionally facilitating an act described in subparagraph 1 or subparagraph 2 of this article.

In 2013 the UN Security Council drew attention to the growing threat of piracy in the Gulf of Guinea, calling on the countries of the region to concentrate their efforts on combating maritime robbery, which poses a threat to navigation, security and economic development of the states located in the Gulf of Guinea<sup>3</sup>. But since then no particular actions were taken.

In June 2019 the UN Security Council has again discussed the problem of piracy in the Gulf of Guinea<sup>4</sup>. During this session Russia offered assistance while solving problems in the Gulf of Guinea because it has experience in fighting against pirates in Somalia and wants to protect its sailors. However, since then the situation in the region has not changed much and still remains hard to change. The problem lies behind the interdependence of Western and Central African countries. It means that destabilization of political and social situation in one country while fighting against piracy can lead to destabilization in neighboring countries.<sup>5</sup> Hence, it is very important not to cross the line between prevention of crimes and interference into internal affairs. At the same time each state can use humanitarian interference. It means that other states can use their military forces in foreign state for humanitarian purposes. Furthermore, pirates in the Gulf of Guinea are mostly active in the territorial waters of Benin and Nigeria,

3 Statement of the President of the UN Security Council

4 UN Security Council: Gulf of Guinea countries should introduce criminal liability for piracy [Electronic resource] // URL: <https://tass.ru/mezhdunarodnaya-panorama/660480>

5 After the end of colonial era many African countries have territorial disputes



## INTRODUCTION

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but according to Convention on the Law of the Sea foreign marine forces are not allowed to enter the territorial waters of another country.<sup>6</sup> Only the UN peace-keeping forces can do it, but organization of such missions has very difficult and time-consuming procedure. Thus, such mission was not still organized.

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<sup>6</sup> XXI century piracy. Why did the Gulf of Guinea become dangerous for navigation? [Electronic resource] // URL: <https://topwar.ru/152770-piraty-xxi-veka-pochemu-gvinejskij-zaliv-opasen-dlja-sudohodstva.html>



## CHAPTER 1. REASONS FOR PIRACY IN THE GULF OF GUINEA

The Gulf of Guinea with a total area of 11 thousand square kilometers stretches from Angola to Senegal. This is one of the most important routes in the world for the delivery of both oil exported from the Niger Delta and consumer goods to and from Central and West Africa, but the bay is not very well guarded, which creates ideal conditions for piracy.<sup>7</sup>

Nowhere on Earth do pirates strike more often than the Gulf of Guinea, where more than 130 sailors were taken hostage last year<sup>8</sup>. The area is more dangerous than the Somali coast because pirates commit their crimes in the Gulf of Guinea much more often and more successfully than in other regions, political and economic situation in the countries located near the Gulf of Guinea is complicated. According to the International Maritime Bureau<sup>9</sup> (IMB), there were 195 maritime kidnappings recorded in 2020 —and 130 of them took place in the Gulf of Guinea<sup>10</sup>. Pirates mainly target ships with international crews, according to a report on piracy in the Gulf of Guinea by the United States

Maritime Administration (MARAD)<sup>11</sup>.

The roots of the problem, however, run deep. Most of the pirates come from the Niger Delta in southern Nigeria, an impoverished region that is home to vast oil reserves but where drilling has contaminated local land and water. Since the two most important economic sectors in the area — fishing and farming — have been destroyed, many people are looking for other sources of income - 2/3 of Nigeria's population lives below the poverty line.<sup>12</sup> This makes it easy for criminal gangs to recruit new pirates. In addition, there are smuggling, ethnic and religious conflicts<sup>13</sup> and terrorism and youth unemployment which in the aggregate effect has a great impact on the situation in the region.

The large length of the coast of West Africa puts at an advantage of pirates — they have somewhere to hide. It is impossible to calculate in advance where the next pirate attack may be. Moreover, the local authorities either cannot fully control the entire coast, or do not want to do it. Additionally, coastal countries do not have enough vessels, personnel and money to carry out constant monitoring of the situation in the Gulf of Guinea. In addition, all Gulf of Guinea countries

7 Who will help solve Africa's piracy problem in the Gulf of Guinea? [Electronic resource] // URL: <https://www.dw.com/en/who-will-help-solve-africas-piracy-problem-in-the-gulf-of-guinea/a-52367209>

8 Why is piracy increasing on the Gulf of Guinea? [Electronic resource] // URL: <https://www.dw.com/en/why-is-piracy-increasing-on-the..>

9 The ICC International Maritime Bureau (IMB) is a specialized division of the International Chamber Of Commerce (ICC). The IMB is a non-profit making organization, established in 1981 to act as a focal point in the fight against all types of maritime crime and malpractice

10 Why is piracy increasing on the Gulf of Guinea? [Electronic resource] // URL: <https://www.dw.com/en/why-is-piracy-increasing-on-the..>

11 Kidnappings and hijackings of tankers: how the business of pirates harms oil companies [Electronic resource] URL: <https://quote.rbc.ru/news/article/5ea706cb9a7947afddc870fb>

12 XXI century piracy. Why did the Gulf of Guinea become dangerous for navigation? [Electronic resource] // URL: <https://topwar.ru/152770-piraty-xxi-veka-pochemu-gvinejskij-zaliv-opasen-dlja-sudohodstva.htm>

13 The north of the country is inhabited by peoples professing Islam, in the south Christianity and traditional African beliefs have a stronger position. Moreover, now the national issue has once again turned into a motive for political speculation.



## **CHAPTER 1. REASONS FOR PIRACY IN THE GULF OF GUINEA**

have different water protection policies, and thus, instead of helping each other, they create more danger and damage for their economies as they do not allow each other to develop their external trade and to earn more money from port charges. Furthermore, both Nigerian and Beninese pirates are powerful and well-armed criminal groups that prefer to operate not on the high seas, but in the territorial waters of their States. This circumstance allows them to remain virtually unpunished, since foreign warships do not enter the territorial waters of Nigeria or Benin, according to international law. Besides, both Nigeria and Benin have weak judicial system<sup>14</sup> that is why pirates remain unpunished and still commit their crimes.

Another problem is that ships spend a lot of time reloading in the ports of the largest African city of Lagos, and there are no other options. This makes it easier for pirates to attack vessels, since a large number of ships are concentrated in a relatively small space.<sup>15</sup>

Apart from that, all the Gulf of Guinea countries are suffering from political conflicts and social instability. For example, Nigeria is eroded by internal interethnic and interfaith contradictions. The north of the country is inhabited by peoples professing Islam, in the south Christianity and traditional African beliefs have a stronger position.<sup>16</sup>

<sup>14</sup> It is nearly impossible to arrest pirates and to indict them cause there is not enough police officers and courts do not work effectively.

<sup>15</sup> Kidnappings and hijackings of tankers: how the business of pirates harms oil companies [Electronic resource] URL: <https://quote.rbc.ru/news/article/5ea706cb9a7947afddc870fb>

<sup>16</sup> XXI century piracy. Why did the Gulf of Guinea become dangerous for navigation? [Electronic resource] // URL: <https://topwar.ru/152770-piraty-xxi-veka-pochemu-gvinejskij-zaliv-opasen-dlja-sudohodstva.html>

In some cases, pirates pose themselves as political movements that act with some specific goals. For example, in Nigeria, some groups of pirates claim to belong to the armed organization “Indigenous People of Biafra”<sup>17</sup>. In the late 1960s, the Igbo people waged an armed struggle for the creation of an independent State of Biafra. The war, however, ended with the defeat of the separatists and the Igbo remained part of a unified Nigerian state. However, now the national issue has once again turned into a motive for political speculation, and the pirates, proclaiming supposedly political goals, thereby give their actions a more romantic color.

The Movement for the Emancipation of the Niger Delta (MEND)<sup>18</sup> may also be

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<sup>17</sup> XXI century piracy. Why did the Gulf of Guinea become dangerous for navigation? [Electronic resource] // URL: <https://topwar.ru/152770-piraty-xxi-veka-pochemu-gvinejskij-zaliv-opasen-dlja-sudohodstva.html>

<sup>18</sup> The Movement for the Emancipation of the Niger Delta (MEND) is one of the largest militant groups in the Niger Delta region of Nigeria. For the roughly fifty years since Nigeria declared independence from British colonial rule, oil has been produced in Nigeria. Throughout this period, corporate politics has intersected with successive dictatorships. Under these dictatorships the Nigerian government has signed laws that appropriated oil resources and placed these under the control of multinational oil companies, such as Chevron Corporation and Royal Dutch Shell. From the point of view of MEND, and its supporters, the people of the Niger Delta have suffered an unprecedented degradation of their environment due to unchecked pollution produced by the oil industry. As a result of this policy of dispossessing people from their lands in favor of foreign oil interests, within a single generation, many now have no ability to fish or farm. People living in the Niger Delta have found themselves in a situation where their government and the international



## CHAPTER 1. REASONS FOR PIRACY IN THE GULF OF GUINEA

involved in pirate attacks<sup>19</sup> This organization supports the nationalization of the country's oil resources, which are located in the Niger Delta, and believes that now the wealth from the exploitation of oil fields is being redistributed unfairly.

The Movement for the Liberation of the Niger Delta periodically organizes sabotage on oil pipelines, attacks on oil company facilities and police patrols, and also specializes in taking hostage employees of foreign oil companies. There are also known examples of attacks by MEND activists on tankers that exported oil from Nigerian ports. During these attacks, sailors were also abducted.<sup>20</sup>

Usually, when kidnapping sailors, pirate groups put forward ransom demands addressed to ship-owning companies. Sums of money are transferred through intermediaries, after which the sailors are released. But there are also tragic stories when pirates kill their hostages. And such denouements are not always associated with non-fulfillment of ransom demands. It's just that pirates need to maintain an atmosphere of fear so that ship-owning companies understand who they are dealing with and do not delay the payment of ransom money.<sup>21</sup>

oil companies own all the oil under their feet, the revenues of which are rarely seen by the people who are suffering from the consequences of oil extraction

19 XXI century piracy. Why did the Gulf of Guinea become dangerous for navigation? [Electronic resource] // URL: <https://topwar.ru/152770-piraty-xxi-veka-pochemu-gvinejskij-zaliv-opasen-dlja-sudohodstva.html>

20 XXI century piracy. Why did the Gulf of Guinea become dangerous for navigation? [Electronic resource] // URL: <https://topwar.ru/152770-piraty-xxi-veka-pochemu-gvinejskij-zaliv-opasen-dlja-sudohodstva.html>

21 XXI century piracy. Why did the Gulf of Guinea become dangerous for navigation?

Military operations in such cases are not the best option, since pirates who are well-versed in the jungles of the Nigerian delta can hide from the police and special forces for months. But the risk of the hostages' death, if the pirates become aware of the unwillingness to pay a ransom for them, increases many times.

Meanwhile, West African States should seriously take care of the issues of combating piracy and, if there are no own forces for this, attract other countries to help. After all, ensuring the safety of navigation in the Gulf of Guinea is an important guarantee of improving the economic situation in the countries of West Africa. For example, it is precisely due to the actions of pirates that the volume of commodity turnover of the port of Cotonou, the largest port in Benin, has significantly decreased, since ships travelling to this port often become targets of pirate attacks.

On the other hand, we should not forget that in the countries of West Africa, pirates are in close contact with local authorities, especially with corrupt representatives of the police and military command. Pirates provide the latter with considerable income and, of course, it is completely unprofitable for them to lose such source of income.

[Electronic resource] // URL: <https://topwar.ru/152770-piraty-xxi-veka-pochemu-gvinejskij-zaliv-opasen-dlja-sudohodstva.html>



## CHAPTER 2. THE UN POSITION ON PIRACY IN THE GULF OF GUINEA

In 2013 the UN Security Council drew attention to the growing threat of piracy in the Gulf of Guinea, calling on the countries of the region to concentrate their efforts on combating maritime robbery, which poses a threat to navigation, security and economic development of these states<sup>22, 23</sup>

The Security Council also stressed that not only those detained at sea should be prosecuted, but also “members of criminal structures involved in piracy activities that illegally plan, organize, encourage or finance such attacks and benefit from them”.<sup>24</sup>

During the session of the Gulf of Guinea heads of states, held on June 24-25 2013 in Cameroon, the Code of Actions for the Prevention and Suppression of Piracy, Armed Robbery and Illegal Activities at Sea was adopted. The UN Security Council recommended that all States in the region sign this document as soon as possible and “start putting it into practice” by introducing “effective measures to combat piracy” at the national level.<sup>25</sup>

22 Statement of the President of the UN Security Council (UN Security Council: Gulf of Guinea countries should introduce criminal liability for piracy [Electronic resource] // URL: <https://tass.ru/mezhdunarodnaya-panorama/660480>)

23 the Yaoundé Code of Conduct

24 UN Security Council: Gulf of Guinea countries should introduce criminal liability for piracy [Electronic resource] // URL: <https://tass.ru/mezhdunarodnaya-panorama/660480>

25 The Yaounde Code of Conduct (UN Security Council: Gulf of Guinea countries should introduce criminal liability for piracy [Electronic resource] // URL: <https://tass.ru/mezhdunarodnaya-panorama/660480>)

Over the past two or three years, the sea lanes in the Gulf of Guinea — a strategic region through which the majority of Europe’s trade moves — has become the main theater of the international piracy. It has become a threat to the economy of the European Union, and EU heads of states decided to change the situation in the Gulf of Guinea.

Since 2014, the EU has contributed more than €55 million (\$66.7 million) to the fight against piracy.<sup>26</sup> This has included security upgrades for harbors and programs designed to improve cooperation between security forces in the region.

In January 2021, EU heads of states and governments took things a step further. A number of European navy vessels are already active in the region and these are to be networked in the future in order to communicate patrol responsibilities and exchange information on pirate activity<sup>27</sup>. In order to quickly respond to crisis situations, EU officials have now announced the launch of the concept of a “Coordinated Maritime Presence”. The Gulf of Guinea has been chosen as a pilot region for testing the mechanisms of this programme.

Meanwhile, the problem of maritime

26 Why is piracy increasing on the Gulf of Guinea? [Electronic resource] // URL: <https://www.dw.com/en/why-is-piracy-increasing-on-the..>

27 Why is piracy increasing on the Gulf of Guinea? [Electronic resource] // URL: <https://www.dw.com/en/why-is-piracy-increasing-on-the..>





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piracy in the Gulf of Guinea is also in the focus of attention of the European Union. Back in 2013, the EU leadership launched a Program to ensure the security of strategically important sea routes in the Gulf of Guinea (CRITICAL MARITIME ROUTES IN THE GULF OF GUINEA PROGRAM, CRIMGO). This initiative was aimed at protecting trade routes along the west coast of Africa, a region where oil production is also carried out. Also among the goals of the Program were the fight against drug trafficking, illegal arms trade, etc. It is characteristic that the key tools for the implementation of CRIMGO were the creation of a regional system for monitoring the situation and the rapid exchange of information on the activity of criminal groups, as well as the training of the local coast guard, including its equipment with technical means and weapons.

At the end of January 2021, the head of European diplomacy, Jean Borrel, announced the launch of a new EU initiative – the pilot project “Coordinated Maritime Presence” (SCM) in the waters of the Gulf of Guinea. The essence of the new concept is that in a particular maritime area of interest to the EU, the national military assets of the EU member states already located there can be involved to ensure security. It is emphasized that coordination will take place on a voluntary basis, and military assets will remain under national subordination. As the main tools for such coordination, it is planned to use the capabilities of the Maritime Zone of Interest Coordination Group

(MAICC), which was established at the EU Military Headquarters, as well as the MARSUR network. The latter is a network platform that combines the operational data of European maritime information systems, including the location of ships, their routes, identification data and other.

Nowadays there are at least 4 UN conventions that in one way or another concern the issue of piracy. First of them is Convention on the High Seas. According to this convention, piracy is:

- any illegal acts of violence, detention or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
  - On the high seas, against another ship or aircraft, or against property on board such ship or aircraft;
  - Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
  - Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
  - Any act of inciting or of intentionally facilitating an act described higher<sup>28</sup>.

Moreover, under the provisions of Convention on the High Seas:

- All States shall cooperate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State.
- All coastal States should promote

<sup>28</sup> Convention on the High Seas 1958. [Electronic resource] // URL: [https://www.un.org/ru/documents/decl\\_conv/conventions..](https://www.un.org/ru/documents/decl_conv/conventions..)



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the establishment and maintenance of an adequate and effective rescue service regarding safety on and over the sea – where circumstances so require

– by way of mutual regional arrangements cooperate with neighbouring States for this purpose. But in reality not every state can create such rescue services and maintain their work.

- The acts of piracy committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a private ship.

- A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to previously. The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act.

- A ship or aircraft may retain its nationality although it has become a pirate ship or aircraft. The retention or loss of nationality is determined by the law of the State from which such nationality was derived.

- On the high seas, or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The courts of the State which carried out the seizure may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the

ships, aircraft or property, subject to the rights of third parties acting in good faith.

- Where the seizure of a ship or aircraft on suspicion of piracy has been effected without adequate grounds, the State making the seizure shall be liable to the State the nationality of which is possessed by the ship or aircraft, for any loss or damage caused by the seizure.

- A seizure on account of piracy may only be carried out by warships or military aircraft, or other ships or aircraft on government service authorized to that effect.

Article 3 of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation describes all crimes that are referred to as unlawful acts against the maritime safety. Articles 6, 7, 8, 10, 11, 12, 13, 14, 15 and 16 of this Convention give the description of what states should do in case of piracy and in order to prevent crimes against maritime navigation. Each state provides its own punishments for the crimes described in article 3.<sup>29</sup> This convention concerns only navigation in the high seas.

United Nations Convention on the Law of the Sea<sup>30</sup> is one of the main documents on international law of the Sea. This convention establishes the rules

<sup>29</sup> Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation [Electronic resource] // URL: <https://treaties.un.org/doc/Publication/UNTS/Volume1>.

<sup>30</sup> Convention on the Law of Seas 1982 [Electronic resource] // URL: [https://www.un.org/depts/los/convention\\_agreements/te..](https://www.un.org/depts/los/convention_agreements/te..)



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of passage and international maritime navigation through the territorial sea of the State (articles 17-26) and through the high seas (articles 86-115), definition and rules of exclusive economic zone (55-75), international straits (34-45) and continental shelf (76-85). Convention on the Law of the Sea also provides definition of piracy, piracy by a warship, government ship or government aircraft, whose crew has mutinied, and of pirate ship or aircraft. Article 100 describes duties of states to cooperate in the repression of piracy. Articles 105-107 provide rules of pirate ships' or aircrafts' seizure and rights of the state making the seizure. But some states, for instance the United Kingdom, do not follow the provisions of this Convention.

Although International Convention for the Safety of Life at Sea (1974) does not take piracy into consideration, it contains instructions for sailors in case of emergency<sup>31</sup>. Under provision of Chapter 5 of this Convention master of the ship which meets any direct danger to navigation is bound to communicate the information by all the means at his disposal to ships in the vicinity, and also to the competent authorities at the first point on the coast with which he can communicate. International Convention for Safety of Life at Sea also specifies infor-

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31 International Convention for the Safety of Life at Sea, 1974 (with annex and final act of the International Conference on Safety of Life at Sea, 1974). Concluded at London on 1 November 1974 [Electronic resource] // URL: <https://treaties.un.org/doc/Publication/UNTS/Volume%201184/volume-1184-I-18961-English.pdf>

mation required in danger messages.

The International Code for the Security of Ships and of Port Facilities proposes amendments to the International Convention for the Safety of Life at Sea as some aspects are not taken into consideration. These amendments concern the maintenance of safety facilities on ships and in ports and responsibilities of states in case of piracy and ships' seizure and also states' responsibilities for information exchange. Divided into two sections, the ISPS code contains detailed security-related requirements for Governments, port authorities and shipping companies in mandatory Part A, and a series of guidelines on how to meet those requirements in a non-mandatory Part B. The aim of the ISPS Code is to ensure that the applicable ocean going ships and port facilities of IMO Member States are implementing the highest possible standards of security.

Developed by the West Africa and Central Africa Sub-region with technical support from IMO, the Yaoundé Code of Conduct was adopted formally in Yaoundé (Cameroon), in June 2013 by the Heads of State or their representatives from 25 West and Central African countries<sup>32</sup>. The Code's primary objective is to manage and reduce considerably the adverse impacts derived from piracy, armed robbery against ships and other

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32 UN Security Council: Gulf of Guinea countries should introduce criminal liability for piracy [Electronic resource] // URL: <https://tass.ru/mezhdunarodnaya-panorama/660480>



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illicit maritime activities, such as illegal, unreported and unregulated (IUU) fishing.



## **CHAPTER 3. POSITION OF THE OTHER INTERNATIONAL ORGANIZATIONS ON PIRACY IN THE GULF OF GUINEA**

The IMO (International Maritime Organization) has within its mandate to make trade and travel by sea as safe and secure as possible. To manage and mitigate any threats with the potential to compromise maritime security the Organization develops suitable regulations and guidance through the Maritime Safety Committee (MSC) and with input from the Organization's Facilitation Committee (FAL) and Legal Committee (LEG).

The Organization, through its maritime security capacity building and technical cooperation programme, conducts various national and regional activities<sup>33</sup>, to ensure that the ISPS Code is implemented effectively by Member States. Such activities are available to Member States if and when required.

The threat posed by piracy and armed robbery against ships has been on the IMO's agenda since the early 1980s. In the late 1990s and the early 2000s the focus was on the South China Sea and the Straits of Malacca and Singapore. More recently, since 2005, IMO has focused on piracy off the coast of Somalia, in the Gulf of Aden and the wider Indian Ocean, and is currently implementing a strategy for enhancing maritime security in West and Central Africa, in line with the region's maritime security agreements. The Organization, with support and cooperation from the shipping industry, has through the years developed and adopted a

number of antipiracy measures (created maritime security agreements<sup>34</sup>, helped to install radars and special equipment), which have contributed towards the mitigation of the negative impact posed by piracy worldwide.

In addition, IMO provides assistance, to Member States seeking to develop their own national or regional measures to address the threat of piracy, armed robbery against ships and other illicit maritime activities, if and when requested. This was the case of the Code of Conduct concerning the repression of piracy, armed robbery against ships, and illicit maritime activity in West and Central Africa in the Gulf of Guinea region of West Africa.

IMO has adopted appropriate guidance aimed at addressing maritime security, as well as piracy and armed robbery against ships. For piracy and armed robbery, this includes Guidance to Governments, shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships; investigation of offences and the use of armed personnel on board ships.

Developed by the West Africa and Central Africa Sub-region with technical support from IMO, the Yaoundé Code of Conduct was adopted formally in Yaoundé (Cameroon), in June 2013 by

<sup>33</sup> IMO's Global Maritime Security Integrated Technical Co-operation Programme (ITCP)

<sup>34</sup> Maritime Security and Piracy [Electronic resource] // URL: <https://www.imo.org/en/OurWork/Security/Pages/Default.aspx>



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manage and reduce considerably the adverse impacts derived from piracy, armed robbery against ships and other illicit maritime activities, such as Illegal, unreported and unregulated (IUU) fishing.

Consequently, IMO's strategy and initiatives to enhance maritime security in West Africa are aligned to the provisions of the Yaoundé Code and helps to safeguard that the process of implementation is adequate, being cognizant of the fact that effective implementation should translate into sustainable development for the region's maritime sector.

In particular, the IMO assists Member Countries in and around the Gulf of Guinea in, among others, revising national legislation to criminalize piracy, armed robbery against ships and other illicit maritime activities; developing and coordinating relevant structures and procedures; as well as ensuring that operational, technical and logistical personnel are adequately trained.

In response to the growing maritime threat, the Economic Community of Central African States (ECCAS) developed an Integrated Strategy for Maritime Security (ISMS) in 2008, which called for a common regional framework for regulating maritime activities off Central Africa. In 2009, it activated the Regional Coordination Center for Maritime Security in Central Africa (CRESMAC) in Pointe-Noire, Republic of Congo. Under the ISMS, CRESMAC is responsible for commanding three centers for multina-

tional coordination (CMCs), one for each zone of Central African waters: Zones A, B, and D (Figure 4). The primary value of this initiative is to bridge information sharing and authorization protocols required in the pursuit of suspect vessels across maritime boundaries.

The CMC for Zone D, operational since 2009, coordinates antipiracy efforts by the navies of Cameroon, Equatorial Guinea, Gabon, and São Tomé and Príncipe. This collaboration has resulted in a reduction in maritime crime and hostage taking as well as over 17 citations for illegal fishing that resulted in hefty fines in Cameroon alone.<sup>15</sup> There is an ongoing effort to consummate an Economic Community of West African States (ECOWAS) Integrated Maritime Strategy (EIMS) modeled after the ECCAS effort, including creating a regional coordination center for maritime security in West Africa and three zones (E, F, and G) overseen by multinational maritime coordination centers (MMCCs). The pilot for these is ECOWAS' Zone E (the waters off Benin, Nigeria, and Togo).

The reality of a constantly shifting threat informed the Yaoundé Declaration of June 2013 in which the heads of government from ECOWAS and ECCAS agreed to establish a Maritime Inter-Regional Coordination Center (MICC) in Yaoundé, Cameroon. A "Code of Conduct Concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in West and Central Africa" was adopted to further promote collective efforts on information sharing,



## CHAPTER 3. POSITION OF THE OTHER INTERNATIONAL ORGANIZATIONS ON PIRACY IN THE GULF OF GUINEA

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interdiction, prosecution, and support to victims. Implementation of the nonbinding Code of Conduct has been slow going, however. In particular, the delayed operationalization of the MICC highlights the need for greater political will.

Significant capacity building investments have been made by international actors, like the US, China, and some European states, in the Gulf of Guinea to train local militaries and support states in the regions to counter piracy.

Concerning Russia's stance on the problem of piracy in the Gulf of Guinea, although Russian government wants to stop armed assaults in this region, it will not cooperate with the United States that can conduct antipiracy operation.



## CONCLUSION

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To sum up, the problem of piracy in the Gulf of Guinea needs an urgent solution because it threatens international trade in Central and Western Africa, safety of sailors working in the Gulf of Guinea and stability in the nearby states. Nowadays the problem of piracy in the Gulf of Guinea still is not solved and the situation is getting worse. To stop robbery against ship and kidnaping of sailors in the Gulf of Guinea the United Nations should, first of all, provide the coastal countries with technologies of sewage treatment and safe oil extraction. This will help to make water in the Niger river cleaner and let the locals engage with their traditional business (fishing and agriculture). Thus, there will be no need in piracy and kidnaping as local people will have legal source of income.

Secondly, the UN has to help Western African countries to develop their judicial systems which would criminalize piracy and corruption. Moreover, there should be a mechanism of controlling budgetary and international aid distribution and of fighting against corruption in Western Africa.

Thirdly, the UN “blue helmets” or international troops введённые согласно brought in the accordance of the UN resolution could help in training of police and special forces officers. This will concern not only physical training, but also sharing experience of using military equipment. Furthermore, police officers should be employed from locals, who can easily orientate in the Western African jungles, or trained in these jungles.

Meanwhile, West African States should seriously take care of the issues of combating piracy and, if there are no own forces for this, attract other countries to help. After all, ensuring the safety of navigation in the Gulf of Guinea is an important guarantee of improving the economic situation in the countries of West Africa. For example, it is precisely due to the actions of pirates that the volume of commodity turnover of the port of Cotonou, the largest port in Benin, has significantly decreased, since ships travelling to this port often become targets of pirate attacks.

If the Gulf of Guinea countries will not be able to fight against piracy, international society should provide its military help. But in order to use the international military force the United Nations must work out special resolution that allows doing this, because according to Convention on the Law of Sea 1982 foreign marine forces are not allowed to enter the territorial water of other countries without special permission. In addition, the Russian representative to the United Nations Organization suggested expanding the mandate of the contact group on combating piracy off the coast of Somalia to the Gulf of Guinea. Considering the experience of this group, it will be one of the best solutions to the problem of piracy in the Gulf of Guinea.

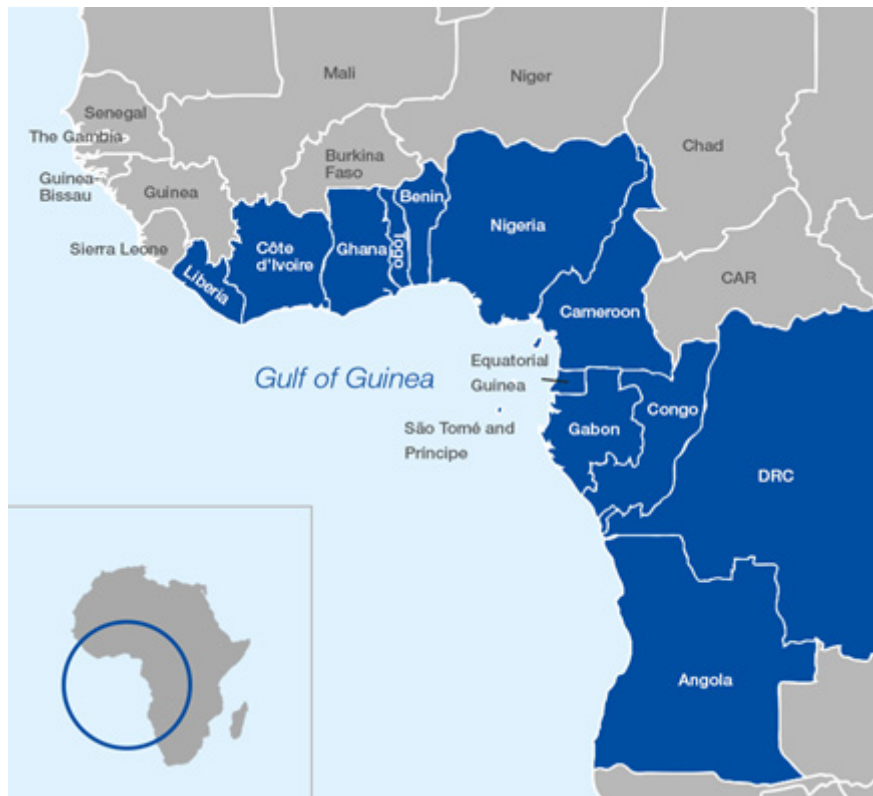
In the coming few years the problem of the piracy in the Gulf of Guinea will not be solved because all parties concerned cannot find any consensus.





## APPENDIX 1: THE GUINEA GULF MAP

Appendix 1: The Guinea Gulf map



Source: <https://issafrica.org/iss-today/gulf-of-guinea-piracy-a-symptom-not-a-cause-of-insecurity>



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