

# Research Report

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## General Assembly I

### Combating piracy in West African waters

MUNISH '14



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<b>Forum</b>	GA1
<b>Issue:</b>	Combating piracy in West African waters
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## Introduction

When people think of the word piracy, it typically involves images of one-eyed sailors with wooden legs, drinking rum and singing salacious songs. This image, resulting from action movies and Hollywood depictions, is dead wrong in contemporary times. Maritime piracy is a serious threat, not only to the safety of the crew and their vessel, but also to the economies of the affected countries. The United Nations Convention on the Law of the Sea defines piracy as “illegal acts of violence or detention” that have been committed on the open seas against ships or aircraft.

Piracy has been around since ships started to be used for the transport of goods. It provided the perfect opportunity to raid people’s ships; they were in free waters, no international laws had been established to condemn the pirates, and there were no witnesses (but the crew of the boarded ship) present. Even in this day and age, the issue of piracy is still widely present and significantly so in the African region, especially Somalia and in recent times, West Africa too. However, it should be noted that the Somali region’s pirates and other criminals at sea have since been subdued due to military intervention from the more developed nations. This was carried in the form of warships that were also involved in the prolonged observation of the area, noting that Somali pirates were more often than not out for ransom of the crews they held hostage. The Gulf of Guinea is also a notable area, where piracy has evolved immensely in the last decade alone. For a long time, smaller ships involved with the oil trade and the exploration of it were the only ones at risk, but over time the pirates have become noticeably more aggressive and better armed. While still pursuing the oil on the ships, the danger factor has been increasing. The pirates have started becoming hostile in the international and regional waters in and around Africa for their own benefit. Supply routes have been established and an overall criminal infrastructure has formed, wherein they co-operate with each other. Nigeria is among the countries that are the most affected due to its large oil supply, which is partially purloined by the pirates. However, Nigeria is one of the few African countries with a large military power, especially compared to Benin, which is the most heavily affected.



## Definition of Key Terms

### Tanker Hijacking

This is the practice of taking over vessels carrying oil. During this process, the pirates drain the oil present on the ships and resell it on the black market, long after having escaped.

### Piracy

Piracy is defined as: “The practice of attack and robbing ships at sea.” This is condemned by the international community for obvious reasons, and is heavily combated as such.

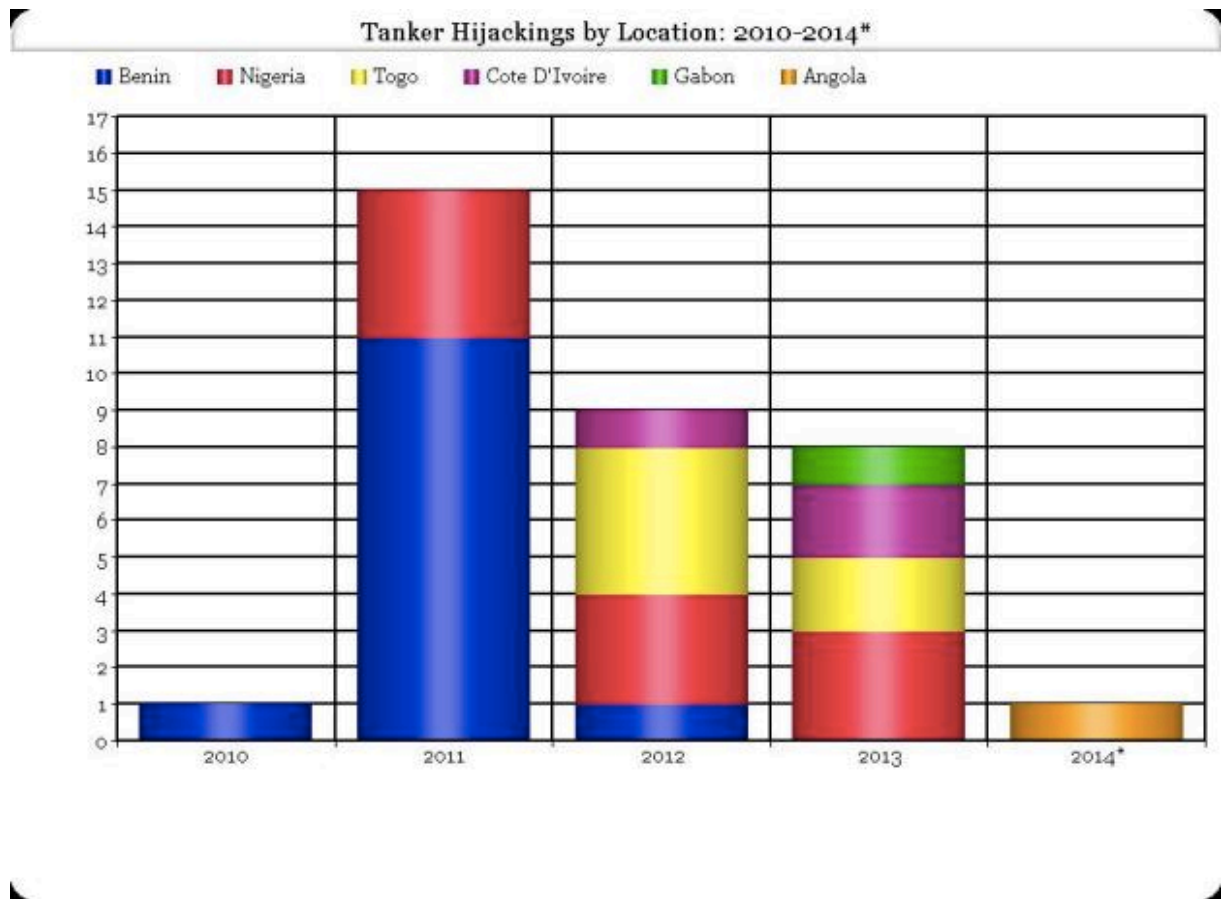
## General Overview

Piracy is a terrible crime that is extremely tough to control, as help cannot arrive right away due to the distance apart and the overall speed of the vessels. Therefore, it often takes hours before aid arrives, long after the pirates have gone. The pirates not only affect the economy of the country of import and the export of the cargo on the ships, but also the company and the country’s society. The industry affected differs per country, but in Nigeria, among others, the oil industry is heavily affected due to the practice of tanker hijacking.

In more recent times, pirate attacks in West African waters have mainly occurred in territorial waters, ports and harbours rather than the open, high seas. The scope of the problem has been increasing exponentially. This pattern has left the interventionists, such as the international naval forces, unable to respond quickly enough. Due to the increase in arsenal and possession of large vessels, pirates can steal the oil cargo without naval forces being able to intervene. It is important to note that these pirates do not attach importance to the crewmembers for holding or ransom; the importance lies in the oil. Furthermore, it is also important to note that these pirates are notorious for their violent modus operandi. By 2010, 45, and by 2011, 64 incidents were reported to the UN International Maritime Organization. Soon after, in 2012, there was a dramatic increase in the number of vessel attacks by West African pirates and the crimes reached a world high with 966 seafarers having been attacked during the year. At the end of 2013, the piracy attacks stabilized slightly to 100 per year and is at this point second only to the infamous Strait of Malacca, where piracy has historically been frequent, always taking spot number one of places where pirates are notable.

The international community condemns the pirates and is heavily involved in finding solutions. When the results were recognized, the response of the UN was to assemble a team that would examine the situation. This in turn led to the recommendation to convene a regional summit and form a united front of those affected and it was made clear that much help was needed in the form of providing a framework for maritime security.

What exacerbates the conflict to a further extent is the fact that collusion between criminal rackets corrupts maritime employees and their officials. This persistency of the pirates allows them to operate under discretion, leading to over half of the attacks to go unreported to bodies like the IMB and IMO. The fact that Nigeria is the only country in the West of Africa with a proper army and navy shows that the other countries that are affected cannot do much about it.



**The amount of oil-carrying-vessels that have been attacked per region**

USNI. Tanker Hijackings. Digital image. USNI News. United States Naval Institute, 10 Mar. 2014. Web. 04 Sept. 2014. <<http://news.usni.org/2014/03/10/piracy-gulf-guinea-oil-soaked-pirates>>.

The figure above shows that tanker hijackers have decreased in the last few years. It is visible that Benin was the worst affected and second in place was Nigeria. The thefts are highly selective, targeting only the tankers fully laden with refined products. This led to the introduction of safe zones, which are now implemented mainly around Benin and Nigeria, which explains why Angola is the only affected country in 2014 so far.

Piracy, which happens out of a position of poverty and desperation, is now much more than just taking hostages for ransom money or stealing cargo. It also encompasses trafficking and smuggling of humans, weapons and narcotics. Illegal, unregulated fishing activities are also a part of this. It is to note that these activities have only increased over time, as the pirates have become more active. Illegal fishing activities in particular have occurred in areas where protection has been only limited.

## Major Parties Involved and Their Views

### The Gulf of Guinea

The Gulf of Guinea consists of the countries that are most involved in the issue at hand. They include the countries of Benin, Togo, Côte d'Ivoire, Ghana, Nigeria, and the Democratic Republic of Congo. Nigeria is one of the most affected countries in the region with the most active piracy, but their military power allows them to limit the attacks greatly. Their economies are considerably affected by the actions the pirates commit and it is estimated that the cost of piracy due to stolen goods, security measures, and insurance is over \$2 billion.

### International Maritime Organization

The International Maritime Organization (IMO) was established in 1948 in Geneva and came into force ten years later. As a specialized UN agency, with 170 Member States and three Associate Members; the Faroe Islands, Hong Kong and Macao, its primary purpose is to maintain, but also to develop the already existing comprehensive regulatory framework for shipping. Nowadays it also includes legal matters, safety, environmental concerns, technical co-operation, maritime security and the efficiency of shipping.

### International Maritime Bureau

The International Maritime Bureau (IMB) is a subsidiary of the International Chamber of Commerce. It specializes in fighting crimes related to maritime trade and transportation,

particularly piracy and commercial fraud. It stands for the protection of crews of ocean-going ships. The United Nations' International Maritime Organization also endorses the bureau.

## Timeline of Events

This timeline below represents the relative increase or decrease in the amount of pirate attacks that have occurred over the years. It is included in order to give an indication of the randomness of the number of attacks per year, and that an overall and general pattern is not found easily. It also shows the projects set up in the region for combating piracy in West Africa.

Date	Description of event
1998	The IMO implements an anti-piracy project, consisting of evaluation and seminars to piracy prone regions, including West Africa
2003	39 reported attacks
2007	56 reported attacks
2008	40 reported attacks
2008	A Memorandum of Understanding is created by the IMO and Maritime Organization of West and Central Africa (MOWCA), with the reason of providing a regional integrated coastguard network and provide the framework of cooperation and guidance for the implantation of the network.
2012	966 reported attacks. These show that the amount of attacks fluctuates greatly per year and that no consistency can be found in the results.

## UN involvement, Relevant Resolutions, Treaties and Events

- Resolution A.1069 (28) from the IMO discusses the prevention and suppression of piracy, armed robbery against ships and illicit maritime activity in the Gulf of Guinea. This resolution discusses this by actively urging governments to cooperate, to monitor the situation in relation to threats and to supply technical assistance, among other requests.
- The United Nations provided an investigative team to examine the situation in West Africa.

## Evaluation of Previous Attempts to Resolve the Issue

Since the wake of the issue in West Africa there have been multiple attempts to find solutions and acts to resolve these conflicts. Multiple organizations have taken part in combining efforts to combat the threat of piracy and more so to make it a collectivistic ideal instead of trying to combat piracy individually by country. A joint effort will make it much less of a challenge to fight the pirates that are growing past the pertaining countries' power at sea.

The UN Convention on the Law of the Sea prescribes exclusive economic zones over which individual states control all the rights, such as exploration, energy production from water and wind, and the use of marine resources. Signed and ratified by all West African countries, this international legal instrument, incorporated into the states' national laws, is partially in place to combat threats posed by piracy. However, besides this measure, the UN has intervened multiple times in the conflict. In 2008 the Security Council authorized other nations to enter Somali territorial waters to stop the pirates that have been largely active there. In 2011 it passed two resolutions regarding piracy, expressing its concern for it in the Gulf of Guinea. The resolution pertained to matters to reinforce domestic legislation, develop a clear, comprehensive regional counter-piracy framework, issue appropriate guidance to overseas transport and cooperate in prosecuting the pirates and their backers.

Overall, the UN's involvement has been fairly limited and calls for concerted action are yet to become reality, but other non-governmental organizations have taken part in the conflict. The West of Africa already possesses an institutional infrastructure to combat piracy, namely The Economic Community for West African States (ECOWAS), which, in its treaty of 1993, has a maritime component intended to integrate maritime issues in the region. Despite multilateral efforts, and an attempt to establish a sub regional integrated coast guard network in West and Central Africa, piracy has been increasing over time.

## Possible Solutions

Piracy itself has resulted in a much broader range of affairs, essentially bringing up the smuggling of humans, weapons, and narcotics, but also illegal unregulated fishing activities. This is important to note for finding methods to harm the practice of piracy. Piracy methods keep improving and combating it will prove to be challenging. Therefore, piracy



should be addressed constantly, eventually exterminating the threat. Poverty is a large cause of piracy; addressing the economic stability in and around the countries affected would have much impact. Increasing the standard of living, creating more job opportunities and providing basic housing for all is imperative to a decrease in any way. Getting major military powers involved is also a solution. This was the case in Somalia, where the US marine force got involved and started to create a sort of defence system for the vessels in the area. The United States can share its power in order to stop the pirates from continuing their practices. Many guidelines already exist to combat piracy in the region of conflict, but they fail to hinder the activity of the majority of pirates. Most methods are also very expensive. Piracy is a tough issue to tackle, as most solutions require continuous intervention.

This leads to further development of changing the economy. It is also useful to find the source of piracy, sort of like 'following the money' and eventually disrupting the pirates' activities at their root. This will be the most beneficial when looked at in a cost-benefit way.

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