



ACADEMY MODEL UNITED NATIONS 2010
BERGEN COUNTY ACADEMIES

DISARMAMENT AND INTERNATIONAL
SECURITY COMMITTEE

TARA SCHWARTZ
DAN ZHOU

TOPIC 2: SEA PIRACY

Background

While most perceive that sea based piracy has been eliminated from the international community, this is far from true. Piracy has nearly tripled in the past decade, making the number of attacks on trade vessels at its highest level since the seventeenth century. Piracy has become a common form of terrorism, more serious than medieval piracy for economic gain. Recent incidents of piracy have been motivated by political agendas. Seaborne piracy causes an international loss of approximately \$13 to \$16 billion per year. The region around the Gulf of Aden, specifically the waters off the coast of Somalia, harbors the majority of pirate attacks. The International Maritime Bureau (IMB) has made estimates leading to the belief that the number of incidents in which pirates have held civilians hostage or killed the crew of a hijacked ship is increasing.

The first step in understanding international piracy is differentiating between maritime terrorism in international waters, and crimes occurring completely within a nation own seas. According to UNCLOS, territorial waters are defined as waters stretching up to twelve miles from a nation's coast. Acts of piracy within a nations coast are defined as robbery, rather than as terrorism or piracy, and are subject to the nations own laws. Although, a nation has the right to pursue a vessel committing a crime until it reaches another state's territory in which case it can be considered piracy.

Piracy seems to be most common in territorial blocks in South East Asia and the horn of Africa, where low levels of political

and economic development have been correlated with the prevalence of piracy in these regions. Such developing countries frequently lack the military capabilities to effectively control their regional waters, so they rely on foreign military assistance as their main source of maritime security. In individual cases, ship owners, reluctant to report piracy due to a fear of increasing insurance and a loss of customer confidence, use their own tactics to fight pirates.

Therefore, international cooperation and action is necessary to protect imperative trade routes and the crews that travel these seas. The IMO and Maritime Safety Committee along with many other international maritime bodies have stressed the need for international effort and cooperation to combat piracy. However, at the same time, it is the right of individual states to conduct their own judicial process, creating a balancing act between national and international legislature and prosecution.

Current Situation

Much of pirate activity has centered around Somalia, however natives patrolling the Gulf of Aden have been reluctant to take action against the pirates. Authorities have taken a step back when it comes to detaining suspects because of the uncertainty over where they would face trial since Somalia has no effective government or judicial system to execute the law.

The president of Somalia, Abdullahi Yusef Ahmed asked for U.N. help twice in 2008 alone. Since Somalia has no central government, the region has little enforcement capabilities giving rise to

piracy in the area. He asks for aid in controlling piracy stating that the domestic police force is unable to adequately manage its waters and needs international involvement.

Resolution 1951 initiated by the United States allows nations and cooperating groups to pursue Somali pirates ashore, providing these countries, battling pirates off Somalia's coast a one-year mandate to act as they see fit to pursue the pirates on land. This resolution was passed in December 2008 unanimously. It was co-sponsored by Belgium, France, Greece, Liberia and South Korea. The Somali government supports the resolution and offers its cooperation and assistance in supplying as much help as it can. Passed in October 2008, Resolution 1838 allows governments to use military force as a tool in repressing acts of piracy, recommending that countries use naval and air force to fight this crime.

Any actions used to counteract piracy must be in agreement with the United Nations Convention on the Law of the Sea (UNCLOS). UNCLOS defines the rights and responsibilities of each nation's use of the seas and established guidelines for the environment, businesses, and maritime resource management. It has been signed or ratified by most countries.

Typical Somali pirate attacks involve five pirates on two or three speedboats. Increasing success of pirate attacks and improved equipment have attracted more locals into the piracy business. Despite the apparent success of piracy and growing membership, there has been an international effort to protect each nation's ships. The United States, Iran, Russia, India, and the NATO member states have begun sending warships to the Gulf of Aden. China and

Japan have prepared and considered sending forces.

The Strait of Malacca has also been a prime area for ship attacks. Located between Malaysia and Indonesia, the Strait of Malacca is one of the most important shipping lanes in the world. The straight has thousands of islets and several rivers passing through it that are used as escape routes for pirates to hide. India and China provide most of the economic activity through this area as they use it most as a route for commercial trade. It is also the most important oil transport route from the Middle East to East Asia. Neither Indonesian naval forces nor the Indian Navy are adequate forces to stop the piracy.

The International Maritime Organization (IMO) encourages cooperation between governments of different nations and the shipping industry to improve naval safety and prevent marine pollution. The IMO has given rise to taking action against piracy in the Somali and Indonesian regions. In prompting security and stability in regions where piracy is most out of control, the IMO has become the mechanism through which the UN can act against piracy.

Several nations have sent naval forces to fight piracy in area where piracy is prominent. These nations include the United States, Canada, France, Germany, Greece, India, Iran, Italy, China, United Kingdom, Denmark, Malaysia, Netherlands, Saudi Arabia, Russia, Spain, Sweden, and Turkey. Somalia and Kenya have faced a large burden of responsibility because of their proximity to the Gulf of Aden, but neither country has adequate resources to take on the issue alone. Malaysia, Indonesia and Singapore face similar responsibilities for combating piracy near the Strait of Malacca.

Case Studies

Somalia

Off of the Somalia coast, piracy has been a major threat of to international waters since the Somali civil war in the 1990's. Somali citizens turned to piracy when they saw a lack of military presence in the oceans and no strong centralized government to put the military there. Somali pirates mainly attack cargo vessels capturing goods and holding hostages for ransom. Occasionally, the Somali government will allow foreign navies to pursue pirates into their own territorial waters, but usually the ships are forced to break pursuit. The United Nations Security Council in 2008 unanimously passed a decision granting independent states permission by the Somali government to enter their territorial waters in pursuit of pirates.

Southeast Asia

Southeast Asia, a global hot spot for piracy, contains the Malaccan Strait, the primary target for pirates. In this area, governments lack the power they need to deal with the crime rings contributing to piracy in their own regions.

Nigeria

Waters off the Nigeria coast provide ample opportunities for pirates to take advantage of the countries natural resources. Nigeria ranks third in quantity of pirate attacks according to the Malaysian based division of the IMB. Pirate attacks cause the Nigerian government a loss of around \$1.5 million US dollars worth of oil daily. Pirate leaders use international waters as a way of obtaining the weaponry the use to carry out the hijackings.

Possible Solutions

The most pertinent cause of piracy is the lack of stability and control of the mainland in regions where piracy is most prevalent. The UN can give its support by sending military, economic and humanitarian aid to these regions. With help, these regions can create educational programs and eradicate piracy, which will strengthen their own economy and provide protection to their regional waters and ports.

By strengthening mainland regions, the quantity of humanitarian aid these countries need will decrease. More security in these regions means that the naval and military vessels used to escort and protect other ships will be able to focus on protect armed ships, and other potential security risks.

Important Actors

The United Nations

The UN sends relief supplies to Asian and African countries that must travel through high-risk areas. Piracy endangers the aid being sent that is vital to stabilizing some of the poorest nations on the globe. The UN also plays the biggest role worldwide in facilitating regional cooperation amongst the governments and agencies dealing with piracy.

Taskforce 150

Taskforce 150 is a multinational naval task force that was established close to the beginning of Operation Enduring Freedom. It conducts Maritime Security Operations (MSO) in the Gulf of Oman, Gulf of Aden, the Arabian Sea, Red Sea, and the Indian Ocean.

Maritime Security Operations (MSO)

MSO helps maintain security in the seas,

promoting stability and global prosperity. The efforts of the MSO help nations to fight terrorism and violent extremists that use the waters as a means of transportation for personnel, weapons or other violent material.

International Marine Bureau (IMB)

The IMB is a division of the International Chamber of Commerce (ICC). It was found in the early 1980's with the purpose of seeking out fraud and malpractice, along with dealing with security issues regarding international waters. The IMB has become the UN's main watchdog for piracy.

Individual States

Individual States play the most important role in preventing piracy. While each state can take its own measure to prevent piracy in its own waters, it is also important that states cooperate, and work together to curb piracy. Individual states also hold the most powerful naval and air forces necessary to monitor and protect high-risk areas.

Questions to Consider

1. How can the UN work to facilitate cooperation between nations affected by piracy and those with the means to prevent piracy?
2. What methods besides that of UN aid can be used to limit the effects of sea piracy?
3. In what ways can international waters be made safer for trading vessels?
4. Who has the right to determine when and how ones country's territorial waters should be open to another countries' military forces?
5. Should crewmembers of cargo ships be entitled to carry firearms?
6. Under which countries' laws should

captured pirates be tried if they are caught in oceans that are not part of a country's territorial waters?

7. Is it the responsibility of the UN to stabilize Somalia's government?

Suggested Resources

- ♦ <http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/privatisation-war?OpenDocument>
- ♦ <http://www.globalpolicy.org/security/peacekpg/reform/training.htm>
- ♦ <http://www.globalsecurity.org/military/>
- ♦ http://www.allacademic.com//meta/p_mla_apa_research_citation/2/5/2/9/3/pages_252936/p252936-1.php
- ♦ <http://www.international-relations.com/wbcm5-1/wbmercenaries.htm>

