Research Report

MUNISH '12

Forum	General Assembly First Committee
Issue:	Combating maritime piracy
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Introduction

The international community is facing large problems in bringing pirates to justice nowadays. An estimated global loss of 13-16 billion US Dollars (USD) per year[1] shows how maritime piracy is still very large-scale in the present age and thus an important problem that should be tackled. Although piracy has existed for centuries, almost ever since men were able to sail the seas, this report will focus on the forms of piracy seen in the late 20th and 21st century.

Definition of Key Terms

Maritime piracy

"Maritime Piracy consists of any criminal acts of violence, detention, rape, or depredation committed for private ends by the crew or the passengers of a private ship or aircraft that is directed on the high seas against another ship, aircraft, or against persons or property on board a ship or aircraft. Piracy can also be committed against a ship, aircraft, persons, or property in a place outside the jurisdiction of any state, in fact piracy has been the first example of universal jurisdiction."[2]
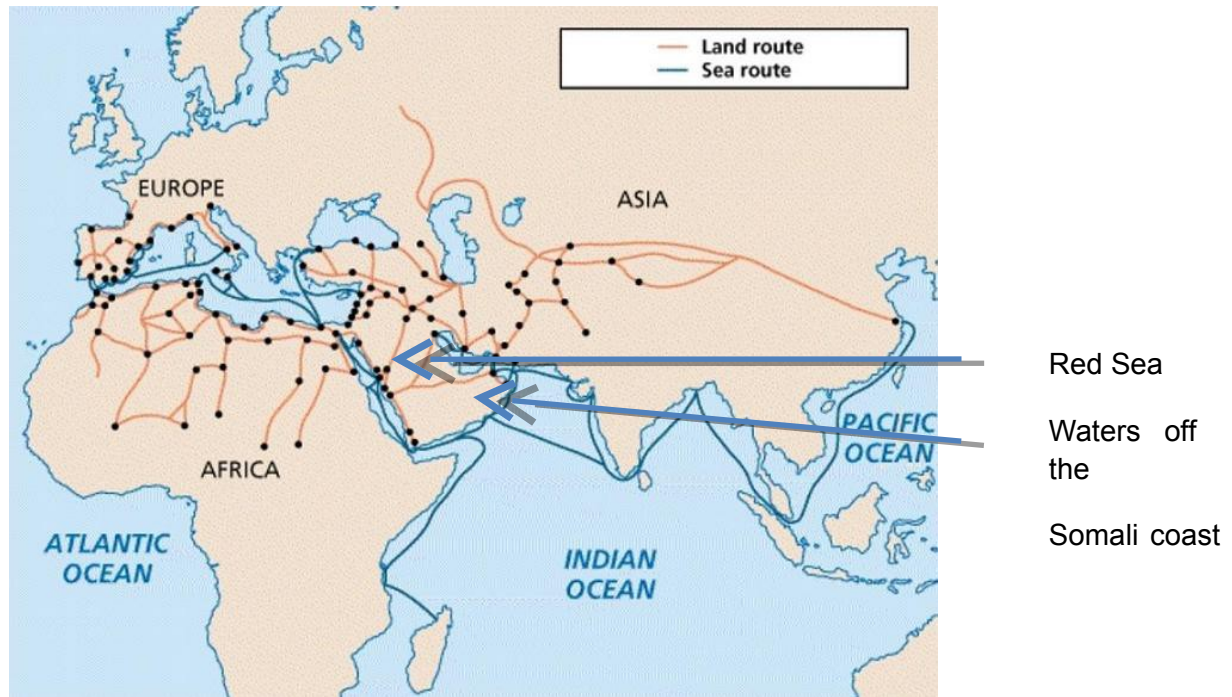
Pirate

A pirate is a person who commits piracy. They are often linked with organized-crime syndicates, but can also be part of small groups of individuals that make a living of being pirates.

General Overview

In order to think of an efficient and successful way to combat maritime piracy, it is important to know which tactics pirates use when attacking a ship. A majority of attacks on vessels occur in narrow passageways such as canals (think of the Strait of Malacca) and make use of the low numbers of crew members modern cargo vessels have. They use small boats to attack the large cargo vessel from various sides, and possibly have a larger 'mothervessel' supplying the smaller attack boats. The attacks are purposefully placed in these narrow passageways because large cargo vessels are more vulnerable in these waters: they need to lower their speed to allow for navigation and traffic control, because of the increasing

usage of the particular waters, and have nowhere to go when they are under attack in an attempt to shake the attacking boats of.

Another reason why pirates use these small bodies of water as their place of attack is because of the fact that almost all the worlds trading routes pass through these passageways. The different areas where pirate attacks mostly occur (the waters between the Red Sea and the Indian Ocean, the before mentioned Strait of Malacca and the waters off the Somali coast) are used by over 50,000 cargo vessels per year. Pirates also exercise in developing countries that don't have large navies but are host to large trade routes.

This figure shows the large trade routes, land as well as sea routes.[3]

When pirates are pursued by a government vessel, they use the trick of sailing into the territory of the government's enemy in order to escape. This proves to be an efficient tactic, and stresses the need for international cooperation on the issue (see "Possible Solutions"). After the end of the Cold War, navies have decreased in size and are patrolling less. This makes organized piracy much more easy.

Modern pirates are in some cases not interested anymore in the ship's cargo, but in the personal belongings of the crew and/or the passengers aboard a vessel, and in the large amounts of money that ships carry in order to pay port fees. Pirates have also captured ships, forced the crew off, sailed it to a nearby port and had it repainted and given a new identity, through purchasing false papers from corrupt officials. Modern piracy can also be caused by political unrest, for example Vietnam: after the United States of America's (USA) withdrawal from Vietnam, Thai piracy was directed at the many Vietnamese escaping with boats. Another example is that after the dissolution of the government of Somalia, warlords attacked United Nations (UN) vessels delivering food aid. Many nations forbid ships to enter their port if their crew is armed in an attempt to fight maritime piracy, but this means that the ships have no way to defend themselves. Some shipping companies hire private armed security guards.

According to the 'Universality Principle', a principle of modern international law, a government may "exercise jurisdiction over conduct outside its territory if that conduct is universally dangerous to states and their nationals."[4] This gives a window of opportunity for governments to pursue and capture pirates in waters other than their own, although not all countries grant other countries this right.

When pirates are captured, in most cases, they are only disarmed and thereafter released. The problem is that ships that capture pirates have no jurisdiction over them and the North Atlantic Treaty Organization (NATO) doesn't have a detention programme running. This is because it is difficult and costly to find and hire translators, and, most governments are reluctant to imprison pirates because the country would be saddled with the pirates after their release. Furthermore, Authorities estimate that only 10-50% of all pirate attacks are reported.

Major Parties Involved and Their Views

International Maritime Bureau (IMB)

The IMB holds records of all the reported pirate attacks on vessels worldwide. It's the IMB's responsibility to combat maritime crime and commercial fraud, so the bureau has a lot to do with piracy. It is a specialized department of the International Chamber of Commerce (ICC) and is a part of the ICC's International Crime Services (ICS). The IMB publishes a report on piracy on a weekly basis and runs a 24-hour piracy report centre in Kuala Lumpur, Malaysia.

United Kingdom (UK)

The UK is an example of a large group of countries that is not willing to detain pirates captured, as they could claim asylum in Britain after their release under the British human rights legislation. In 2008, the British Foreign Office advised the Royal Navy not to detain pirates of certain nationalities because of this reason.

Timeline of Key Events

Date	Description of event
1981	The IMB was founded
1995	The IMB starts collecting statistics on pirate attacks
2008	British Foreign Office advises Royal Navy not to detain pirates of certain nationalities
2011	Brazil created an anti-piracy unit to fight piracy on the Amazon River

UN Involvement, Relevant Resolutions, Treaties, and Events

The UN's International Maritime Organization (IMO), focusing on all UN-based activity related to maritime activities, has endorsed, and worked together with the IMB. The United Nations Security Council (UNSC) has passed several resolutions regarding maritime piracy. Here follows a list of all those resolutions.[5]

- Piracy off the coast of Somalia, 2 June 2008, **(S/RES/1816)**

- Piracy off the coast of Somalia, 7 October 2008, **(S/RES/1838)**

- Piracy off the coast of Somalia, 2 December 2008, **(S/RES/1846)**

- Piracy off the coast of Somalia, 16 December 2008, **(S/RES/1851)**

- Piracy off the coast of Somalia, 30 November 2009, **(S/RES/1897)**

- Piracy off the coast of Somalia, 27 April 2010, **(S/RES/1918)**

- Piracy off the coast of Somalia, 23 November 2010, **(S/RES/1950)**

- Piracy off the coast of Somalia, 11 April 2011, **(S/RES/1976)**

- Piracy off the coast of Somalia, 24 October 2011, **(S/RES/2015)**

- Piracy in the Gulf of Guinea, 31 October 2011, **(S/RES/2018)**

- Piracy off the coast of Somalia, 22 November 2011, **(S/RES/2020)**

- Piracy in the Gulf of Guinea, 29 February 2012, **(S/RES/2039)**

Evaluation of Previous Attempts to Resolve the Issue

As can be noted in the list of UN resolutions stated above, the UN has focused on specific regions in its fight against piracy. Global cooperation in order to fight piracy globally under the same motifs, regulations, and rules has not yet occurred. This is the reason that piracy is still so common and successful, bas long as there is no worldwide cooperation, pirates can, as before mentioned, sail into the waters of the pursuing government's enemy, or won't be detained after capture because of they could claim asylum.

The start for global cooperation has been made, as warships from different, cooperating; nations have been patrolling off the Somali coast in order to give aid to cargo vessels attacked by pirates. It is a start, but this global cooperation should be developed further (see "Possible Solutions").

Possible Solutions

A large problem that is holding the fight against piracy back, is the fact that there is no global unity on the issue. Various governments tackle the problem in their own way, and this gives pirates the opportunity to for example, sail into the pursuing government's enemy's territory. Furthermore the pirates off the Somali coast are using the fact that the Somali government doesn't have the means nor the financial resources to combat piracy for their own benefit. Creating a global unity on combating maritime piracy should prove to have an enormous increase in the fight against piracy. This way all nations could can have an input and collaboration of technological advancement, techniques and financial resources in order to set up an international force combating piracy worldwide. This should also make it easier to repatriate the pirates, so that they can be imprisoned according to national law.

Many shipping companies are already hiring private security guards in to enlarge their defences against pirates. The problem though, is that not all shipping companies can afford these security guards and it is not really a solution because it is still possible for pirates to engage in armed conflict with the security guards and have the possibility to overpower them. Other technological means of defence, such as remote weapon systems, a higher free wall or boarding protection systems such as an automated fire monitor can be implemented in ships.

Another idea is to set up an international prison, only for the detention and punishment of pirates, with an example in the nation's law where the prison is located so that the pirates cannot claim asylum after their release but would be sent back to their own country. This would ensure that all pirates captured would be prosecuted, and that they would be imprisoned according to UN standards (meaning regarding the human rights).

Professor Peter Leeson from George Mason University has come up with another interesting and creative idea: he has suggested that the international community appropriate Somali territorial waters and the international part of the Gulf of Aden and sell those waters, to a private company which would then ensure the security of those waters in exchange for charging tolls to world shipping through them.

Bibliography

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- "United Nations Documents on Piracy." *UN News Center*. UN, n.d. Web. Sept. 2012. <http://www.un.org/Depts/los/piracy/piracy_documents.htm>.

Appendices

I. Source: http://www.heritage.org/research/reports/2000/06/piracy-in-asia-a-growing-barrier-to-maritime-trade?renderforprint=1

II. Quoted from: http://definitions.uslegal.com/m/maritime-piracy/

III. Source: http://www.google.nl/imgres?q=modern+sea+trade+routes&hl=nl&biw=1441&bih=710&tbm=isch&tbnid=LzJeSuhZaWfxRM:&imgrefurl=http://www.muslimheritage.com/topics/default.cfm%3FArticleID%3D1029&docid=LItn4t5Gr507sM&imgurl=http://www.muslimheritage.com/uploads/Fig_1_Land_sea_trade_routes_Islamic_world.JPG&w=778&h=581&ei=ZjIqUKnQKojS0QWys4HYAw&zoom=1

IV. Quoted from: *Thomas Buergenthal & Sean D. Murphy, Public International Law in a Nutshell, p. 211*

V. Here you can find all the resolutions listed and other significant UN documents regarding piracy: http://www.un.org/Depts/los/piracy/piracy_documents.htm