Special Conference 1

Tackling piracy and enhancing maritime security

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Sebastian Andersen

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Student Officer:	Sebastian Andersen
Position:	Chair

Introduction

The oldest boat, which has been found until now, originates from the time around 8200 BC. From that point on until this day boats and ships have been an important part of human history. Whether it was for the good of trade, to discover and connect new parts of the world or to wage war on one another, maritime transportation has always been involved.

However, no matter how important boat and maritime transport have been to the development of the human species, they have also brought a lot of danger, especially for the sailors of the transport vessels. Not only do they have to fear storms, rough seas and an environment hostile to humans but also pirates. The image of the pirate from the 18th century with large wooden ships, with multiple cannon decks defines the idea of piracy in our current society, but just as maritime technology and engineering have evolved, so has piracy. Long gone are the days when large naval ships involved themselves with pirate ships in long firefights.

Modern-day pirates often originate from countries, which are not able to grant them a comfortable and stable life. In later years Somalia has been a prime example of this. After the collapse of their government in the 1990s poverty and famine held the country in a tight grip. In addition to this foreign fishing vessels profited from the collapse of the government to penetrate into Somali water to fish. This led to an existential crisis for many Somali fishermen as they were no longer able to get any support from their government, in addition to foreign fisher boats catching all their fish. As A Result of this many fishermen turned to crime in order to survive and as many of them possessed small and fast boats, piracy was an obvious possibility. This resulted in modern-day pirates being more focused on hijacking large cargo ships and then demanding a ransom for the sailors and the ship from the shipping company.

As the Horn of Africa lies right at the exit of the Strait of Aden and the Suez Canal where approximately 30% of the world's trade flows through this poses a danger to international trade and thousands of seamen.

This example alone shows how important it is to tackle piracy and enhance maritime security in order to secure global trade and to not endanger thousands of lives.

Definition of Key Terms

Piracy

The act of robbery or criminal violence at sea, which often occurs outside of the jurisdiction of any country. Modern-day piracy is marked by hijacking ships and demanding a ransom for the release of the crew, the ship and the cargo itself.

Maritime Safety

The measures taken to secure a ship, port or other maritime infrastructure, such as pipelines, from pirates, terrorism or other types of criminal activities.

Territorial waters

Territorial waters are the waters which are under the jurisdiction of a state and where they can prosecute any vessel or individual. This extends 12 nautical miles off the coastline.

Flag state

The country under whose law a vessel is registered and licensed.

High Sea

The High Seas describe the area where no country has jurisdiction, meaning that they have no influence on the happenings in these regions and can normally not prosecute crimes committed in this area. The high seas usually begin 12 nautical miles off the coast of a country.

Exclusive Economic Zone

The Exclusive Economic Zone (EEZ) of a country grants the holding country special economic rights to the resources and gives the state the right to exploit these for their economic benefit.

Best Management Practices

Best Management Practices (BMPs) are guidelines developed by states and shipping companies to help vessels avoid or in the worst case delay and deter pirate attacks.

Private Maritime Security Companies

Private Maritime Security Companies or PMSCs are private companies which offer protection to ships sailing through pirate-infested waters, by means such as armed guards and barbed wire to prevent boarding.

Ship Security Alert System

A system mandated by the International Maritime Organization, which is in place to allow ships to allow authorities or nearby warships about a pirate attack.

Citadel

A fortified room in ships, which regularly sail through waters known to be attractive for pirates. The crew can maintain control of the ship and take refuge in this room in case of a pirate attack.

Safe Passage

The right of a ship to pass through the territorial waters of another state under certain conditions without interference.

Seafarers Rights

These apply to all sailors and grant them legal protection and the right to safety, security and fair treatment.

General Overview

Piracy

Piracy is one of the main dangers to shipping traffic and maritime trade there is as of today. Especially in regions, which are less economically developed, piracy often becomes a last resource for desperate fishermen, which then becomes a danger to the trade and economic development in the region.

Definition

The United Nations Convention on the Law of the Sea defines piracy in Article 101 of the convention. The following is stated:

Article 101

Definition of piracy

Piracy consists of any of the following acts:

(a) any illegal acts of violence or 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:

   (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;

   (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;

(b) 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;

(c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

Example: Somalia

The most prominent modern example is Somalia. After the government of the country was overthrown in 1991 the country spiralled into a deep crisis. The collapse of the government in combination with the drought of 1992 caused one of the worst famines in the century, which

left approximately 260,000 people died of starvation. In addition to this, the already poor African country was hit by increased poverty and the problem of foreign fisher boats entering Somali territorial water uncontested, thereby depleting the waters of much-needed fish. This led many Somali fishermen to turn towards Piracy out of desperation and in order to support themselves and their families. The result of this was a massive increase in piracy attacks, which peaked in 2010 with 182 incidents (See Appendix) and forced the international community to

respond. Various organisations and nations did so by trying to stabilise Somalia, whilst naval forces provided active protection to international trading routes. Even though the financial situation has not improved remarkably since the 1990s due to intern disputes and conflicts, the amount of piracy has decreased. This is most likely due to the presence of international naval forces, which were allowed to detain and prosecute pirates according to the laws of their flag state.

A map of the Area of operation for the NATO Operation Ocean Shield running from 2012-2016, "Operation Ocean Shield." *Mc.Nato.Int*, www.mc.nato.int/missions/operation-ocean-shield. Accessed 24 June 2024.

Example of a pirate attack

On April 8th 2009 MV Maersk Alabama, a cargo ship sailing under American flag for the Danish shipping giant Maersk, was attacked by pirates en route from Salalah in Oman to Mombasa in Kenya. 240 nautical miles off the coast of Somalia the vessel was boarded by four pirates,

making it the first ship under American flag to be hijacked since the 1820s. Most of the crew was able to withdraw to the citadel whilst fighting the pirates, Captain Richard Phillips, however, was taken hostage. The pirates demanded a 2 million dollar ransom for the release of the ship and its crew. The pirates left the ship along with their hostage in the lifeboat of the Alabama after being attacked by the remaining crew, thereby carrying on the hijacking on a smaller scale. Early in the morning of the 9th of April two US Navy vessels arrived at the scene to assist in negotiations and free the captain by force if necessary. After multiple failed attempts at negotiation, the decision was made by then-president Barack Obama to use force to liberate the last hostage. Special forces of the United States Navy attacked the lifeboat, killing three pirates in the process and taking one captive, whilst freeing Phillips. The captured pirate stood trial for his crimes in an American court, which sentenced him to 33 years in prison.

Importance of maritime safety

Maritime safety is a concern, which is thousands of years old, but still remains crucial to this day. This is due to the important role maritime trade routes play in global supply chains. According to UN Trade and Development, roughly 80% of all trade is transported by maritime ways. Through the Malacca Strait and the Suez Canal, 60 and 12 percent of global trade flows through respectively. Both of these are regions where pirate attacks are a recurring phenomenon, which poses a danger to international trade. Due to the ransoms and the endangerment of crew and ship shipping companies grow more and more reluctant to send their ships through such regions. This means the global transport routes get extended, as can be seen in the case of the recent Houthi attacks on ships passing Yemen. This has led to ships rerouting their sail plans, in order to bypass this area and instead sail around the cap of Africa, which in turn, extends the journey by over a week. So not only do piracy and unsafe maritime conditions endanger Lives and material, but it also harms and cripples international trade and the economy to a certain extent.

Major Parties Involved

United Nations

Various branches of the United Nations (UN) are involved in ensuring maritime safety. Multiple sustainable development goals such as industry, innovation and infrastructure, decent work and economic growth and peace and justice and strong institutions underline the UN's intention to secure trade and protect the life of everyone involved.

International Maritime Organization

Among the responses of the International Maritime Organization (IMO), an organization under the UN, are the safety and security of shipping and sailors. Established in 1948 the organisation, which has 176 member nations, has, amongst other treaties, been responsible for the United Nations Convention on the Law of the Sea (UNCLOS), which outlined territorial waters and provided the legal framework for the persecution of pirates.

European Union

The European Union (EU) has been involved in the fight against piracy and the assurance of safe trade routes for quite some time. The first time the EU acted actively on the threat of pirates was in 2012 when it dispatched a fleet under the name Operation Atalanta to combat the piracy off the coast of Somalia. Furthermore, the Union has been involved in various humanitarian projects in affected countries such as Somalia, where it has financed various infrastructure projects.

North Atlantic Treaty Organization

The North Atlantic Treaty Organization has been especially involved in the military aspect of combating pirates, for example with Operation Ocean Shield, during which the Alliance dispatched warships over a 4 year period from 2012 to 2016 to the Horn of Africa.

African Union

Similar to the EU, the African Union (AU) has been involved by deploying troops to affected troops to ensure the safety of the region, whilst supporting the countries with projects and finances in order for them to improve their financial situation.

Regional Organizations

Regional organisations such as the Association of the Southeast Asian Nations (ASEAN), the Gulf of Guinea Commission (GGC) and the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) ensure the cooperation between countries and the private sectors in order to achieve the best possible and farthest stretching result.

Various Navies and naval task forces

International task forces and navies have been crucial and effective in suppressing the danger of piracy in various regions of the world. Task forces such as UN Task Force 150 and 151 have impacted the situation to such a positive extent, that piracy in Somalia nearly decreased by 100%. Meanwhile, large shipping nations like the USA, China and the UK have deployed their navies in order to protect their interests and the ships sailing under their respective flags.

Less Economically Developed countries

Less Economically developed countries such as Somalia, the countries surrounding the Gulf of Guinea and some south-eastern Asian countries, such as Indonesia and Malaysia, present a good breeding ground for pirates. Through critical financial situations, people get desperate and turn to rely on criminal activities such as piracy to support their living. Take for example a fisherman from Somalia, a country where people have little possibility to ensure the survival of themselves and their families financially and where the government is unable to aid and secure the base of living for these individuals. Due to international fishing boats overfishing Somali waters, the base of life of fishermen is destroyed and they find themselves unable to provide for their families. They now have to ensure their survival by other measures and since they possess a boat and vast knowledge of the sea of the Horn of Africa, piracy is a lucrative opportunity.

Timeline of Key Events

Date	Description of event
1350 BC	The first descriptions of piracy. Pharaoh Echnanton writes about freelancing sailors raiding coastal cities in North Africa from the Mediterranean.

8th-11th century AD	Vikings raid coastal regions all over Europe, marking the most significant period of piracy in Europe. At their height, Vikings even raided North America.
15th- 18th century AD	The so-called "golden age of piracy". During the time of colonisation, many valuable materials were transported from the colonized regions, such as the Caribbean, India and Africa to Europe. These ships became lucrative targets for pirates and thereby fuelled an increase in piracy, especially in the aforementioned regions.
1816	At the Congress of Vienna, various European powers declared the first international cooperation against piracy.
1856	Through the Declaration of Paris, all signatories agree on abolishing privateering, which can be described as state-funded privacy against vessels originating from hostile powers.
20th century	Throughout the 20th century, piracy declined as more international agreements combating this issue were signed and countries increased naval presence in the various affected regions.
1948	The International Maritime Organization is created by the UN in order to create a legal framework ensuring maritime safety and a working maritime transport system.
1958	The UN established the first convention regarding territorial waters and the high seas, called the United Nations Conference on the Law of the Sea (UNCLOS 1).
1982	The United Nations Convention of the Law of the Sea (UNCLOS) is adopted, providing a UN-approved framework for the combat against piracy.
2000	Increase in piracy of the coast of Somalia following the political instabilities, famine and in general poverty, which had risen to extreme heights beforehand
2004	The Regional Agreement on the Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) was established

2008	The UN Security Council passed Resolution 1816, which allows an international naval force to enter into active combat with pirates on the coast of Somalia.
2009	NATO carries out Operation Ocean Shield by sending a fleet of warships to the Horn of Africa, in order to combat the rise of piracy alongside Task Force 151 of the United Nations. The operation ran until 2016 and saw a notable decrease in pirate attacks.
2012	The European Union sent a naval force (EU NAVFOR) called Operation Atalanta to the Horn of Africa to prevent further pirate attacks in the region.
2017	The UNODC launched a program to combat piracy and maritime crime globally called the Global Maritime Crime Programme (GMCP). This goal is reached with various methods such as mentoring local coast guards on preventing piracy.
2020	Even though piracy in Somalia is marked by a decline, the opposite can be said about the Gulf of Guinea, which due to financial hardships experiences an incline in piracy.
2021-2022	After an increase in piracy, various countries agreed on the Yaoundé Code of Conduct, which ensures regional cooperation against piracy.
2021	International partners such as Japan and Denmark send advisors to various countries in the region to train local security forces. The Danish navy also deploys a frigate to directly support the local efforts, but recalls the ship after the Russian invasion of Ukraine.

UN involvement, Relevant Resolutions, Treaties and Events

- Declaration of Paris, April 16th 1856

- United Nations Convention of the Law of the Sea, December 10th 1982 (current form)

- The situation in Somalia, June 2nd 2008, (S/RES/1816)

- The situation in Somalia, December 3rd 2021, (S/RES/2608)

- Oceans and the law of the sea, February 12th 2009, (A/RES/63/111)

- United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, January 10th 2023, (A/RES/77/234)

- Peace and security in Africa (Maritime security in the Gulf of Guinea), May 31st 2022, (S/RES/2634)

Previous Attempts to solve the Issue

Previous attempts to solve piracy and increase maritime security date back as far as piracy itself. The Romans were the first to have taken active military measures against pirates, by launching an extensive naval campaign. This method of military intervention to solve the issue of piracy and enhance maritime security became the method of choice for the next 1900 years. During the golden age of piracy European navies, especially the Royal Navy, were particularly focused on hunting down and neutralising pirates in order to secure the trade routes with their colonies.

The first international attempt to solve the issue of piracy was made in 1816 at the Vienna Congress, where the European powers decided to cooperate in eradicating the problem they faced regarding their trade routes. This meant European powers would share intelligence and in some cases, even dispatch joined forces to tackle the problem of piracy in their colonies. This approach was

taken to the next step at the Declaration of Paris in 1856, where all European powers vowed to banish privateering. Until that point in history most of the major European colonial powers had paid pirates to attack and plunder the ships of hostile countries, but this was now officially banned, leading to a further decrease in piracy as there were now no more states willing to finance piracy.

As of today, various measures are in place to combat piracy and to increase the safety of the oceans of the world. Many of these involve the United Nations, such as the establishment of the international maritime law, which includes the United Nations Convention on the Law of the Sea (UNCLOS). UNCLOS was drafted by the International Maritime Organization in order to establish various rules at sea, amongst others the legal framework to combat piracy. An example is the definition of piracy specifically outlined in Article 101, whilst Article 105 allows all countries to seize pirate ships and detain the occupants, should the pirate ship be in international waters, where no country has jurisdiction. Furthermore, the IMO has facilitated various regional codes of conduct, such as the Yaoundé Code of Conduct and the Djibouti Code of Conduct, which ensured naval presence and regional cooperation in the Gulf of Guinea and the East African and Indian Ocean respectively. This comes as an addition to the Contact Group on Piracy off the Coast of Somalia (CGPSC) which is a direct sub-organization of the IMO and also ensures regional cooperation. However, the IMO is not the only UN organization working on the case of piracy and the enhancement of maritime security. The United Nations Security Council passed Resolution 1816, which allowed an international naval force to enter Somali waters and combat piracy, thereby protecting the international trade route which connects Asia and Europe. From that point on three different naval forces played a major role in the decrease of piracy of the Horn of Africa: Operation Atalanta of the European Union, Combined Task Force 151 by the UN, and the NATO Operation Ocean Shield. According to the Navy Office of Information, this led to a decrease in incidents from 181 in 2009 down to less than 10 in 2013.

These international naval task forces also show a picture of attempts to solve the issue without UN involvement for example through the founding of the Regional Agreement on the Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) which is an information-sharing system by countries which make use of the Indian Ocean for trade. Another example for this is the Regional Anti-Piracy Prosecution and Intelligence Coordination Centre (Rappicc) located in the Seychelles, which gathers information on piracy and shares it with countries and international organizations. The United Nations Office on Drugs and Crimes also makes use of this centre for their information gathering concerning piracy.

Even though many of these attempts are good starts they fail to address the main issue of piracy, poverty. It is expensive to keep an operational naval task force in a specific region, therefore this is not the best-suited solution for the long term, even though it has led to a massive decrease in incidents off the coast of Somalia. As can be seen in the Gulf of Guinea piracy follows poverty and it is therefore far more important to address the issues of poverty and internal stabilities in countries with coastlines in order to prevent piracy and increase maritime security.

Possible Solutions

Various measures are available in order to improve the issue.

The first of these is to ensure smooth and effective cooperation. The naval task forces, dispatched by the Security Council, have proven a well-suited temporary solution to the issue of piracy. Especially in the waters off the coast of Somalia, this is visible. Here international taskforces have been able to reduce pirate attacks by intervening and aiding the crew, once a ship comes under attack. Furthermore, they have been able to liberate captured ships by the use of special forces and stop attacks in their tracks by patrolling and searching suspicious ships. Therefore it must be ensured that this method can still be used if deemed necessary and that countries are prepared to contribute in order to secure international trade. In addition to this information sharing is important. Even though there are multiple regional centres collecting information with various degrees of accessibility, one centralised centre collecting information and making it available to every single country would be a huge improvement, as forces which respond to pirate attacks would not have to search multiple centres for information.

International cooperation goes hand in hand with the improvement of the situation in the affected regions. The first of these could be the training of local security forces to deal with the issue. In contrast to what is done right now, this training could be conducted by a manual constructed by experts, in order to achieve a high international level of professionalism when it comes to dealing with dangers at sea. Furthermore, local units could be supported by technology from countries, which are more developed to solve 5the issue, which affects the entire world. Drones could for example be used by local forces to detect pirates without wasting material and personnel. In addition to this an international standard for the judicial treatment of piracy could be created in order to ensure that piracy is punished according to a certain standard. This could be an internationally

decided upon prison time along with the safeguarding of the rights of the detainee, such as their right to a lawyer and human treatment in prison. Other measures decided upon could be the creation of a reintegration program, which meets international standards, in order to prevent the former pirates from resuming their former occupation. Such a programme could include, amongst other things, education and job opportunities.

In general, the economic state of affected countries has to be enhanced, as poverty and the lack of opportunity are the primary reasons for piracy and thereby danger to maritime security. This could be done by investing into alternative livelihood programs allowing people in these regions to have an alternative to a criminal life. This could be supported by an international investment into the infrastructure of affected countries in order for them to recover financially and thereby offer their population social advantages, which were denied or even impossible before.

Lastly, all of the factors mentioned above could be implemented with the help of Non-governmental organizations and the private sector, as they often possess large wells of knowledge on infrastructure, security concerns and humanitarian questions.

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