



**DISARMAMENT AND  
INTERNATIONAL SECURITY  
COMMITTEE (DISEC)**

**TOPIC: MARITIME PIRACY**

**Director: Guerlain Ulysse**

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## BRIEF HISTORY:

Ever since the 1990s, pirates along the coast of Somalia have been capturing ships and holding their crews for ransom. The first cases of piracy began after the collapse of the Barre regime in Somalia in 1991. In the aftermath of the government collapse, which resulted in a lack of patrolling of Somali waters, foreign fishing vessels and international companies began using the coast as a dumping site for toxic waste, and much of its fisheries have been pillaged. As a result, disaffected Somali fishermen began attacking foreign vessels, alleging that they are protecting Somalia's coastline and fishing waters. The political instability within Somalia, which lacks an effective government that can assert control over its land and waters, has been a prime reason why the coast of Somalia has been exploited by foreign fishermen, thus helping to legitimate some of the Pirates' claims. But piracy off the Somali coast has not been limited to foreign fishing vessels; it has, especially since 2006, taken on a much bolder, more disruptive nature. Presently, the piracy threat has hampered trade and navigation from the Suez Canal through the Gulf of Aden and into the Indian Ocean. Figure 1 displays how the geographic area of the pirate attacks has grown since 2005:

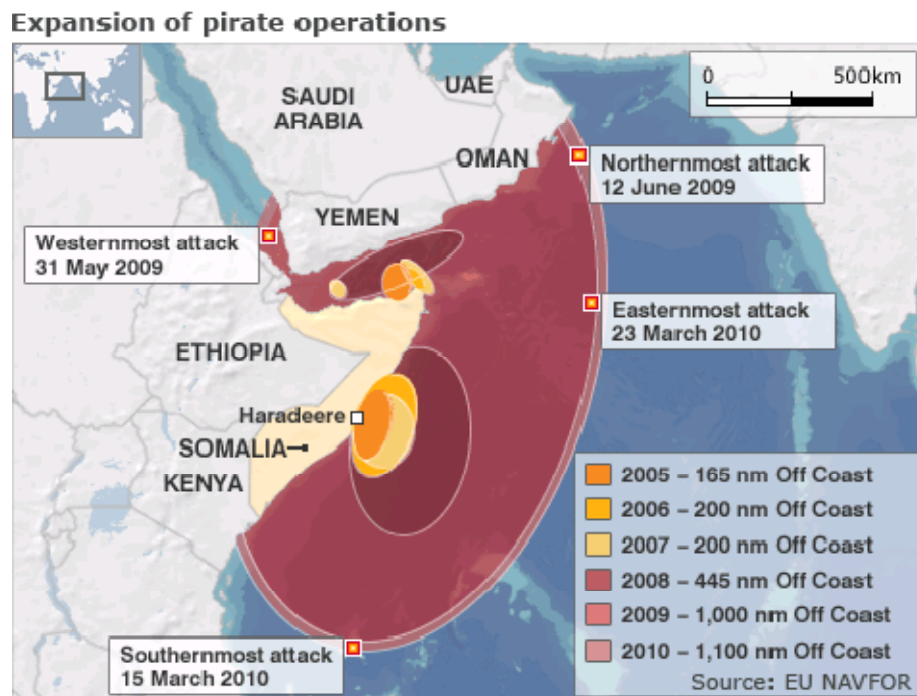


Figure 1: Expansion of pirate operations off the Somali Coast  
(source: <http://www.bbc.co.uk/news/10401413>)

The increasing frequency of pirate attacks, combined with the outrage caused by the capturing and pillaging of several vessels carrying humanitarian aid to the Somali population, have caused both alarm and outrage in the international community.

Although the problem began with the Somalia Civil War, it wasn't until 2005 that international organizations intervened. Then, in August 2008, the Combined Task Force 150 was created to patrol the area in the Gulf of Aden. Other nations, such as India and Russia, have since sent out warships to protect their own trading vessels as they pass through surrounding areas. These vessels are fully equipped for combat. Germany did not offer ships, but did instead send 1,400 troops to help the cause. The United Nations created Resolution 1838 on October 7, 2008 to support necessary air and naval force on piracy in the region. Recent estimates state that at all times, Somali pirates are holding at least a dozen ships for ransom. Somalia has an unstable government, enabling rampant piracy in the area. From the start of maritime trade, the question of piracy has long plagued the seven seas. Recently, it has become a modern-day threat faced by numerous crewmen on a daily basis. Today's pirates have evolved from fabled one-eyed bandits to dangerous terrorists, determined to cause mayhem on crewmembers and exploit innocent lives in exchange for a ransom.

## PRESENT SITUATION

In 2008, Ahmedou Ould Abdallah, the UN Special Envoy for Somalia, called the situation "a disaster off the Somali coast, a disaster for the Somali environment and the Somali population." Presently, Somali pirates have been reaping approximately \$100 million annually in ransoms. Simultaneously, foreign fishing vessels continue to exploit the Somali waters, with European and Asian fisherman poaching an estimated \$300 million annually in fish.

While the issue of a lack of control off the Somali coast is clear, the issue of piracy is much more complicated than is often perceived. First, the "pirates" are far from being a homogenous group. Some are fishermen seeking to protect their fishing waters, and others are connected with terrorist groups and insurgents within Somalia.

## PAST RESOLUTIONS

International law addressing piracy is set out in Articles 100 through 107, and 110, of the UN Convention on the Law of the Seas (UNCLOS) of 1982. According to the Convention, piracy consists of "any illegal acts of violence or detention, committed for private ends by the crew or the passengers of a private ship or aircraft and directed... on the high seas against another ship or aircraft, or against persons or property on board such ship or aircraft." It is important to note that this definition is quite narrow, as it only pertains to action on the high seas (i.e. not territorial waters near national coasts) and by one ship against another ship. Therefore, cases where a ship is taken over by members of its crew

or passengers, including their being held hostage for ransom are not technically considered to be forms of piracy under the Convention.

Many recent actions involved specific intervention in the Somalia region. Under the 2006 Islamic Courts Union, Somali piracy was halted. However, sovereignty has restricted other nations from attacking inland pirate infrastructure. Past resolutions “encouraged UN member States with naval vessels and military aircraft operating in international water and airspace adjacent to the coast of Somalia to be watchful against pirate attacks and to take action to protect merchant shipping, especially vessels transporting humanitarian aid.” In 2007, the International Maritime Organization strengthened its ties with the WFP (World Food Programme) and the West Indian Navies in order to aid merchant ships.

In 2008, the UN released resolutions 1816, 1838, 1846, and 1851 allowing “Member States to intervene in the territorial waters of Somalia in order to combat piracy as they would have done in the high seas [or land], thanks to patrols in dangerous areas or, if need be, by intervening directly against pirates” whilst cooperating under Somalia’s Transitional Federal Government. It also called upon states to determine jurisdiction in the investigation and prosecution of pirates and cooperate with the Transitional Federal Government of Somalia in deterring piracy. Resolution 1838 “called upon states to take part in actively fighting piracy by deploying naval vessels and aircrafts to the Gulf of Aden and surrounding water.”

Despite expanding the ability of member states to address piracy, there exists room for DISEC to improve upon the United Nations Security Council (UNSC) resolutions. First, UNSC resolutions only apply to Somali territorial waters. As Figure 1 showed, the geographic scope of the piracy threat has greatly expanded in recent years, and is no longer confined solely to Somali waters. Specifically, cases of piracy have been recorded off the coasts of Yemen and Kenya. One debatable issue to expanding the scope UNSC Resolutions 1816 and 1851 to Kenyan and Yemeni waters is that both states fear that it will lead to the violation of their own national sovereignty, particularly referring to the sections in the resolution that allow member states to enter territorial waters and even fight piracy on land. This is certainly an issue that DISEC should debate. Second, both UNSC resolutions were temporary resolutions, meaning that their agreements expired 12 months after their implementation. As a result, though they can be seen as models for future UN resolutions, but their clauses are no longer in effect (and thus the current law is that encompassed in UNCLOS). Therefore, a DISEC resolution that approves of provisions in UNSC 1816 and 1851 may choose to reintroduce those principles and cite the resolutions as a guide.

## Questions to Consider:

1. What is your nation's definition of piracy?
2. What mechanisms does your nation believe are necessary to ensure the protection of ships against piracy?
3. What can the international community do to ensure cohesive communication and support in the fight against piracy?
4. What pre-existing programs and organizations will your resolution include or reject?
5. What short term tools will nations use in ensuring the protection of civilians?  
Long term?

## Helpful Links to Guide Research:

UNSC Resolution 1816:

[http://www.marad.dot.gov/documents/UNSCR\\_1816-\\_SIT\\_IN\\_SOMALIA.pdf](http://www.marad.dot.gov/documents/UNSCR_1816-_SIT_IN_SOMALIA.pdf)

UNSC Resolution 1851:

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/655/01/PDF/N0865501.pdf?OpenElement>

UN Convention on the Laws of the Seas (UNCLOS):

<http://www.admiraltylawguide.com/conven/unclostable.html>