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UNITED NATIONS SECURITY COUNCIL

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## Letter from the Executive Board

Greetings delegates,

It is my pleasure to welcome you to the United Nations Security Council at Jaipuria Model United Nations 2018.

The Security Council is one of the most dynamic and intriguing committees at model UN conferences.

The purpose of this guide is to guide you in your understanding of the agenda. It's an advice for all of you to look at the agenda with multi-dimensional approach in order to allow the debate to be more holistic and substantially fulfilling. This guide analyzes certain issues which you could use as a medium of directing your research. We would appreciate you to come up with innovative ideas and discussions.

Feel free to revert back to the executive board for any queries or for any form of assistance you shall need. Wish you best of luck for the conference.

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The United Nations Security Council is one of the six principal organs of United Nations. The Security Council is specifically charged with maintaining international peace and security, delegated with the task of responding to crises as they occur. The Security Council has the authority to establish peacekeeping operations, international sanctions, and to authorize military action. These measures are taken through Security Council resolutions. The Security Council is the only UN body with the authority to issue binding resolutions to any of the United Nations' member states.

The Security Council has 5 permanent members and 10 rotating members, giving the total council 15 members, an odd number to prevent ties when voting. The 5 permanent members are the United States, the United Kingdom, Russia, China, and France. These permanent members can veto any substantive Security Council resolution, including the approval of a candidate for Secretary-General or the admission of new United Nations Member States. The 10 non-permanent members are elected on a regional basis to serve two-year terms so that other regions of the world will always have a voice in decisions made on critical issues. The presidency of the body rotates monthly between members. A representative of each of the Council's members must be at the UN Headquarters at all times so that the Security Council can meet whenever a need arises. Security Council resolutions are enforced by UN Peacekeeping Forces, military forces that member nations voluntarily provide to enforce the actions of the Council.

The role of the UN, and thereby of the Security Council, in international collective security is clearly laid out in the UN's Charter, which allows for investigation of any situation that threatens international peace and to recommend any measure that will lead to peaceful resolution of disputes.

Though Chapter VI of the UN Charter allows the UN Security Council to "recommend appropriate procedures or methods of adjustment" to deal with situations that threaten international peace and stability, these procedures are not considered binding as there is not a set enforcement mechanism by which any recommended measures can be enacted. Chapter VII, on the other hand, authorizes the Security Council to use armed force to "maintain and or restore international peace and security." This same chapter also gives the Security Council the authority to take binding non-violent action, like economic sanctions, making it the only UN body allowed to do so.

## Introduction

Piracy is spreading and evolving in the north eastern part of Africa. The political instability of Somalia is catalyzing the situation. The Far East-Europe route is one of

the world's most active transcontinental maritime routes and thus it is affecting the freedom of shipping that carry about **90 per cent of the world's trade**. This is also threatening the safety of fishermen and passengers, and the delivery of humanitarian aid. This situation is further causing **threat to the trade of Middle Eastern nations** since tons of crude oil, petroleum products and gas is transported through Gulf of Aden. There are number of hostages from countries like Oman, Iran, Yemen, Somalia, etc. A new World Bank report has found that the piracy on the coast of Somalia will **cost the global economy around 18 billion dollars every year**. Piracy has also been used for **money laundering** business. Situation in Somalia and decreased patrolling in the region, this entire thing would aggravate.



## Definition of 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 and armed robbery are one of the foremost threats facing the maritime industry today, be it off Somalia, in the Western Indian Ocean, the Gulf of Guinea, the South China Sea or elsewhere. According to UNCLOS, Article 1, piracy is defined as-

- (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).

## Piracy under International Law

Acts of piracy threaten maritime security by endangering, in particular, the welfare of seafarers and the security of navigation and commerce. These criminal acts may result in the loss of life, physical harm or hostage-taking of seafarers, significant disruptions to commerce and navigation, financial losses to ship-owners, increased insurance premiums and security costs, increased costs to consumers and producers, and damage to the marine environment. Pirate attacks can have widespread ramifications, including preventing humanitarian assistance and increasing the costs of future shipments to the affected areas.

## UNCLOS

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) provides the framework for the repression of piracy under international law, in particular in its [articles 100 to 107 and 110](#). The Security Council has repeatedly reaffirmed “that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 (‘The Convention’), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities” (Security Council resolution 1897 (2009), adopted on 30 November 2009). Article 100 of UNCLOS provides that “all States shall cooperate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State.” The General Assembly has also repeatedly encouraged States to cooperate to address piracy and armed robbery at sea in its resolutions on oceans and the law of the sea. For example, in its resolution 64/71 of 4 December 2009, the General Assembly recognized “the crucial role of international cooperation at the global, regional, sub regional and bilateral levels in combating, in accordance with international law, threats to maritime security, including piracy”. Concerned articles are as follows-

## **Article 102**

### *Piracy by a warship, government ship or government aircraft*

#### *whose crew has mutinied*

The acts of piracy, as defined in article 101, committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a private ship or aircraft.

## **Article 103**

### *Definition of a pirate ship or aircraft*

A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in article 101. The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act.

## **Article 104**

### *Retention or loss of the nationality of a pirate ship or aircraft*

A ship or aircraft may retain its nationality although it has become a pirate ship or aircraft. The retention or loss of nationality is determined by the law of the State from which such nationality was derived.

## **Article 105**

### *Seizure of a pirate ship or aircraft*

On the high seas, or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The courts of the State which carried out the seizure may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ships, aircraft or property, subject to the rights of third parties acting in good faith.

## **Article 106**

### *Liability for seizure without adequate grounds*

Where the seizure of a ship or aircraft on suspicion of piracy has been effected without adequate grounds, the State making the seizure shall be liable to the State the nationality of which is possessed by the ship or aircraft for any loss or damage caused by the seizure.

**Article 107**

*Ships and aircraft which are entitled to seize on account of piracy*

A seizure on account of piracy may be carried out only by warships or military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.

**Article 110**

*Right of visit*

1. Except where acts of interference derive from powers conferred by treaty, a warship which encounters on the high seas a foreign ship, other than a ship entitled to complete immunity in accordance with articles 95 and 96, is not justified in boarding it unless there is reasonable ground for suspecting that:

- (a) the ship is engaged in piracy;
- (b) the ship is engaged in the slave trade;
- (c) the ship is engaged in unauthorized broadcasting and the flag

State of the warship has jurisdiction under article 109;

- (d) the ship is without nationality; or
- (e) though flying a foreign flag or refusing to show its flag, the ship is, in reality, of the same nationality as the warship.

2. In the cases provided for in paragraph 1, the warship may proceed to verify the ship's right to fly its flag. To this end, it may send a boat under the command of an officer to the suspected ship. If suspicion remains after the documents have been checked, it may proceed to a further examination on board the ship, which must be carried out with all possible consideration.

3. If the suspicions prove to be unfounded, and provided that the ship boarded has not committed any act justifying them, it shall be compensated for any loss or damage that may have been sustained.

4. These provisions apply *mutatis mutandis* to military aircraft.

5. These provisions also apply to any other duly authorized ships or aircraft clearly marked and identifiable as being on government service.

- **Suppression of Unlawful Acts (SUA)**



The SUA came into force on 1 March 1988 and focuses on appropriate action to be taken against people who commit illegal acts against ships. The agreement covers unlawful acts such as the seizure of ships with the use of force, acts of violence against persons on board ship and to introduce equipment on board of aircraft likely to destroy or damage the ship. One of the most important provisions of the SUA Convention is the principle of Extradition or prosecution (Article 13). Some important articles of SUA convention are as follows-

### *Article 3*

The SUA Convention provides a list of actions that must be considered illegal.

These acts

are the result of:

“(a) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation; or

(b) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship; or

(c) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship; or

(d) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship; or

(e) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if any such act is likely to endanger the safe navigation of a ship; or

(f) communicates information which he knows to be false, thereby endangering the safe navigation of a ship; or

(g) injures or kills any person, in connection with the commission or the attempted commission of any of the offences set forth in subparagraphs (a) to (f).

2. Any person also commits an offence if that person:

(a) attempts to commit any of the offences set forth in paragraph 1; or

(b) abets the commission of any of the offences set forth in paragraph 1 perpetrated by any person or is otherwise an accomplice of a person who commits such an offence; or

(c) threatens, with or without a condition, as is provided for under national law, aimed at compelling a physical or juridical person to

do or refrain from doing any act, to commit any of the offences set forth in paragraph I, subparagraphs (b), (c) and (e), if that threat is likely to endanger the safe navigation of the ship in question.

- **The 2005 protocol**

The protocol is responsible for extending the provisions of the SUA Convention by introducing additional measures in order to fight against all acts against the safety and security of navigation. Article 3 clause 7 is important in this regard.

## History of Piracy in the Region

Ever since a civil war brought down Somalia's last functional government in 1991, the country's 3,330 km (2,000 miles) of coastline — the longest in continental Africa — has been pillaged by foreign vessels. A United Nations report in 2006 said that, in the absence of the country's at one time serviceable coastguard, Somali waters have become the site of an international "free for all," with fishing fleets from around the world illegally plundering Somali stocks and freezing out the country's own rudimentarily-equipped fishermen. According to another U.N. report, an estimated \$300 million worth of seafood is stolen from the country's coastline each year.

In the face of this, impoverished Somalis living by the sea have been forced over the years to defend their own fishing expeditions out of ports such as Eyl, Kismayo and Harardhere — all now considered to be pirate dens. Somali fishermen, whose industry was always small-scale, lacked the advanced boats and technologies of their interloping competitors, and also complained of being shot at by foreign fishermen with water cannons and firearms. The names of existing pirate fleets, such as the National Volunteer Coastguard of Somalia or Somali Marines, are testament to the pirates' initial motivations. A 2006 study published in the journal *Science* predicted that the current rate of commercial fishing would virtually empty the world's oceanic stocks by 2050. Yet, Somalia's seas still offer a particularly fertile patch for tuna, sardines and mackerel, and other lucrative species of seafood, including lobsters and sharks. In other parts of the Indian Ocean region, such as the Persian Gulf, fishermen resort to dynamite and other extreme measures to pull in the kinds of catches that are still in abundance off the Horn of Africa

High-seas trawlers from countries as far flung as South Korea, Japan and Spain have operated down the Somali coast, often illegally and without licenses, for the better part of two decades, the U.N. says. They often fly flags of convenience from seafaring friendly nations like Belize and Bahrain, which further helps the ships skirt international regulations and evade censure from their home countries. In the early

days of Somali piracy, those who seized trawlers without licenses could count on a quick ransom payment, since the boat owners and companies backing those vessels didn't want to draw attention to their violation of international maritime law. This allowed the pirates to build up their tactical networks and whetted their appetite for bigger spoils.

Beyond illegal fishing, foreign ships have also long been accused by local fishermen of dumping toxic and nuclear waste off Somalia's shores. A 2005 United Nations Environmental Program report cited uranium radioactive and other hazardous deposits leading to a rash of respiratory ailments and skin diseases breaking out in villages along the Somali coast. According to the U.N., at the time of the report, it cost \$2.50 per ton for a European company to dump these types of materials off the Horn of Africa, as opposed to \$250 per ton to dispose of them cleanly in Europe.

Monitoring and combating any of these misdeeds is next to impossible — Somalia's current government can barely find its feet in the wake of the 2006 U.S.-backed Ethiopian invasion. And many Somalis, along with outside observers, suspect local officials in Mogadishu and in ports in semi-autonomous Puntland further north of accepting bribes from foreign fishermen as well as from pirate elders. In the meantime, Somali piracy has metastasized into the country's only boom industry. Most of the pirates, observers say, are not former fishermen, but just poor folk seeking their fortune. Right now, they hold 18 cargo ships and some 300 sailors hostage — the work of a sophisticated and well-funded operation.



### **Important incidents**

- February 1, 2008 - Captain Colin Darch, from Appledore, north Devon, was seized by pirates who attacked his ship off the coast of Somalia.

Captain Darch and his crew, including the Irish chief engineer and four Russian seamen, were released unharmed after 46 days.

- November 11, 2008 - Two suspected Somali pirates were killed when a Royal Navy warship came to the rescue of a Danish vessel which was being attacked. HMS Cumberland and the Russian frigate Neustrashimy repelled the attempted raid in the Gulf of Aden after the pirates twice tried to board the ship.
- November 15, 2008 - Chief engineer Peter French, from County Durham, and second officer James Grady, from Strathclyde were among crewmembers on board the Sirius Star when it was hijacked by Somali pirates 450 nautical miles south-east of Mombasa.

The crew was eventually released on January 10, 2009, after a £2million ransom was reportedly paid by the supertanker's owners.

- November 21, 2008 - The world's largest shipping company announced its oil tankers would make a major detour to avoid the pirate-plagued waters off the Somali coast.

A spokesman for Maersk said it would reroute its 50-strong fleet via the Cape of Good

Hope.

- March 4, 2009 - More than 1,000 Britons on a luxury round-the-world cruise were ushered to safety amid fears their ship was being followed by pirates.

The 218m-long Balmoral made emergency calls after encountering "suspicious" activity from two small craft in notorious waters off Somalia, Fred Olsen Cruise Lines said.

- April 6, 2009 - A British-owned cargo ship, the Malaspina castle, was hijacked by Somali pirates .
- April 10, 2009 - French sailor Florent Lemaçon is shot dead in a military operation to free him, his wife and three-year-old son after they were taken hostage while sailing to Zanzibar.
- April 25, 2009 - Terrified British cruise liner passengers told how fellow tourists fought off armed pirates by throwing tables and chairs at them. The response repelled the attack by Somali pirates who tried to hijack the 35,000-tonne MSC Melody in the Indian Ocean.
- 28 December, 2011 - Somali pirates hijacked an Italian cargo ship with 18 crew off the coast of Oman.
- 14 March, 2017 - A Sri Lankan oil tanker was hijacked by suspected pirates off the coast of Somalia, the first such hijacking in the region in five years.

## International Coordination

The international community has taken a number of steps to tackle piracy since Somali pirates emerged as a threat to international maritime security four years ago. In 2008, the UN Security Council passed a series of measures targeting Somali piracy, culminating in the unanimous approval of U.S.-led Resolution 1851. The move authorized states with navies deployed in the Gulf of Aden to, with the permission of Somalia's Transitional Federal Government, take action against pirates and armed robbers within Somalia.

The United Nations Security Council has been actively engaged in formulating adequate responses to the issue of piracy. Several UN Security Council resolutions have been adopted to address the delivery of humanitarian aid to Somalia and the protecting and escorting ships employed by the World Food Programme. In January

2009 the Security Council (resolution 1851) established the contact Group on Piracy off the Coast of Somalia to facilitate discussion and coordination of actions among states and organizations to suppress piracy off the coast of Somalia. The contact group periodically reports progress to the Security Council.

Resolution 1851 facilitated the creation of the Contact Group on Piracy off the Coast of Somalia (CGPCS) in January 2009. The group was tasked with "addressing military and operational coordination, capacity building, and judicial issues, shipping self-awareness and public information related to piracy." Along the same lines, since January 2009, nine east African countries have signed the Djibouti Code of Conduct. That agreement was engineered by the UN's International Maritime Organization, tasked with implementing certain aspects of the 2008 UN resolutions. In support of UN Security Council resolution 1851 and the EU-NAVFOR Somalia set up in 2008 to improve maritime security off the Somali coast, the European Union has established the Maritime Security Centre (Horn of Africa) as part of international efforts to coordinate efforts to deal with piracy. The Centre is part of the European Security and Defence Policy Initiative which provides a service to mariners in the region.

The UK hosted an international conference on the future of Somalia (Guardian) in London in February 2012, which focused on new international measures for combating and prosecuting piracy off the Somali coast. The steps included a joint Memorandum of Understanding between the British and Tanzanian governments allowing the British Royal Navy to transfer suspected Somali pirates to Tanzania

for prosecution; an agreement that will see convicted pirates captured off the coast of Seychelles transferred to Somaliland for imprisonment; and the formation of an international task force on pirate ransoms. The Conference agreed that piracy cannot be solved by military means alone and reiterated the importance of supporting local communities to tackle the underlying causes of piracy and improving effective use of Somali coastal waters through regional maritime capacity-building measures

The international community also has at its disposal the UN Convention on the Law of the Sea. The treaty, which came into effect in 1994, is binding for 154 nations and the European Union. The United States has yet to ratify the agreement. The Convention governs "all aspects of ocean space," including the "settlement of disputes relating to ocean matters.". The United States' refusal to adopt the treaty, despite support in the U.S. Senate and by the Obama administration, has complicated Washington's ability to tackle piracy with its international partners.

## **Security Council Resolutions on piracy off the coast of Somalia**

- [1816 \(2008\)](#)
- [1838 \(2008\)](#)
- [1846 \(2008\)](#)
- [1851 \(2008\)](#)
- [1897 \(2009\)](#)
- [1918 \(2010\)](#)
- [1950 \(2010\)](#)
- [1976 \(2011\)](#)
- [2015 \(2011\)](#)
- [2020 \(2011\)](#)

## **African Union**

The African Union adopted a landmark charter on maritime security. The document commits all Member countries to protect their environment, but also to prevent and suppress crimes on sea, as well as the traffic of human beings, weapons or drugs. The African Charter on Maritime Security, Safety and Development aims to solidify Africa's commitment to an efficient and effective management of its oceans, seas and waterways so as to ensure sustainable, equitable and beneficial exploration of these critical resources. The Assembly urged Member States to ratify the Charter in accordance with their relevant national procedures, and begin its implementation.

## **Djibouti code of conduct**

In 2009 a high-level meeting of 17 countries from the Western Indian Ocean, Gulf of Aden and Red Sea areas met in Djibouti and adopted a "Code of conduct concerning the repression of piracy and armed robbery against ships in the Western Indian Ocean and the Gulf of Aden". Signatories to the code of conduct to undertake wide-ranging commitments to cooperate in seizing, investigating and prosecuting pirates in the region, and to review their relevant national laws. The code of conduct allows authorized officials to board the patrol ships or aircraft of another signatory. Nine countries have so far signed the code of conduct. These include: Djibouti, Ethiopia, Kenya, Madagascar, the Maldives, the Seychelles, Somalia, Tanzania, and Yemen.

## **Military Patrolling**

Both governments and the shipping industry have been working to devise deterrence measures off the Somali coast. However, many experts stress that most of the current tactics do not address the state instability that allows piracy to flourish.

Following the 2008 UN resolutions, three main naval missions have been



deployed to Gulf of Aden, including NATO, EU, and U.S. operations. There are also independent navy ships-- including those of Australia, China, India, and Russia--patrolling the corridor from all over the world. However, many Somali pirates have adjusted their tactics and managed to avoid naval patrols by operating farther offshore, outside the Gulf of Aden.

There are also too few ships patrolling the Gulf. As a result of these challenges, many ships have begun to hire armed guards as a preemptive deterrent for would-be attackers. However, while this tactic can be quite effective, there is not yet a process for regulating these guards, creating potential legal complications. As an example, an incident off the coast of India whereby two Italian marines aboard a cargo ship shot and killed Indian fishermen suspected of being pirates. The shipping industry and national governments should be better coordinating their response to the piracy threat.

## Operation Ocean Shield

Operation Ocean Shield was NATO's contribution to Operation Enduring Freedom – Horn of Africa (OEF-HOA), an anti-piracy initiative in the Indian Ocean, following the earlier Operation Allied Protector. Naval operations began on 17 August 2009 after being approved by the North Atlantic Council, the program was terminated on December 15th 2016 by NATO <sup>[4]</sup>. Operation Ocean Shield focuses on protecting the ships of Operation Allied Provider, which are transporting relief supplies as part of the Program's mission in the region. The initiative also helps strengthen the navies and coast guards of regional states to assist in countering pirate attacks. Additionally, China and South Korea have sent warships to participate in the activities. The US Navy has been the largest contributor of ships followed by the Indian Navy. The fleet of ships was on rotation and is led by a designated leadership. The mission however was concluded in 2016.

### **Combined task force 151**

U.S. Naval Forces Central Command (NAVCENT) commands the Combined Maritime Forces (CMF) operating in the Arabian/Persian Gulf, Gulf of Oman, Gulf of Aden, Red Sea, Arabian Sea, and Indian Ocean. In January 2009, the command established Combined Task Force 151(CTF-151), with the sole mission of

conducting anti-piracy operations in the Gulf of Aden and the waters off the Somali coast in the Indian Ocean. That role had previously been filled by CTF-150, which continues to perform counterterrorism and other maritime security operations as it has since 2001. In August 2008, CTF 150 and partner forces agreed to the establishment of a Maritime Security Patrol Area (MSPA) in the Gulf of Aden to serve as a dedicated, more secure transit zone for merchant vessels. The MSPA has been credited, in part, with lowering the success rate of Somali pirates in the Gulf of Aden transit zone.

### **European Union: Operation ATALANTA**

In December 2008, the European Union launched EU NAVFOR Operation ATALANTA, its first naval operation under the framework of the European Security and Defense Policy (ESDP). Forces participating in Operation ATALANTA have been tasked with providing protection for WFP vessels and merchant vessels and are authorized to “employ the necessary measures, including the use of force, to deter, prevent and intervene in order to bring an end to acts of piracy and armed robbery which may be committed in the areas where they are present.”<sup>105</sup> EUNAVFOR also promised protection for AMISOM supply ships. In December 2010, the European Council extended the mandate for Operation ATALANTA through December 2012. According to the

European Union, the operation will involve up to twenty ships and over 1,800 personnel over its full term. To date, Belgium, France, Germany, Greece, Italy, Luxemburg, the Netherlands, Spain, and Sweden have made permanent contributions of forces and personnel to the operation, as has Norway (which is not a member of the EU), and other EU member states support the operation’s headquarters.

### **Private military companies**

In addition to security assistance received from foreign donors, the Somali Transitional Federal Government (TFG) and the semi-autonomous Somali regions of Puntland and Somaliland have employed the services of private companies to train and support their security forces, and, on occasion, to help enforce security in their territories and surrounding waters. Such companies have been operating in Somalia for decades, providing an array of services, from convoy security for humanitarian aid deliveries to security escorts and personal security details for high-ranking individuals. Private industry also employs the services of these companies.

### **United Nations Office on Drugs and Crimes (UNODC)**

The UNDOC’s mandate is to assist countries in the fight against illicit drugs, crime and terrorism through capacity building of member countries; seeking to increase countries' expertise in the field of drug and crimes and assistance in the establishment of national and international legal instruments. Encouraged by resolution 1851 of the

Security Council of UN, UNDOC took the initiative “to achieve effective Measures to remedy the cause, capacities and incidents of piracy and armed robbery off the coast of Somalia.” UNDOC has published papers and implemented various measures to help Somalia but also the countries of the region. Programs like the UNDOC counter-Piracy program

And Piracy Prisoner Transfer Programme (PPTP) have been really effective.

### **International Maritime Organization**

The International Maritime Organization is a specialized agency of the United Nations which is responsible for measures to improve the safety and security of international shipping and to prevent pollution from ships. It is also involved in legal matters, including liability and compensation issues and the facilitation of international maritime traffic. The IMO slogan sums up its objectives: **Safe, secure and efficient shipping on clean oceans**. The agency developed a set of measures to fight against piracy and facilitate the cooperation of States in the region of Southeast Asia by providing a wide range of expertise. One of them was in the ratification of regional cooperation agreement entrusted with creating instruments to coordinate actions of the countries in the region affected by the phenomenon (The Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia: RECAAP).

## **Interpol**

The INTERPOL Maritime Piracy Task Force focuses on three main areas to counter maritime piracy, working closely with the international community:

### *Improving evidence collection*

The maritime environment poses unique difficulties for collecting evidence. They provide advice, training and equipment to our member countries worldwide in order to improve the quality and quantity of data collected, and to make sure it is properly preserved and analyzed.

With the creation of a Global Database on Maritime Piracy currently in progress, INTERPOL will be soon in the position to better analyze piracy networks. This will enable them to help their member countries identify and arrest high-value individuals involved in Somali maritime piracy – such as piracy leaders and

financiers – and to identify their assets.

#### *Facilitating data exchange*

A single piracy case will often affect several different nations. Vessels may be flagged, owned and operated by different countries and manned by multinational crews. The pirates, the navy which captures them and the nation willing to investigate and prosecute the case are also likely to be diverse. This makes it crucial to share information between military, law enforcement and judicial bodies in multiple countries.

Their secure global police communications system, known as I-24/7, and our system of notices are key to the sharing of data and the detention of suspected pirates.

#### *Building regional capabilities*

The majority of prosecutions for maritime piracy are conducted in African or Asian countries. They are working to develop the capabilities of police investigation units on a regional level. By providing specialized training and equipment prior to trial we can increase the likelihood of successful prosecutions in the future.

## **Impact**

The significant dependence of African countries on international trade makes maritime transport a crucial factor in Africa's economic development. Maritime transport provides a gateway to international markets for Africa's exports; port facilities play an important trade facilitation role to landlocked countries; fishing and tourism are important sources of income and employment to littoral and island

economies; the sea is an important source of oil, gas and minerals; and, the sea has been used for connecting cables and pipes for data services and mobile telephone connectivity. Maritime piracy is having a negative impact on the cost of shipping (trade and oil) and shipping related activities (such as port and transshipment activities), tourism and fishing. By hijacking large tankers, seizing their cargoes, and delaying or preventing their delivery, piracy poses additional risks and costs to all. The implications entail increased military presence and operations in affected areas, the re-routing of ships, higher insurance premiums, and increased costs associated with hiring security personnel and the installation of deterrent equipment. The United Nations has also taken a special interest because the deteriorating situation off the war-torn Somalia and the Gulf of Aden is affecting delivery of food aid to Somalia.

## **Humanitarian Assistance to Somalia**

Maritime piracy impedes the delivery of relief aid necessary to sustain and nourish a substantial part of the population of Somalia. Civil war, combined with a series of devastating droughts, has created a dire

### **Humanitarian crisis in Somalia**

There are more than one million internally displaced persons in the country. According to the World Food Programme (WFP), more than 2.6 million people in Somalia were dependent on food aid in 2008; the number now stands at 3.25 million people. Between 80 and 90 per cent of food aid for Somalia arrives by sea. In 2007 the WFP reported that the number of ships willing to carry food aid to Somalia had been cut by half because of the increased dangers faced by humanitarian relief vessels in Somali waters. In response, seven NATO warships were deployed off the Somali coast as part of 'Operation Allied Provider' to help combat piracy, and specifically to protect the WFP.

### **Oil Production and Cost of Energy**

More than 10 percent of all seaborne oil passes through the Gulf of Aden to the Suez Canal. The alternate route, traveling around the southern tip of Africa, is significantly longer and more expensive. Routing a single tanker from Saudi Arabia to the United States around the Cape of Good Hope adds approximately 2,700 miles to each voyage and about \$3.5 million in annual fuel costs. This could have an impact on shipping costs for imported raw materials and oil. As world attention focused on the striking increase in piracy in the Gulf of Aden, and dramatic hijackings such as the *Sirius Star*, the piracy situation in Nigeria was relatively neglected. IMO reports show that 2009 began with the capture of an oil supply vessel and a subsequent attack on a Royal

Dutch Shell tanker. Reports show that on 21 January 2010 militants from the Niger Delta region attacked the MT Meredith, a tanker carrying 4,000 tons of diesel fuel and kidnapped a Romanian crew-member. As a result of pirate attacks on vessels and other incidents, oil production in Nigeria is estimated to have dropped by 20 per cent since 2006 costing the Nigerian economy US\$202 million.

### **Tourism and Fishing**

Maritime piracy also imposes significant costs on local fishing economies. According to IMO, pirates attacked tuna vessels at least three times in 2009 as they fished 650 to 800 kilometers beyond Somali territorial waters. One vessel was captured, leading to a ransom payment that exceeded US\$1 million. The threat of pirate attacks has prompted many vessels to avoid some of the richest fishing spots in the Indian Ocean. Dwindling catches have raised concern that the Seychelles and Mauritius could face severe economic problems.

### **Cost of shipping and insurance**

The dramatic rise of piracy in the Gulf of Aden is changing the insurance landscape. While piracy is not a new insured risk, the increase in pirate attacks along the Gulf has affected premiums and coverage. Ships that continue to pass through the Gulf of Aden and the Suez Canal have to purchase a war risk insurance coverage. According to a recent report by UNCTAD, insurance premiums for ships traveling through the Gulf have rose from between 0.05% and 0.175% of the value of their cargo, compared to between 0% and 0.05% in May 2008. Premiums for kidnap and ransom coverage have reportedly increased by as much as 1,000%.<sup>12</sup> The additional costs due to piracy are passed on to consumers as shipping companies recoup most of their losses through their protection and indemnity clauses. An increasing number of ships are now avoiding the Suez Canal route and taking the longer route around the Cape of Good Hope.