Issue: Combating Maritime Piracy in the Red Sea

Forum: General Assembly 1

Position: Deputy Chair

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Introduction

The Red Sea owns one of the crucial coastal lines of
world trade with the harbors on coasts through the Bab-el Mandeb Strait, the Gulf of
Aden and to the north, the Indian Ocean. It is a linking point between the eastern and
the western trade because of its closeness to the Suez Canal. For highly
industrialized countries like China, Japan and India, these harbors are of crucial
importance since it is the fastest maritime road to transport goods from the Indian
Ocean to the Mediterranean Sea and the whole continent of Europe as the
continuation. In contrast to this wealthy view of the region, this beaten track of global
maritime is owned by LEDCs like Eritrea, Djibouti, and Somalia. The internal
disorder, high unemployment rates and poverty spread like a contagious disease
between these states which resulted in astronomical crime rates and massive unrest.
Under all those circumstances, the geographical advantage of long coastlines gave a
special opportunity for many citizens to commit maritime crimes, with the foremost
being piracy. After a while, it has become clear that this underestimated danger has
become one of the biggest threats to the freedom for any and all ways of maritime
activities. Piracy is seen in the region especially after the 1980s, furthermore, is still
remaining as a considerable issue for the whole world

The political map of the region as a whole.

Definition of Key Terms

Piracy

"Any robbery or other violent action, for private ends and without authorization by public authority, committed on the seas or in the air outside the normal jurisdiction of any state. Because piracy has been regarded as an offense against the law of nations, the public vessels of any state have been permitted to seize a pirate ship, to bring it into port, to try the crew (regardless of their nationality or domicile), and, if they are found guilty, to punish them and to confiscate the ship." (Britannica)

The definition of the crime of piracy is contained in article 101 of UNCLOS (United Nations Convention on the Law of the Sea), which reads as follows:

"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)."

Maritime Security

Even if no international consensus has been reached on the obvious definition, Maritime security is defined as the protection from threats to the freedom or peaceful order at sea.Those threats are clustered under the term "maritime crimes". The maritime security was always an issue for governments since when the vessels were started to be used in trade and transport. The term evolved under the modern era as the maritime crimes were mainly seen as terrorist acts in regions like the Red Sea and/or Strait of Malacca. As the term "global trade" emerged, international organizations and conventions were created because of the fact that maritime security was now one of the key factors to sustain the economic development between states.

Jurisdiction

"Authority of a court to hear and determine cases. This authority is constitutionally based. (...) A court may also have authority to operate within a certain territory." (Britannica)

Terrorism

"The systematic use of violence to create a general climate of fear in a population and thereby to bring about a particular political objective. Terrorism has been practiced by political organizations with both rightist and leftist objectives, by nationalistic and religious groups, by revolutionaries, and even by state institutions such as armies, intelligence services, and police. Definitions of terrorism are usually complex and controversial, and, because of the inherent ferocity and violence of terrorism, the term in its popular usage has developed an intense stigma." (Britannica)

Another example of "terrorism" related terminology is Resolution 1566 (2004), which aimed to assist States in meeting their obligations under Security Council Resolution 1373 (2001) to take domestic legislative action. It refers to "terrorism" as:

... criminal acts, including against civilians, committed with intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a

population or compel a government or an international organization to do or to abstain from doing any act, which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature, and calls upon all States to prevent such acts and, if not prevented, to ensure that such acts are punished by penalties consistent with their grave nature. (Para. 3).

Horn of Africa

As a region of Eastern Africa, the Horn of Africa consists of, Eritrea, Djibouti, and most importantly, Somalia. Moreover, these are states with long coastal lines through the Red Sea. The long history of these countries links them to similar cultures and social familiarity. On the other hand, the Horn is remaining as the emerging point of piracy in the Red Sea since a vast majority of pirates in the region are citizens of these aforementioned countries. This term gives convenience to define these states and the region itself at the same time.

General Overview

In the early 1980s, the government of Somalia was known with its constructive projects to enhance the economy and infrastructure of the country. During those years, the Somali Ministry of Fisheries and the Coastal Development Agency (CDA) propelled a development program concentrating on the foundation of farming and fishery cooperatives in order to benefit from the financial opportunity of the long coastal line of the Gulf of Aden. As a result, Somalia got critical investments inside and outside of the country for different fishery improvement ventures, as the Somali maritime industry was considered to have a great deal of potential inferable from its unexploited marine stocks. Two significant fishery associations were created in name of, (Iraqi-Somali) SIADCO and (Italian-Somali) SOMITAL.

Somali Navy missile boats in August 1983

Despite these idealistic future plans, the central government failed and a civil war broke between regime and opposition forces of Somalia in 1991, resulting in the disbandment of nation navy. Since then, Somali territorial waters were left undefended, foreign fishery corporations began illegally fishing on the Somali seaboard and ships began dumping toxic material and other waste off the Somali coast, which carried on with the collapse of fish stock. Somali fisherman tried to cooperate and protect their resources. A huge domestic turmoil started, with local people arming themselves. They tried to capture foreign vassals for ransom and after earning a considerable income from those illegal activities, many businessmen and soldiers surprisingly contributed to the piracy. They managed to share the profit and sustain their wealth in war times. After realizing these activities as a significant danger for world trade, Combined Task Force 150 (CTF 150) a multinational task force funded by the UN, was given the mission to fight against piracy in the Horn of Africa by a Maritime Security Patrol Area (MSPA) within the Gulf of Aden.

Meanwhile, the Somali Transitional Federal Government (TFG) was created within the country to lower the tension caused by the civil war. With that, the law organs could gain strength and the foreign support of the USA and the UN itself increased the government's competence to ensure security.

In June 2008, the Somali Transitional Federal Government (TFG) sent a direct call for assistance to the President of the United Nations Security Council (UNSC) in order to increase the efforts to tackle acts of piracy off the coast of Somalia. After that, the UNSC instantly passed a resolution, which authorizes the countries that have the consent of the TFG to enter Somali territorial waters to fight against

maritime criminals. This proceeded with the creation of the Combined Task Force 151 to form a stronger opposition to these maritime crimes without any jurisdictional delimitation. On the other hand, the other countries do not possess that much of a potential for such activities since Somalia was the only country to face these rough conditions without an operational government. (For more details about different countries, please check the "Major Parties Involved" part.) The solution alternatives of the UN are still being proposed with various resolutions on this agenda but it is sure that these intergovernmental efforts are paying off since the maritime crime rate on the region in 2017 was counted the less than any other year of struggle in history. Despite these positive aspects, there are still attempts to take over vessels on the region. To reach the targeted deterrence, there is a lot to do for the UN and its member states.

Major Parties Involved

Eritrea

 After a long rebellious struggle, Eritrea could succeed to overthrow the Ethiopian governmental control and declare its independence in 1993 with a referendum. Surprisingly, the country does not own a risky crime rate thanks to the strictly autocratic domestic policy of the national government with extensive conscription laws of indefinite length. On the other hand, maritime crimes were not that an opportunity for potential criminals since there was still an ongoing border dispute with Ethiopia, in which the long-time foe does not have an intention to back up. The situation got into a stalemate and partial tranquility as the UN Peacekeeping Operations started on the region. Nowadays, the border dispute ended with the mutual peace deal between two governments. Eritrea was subject to several UN Security Council Resolutions which were imposing sanctions such as an arms embargo, a travel ban and assets freeze on certain individuals, in view of evidence that it has supported armed opposition groups in the region. As the time passed, UN lifted the sanctions from the state. Even though Eritrea does not comprise a considerable crime rate, it has a massive potential to help all those maritime crimes be annihilated since one of the longest coastlines off the Red Sea is in Eritrean control.

Djibouti

 In 2009, Japan constructed a military base consisting of a naval facility and infrastructure for ground support in Djibouti, in order to combat the rising actions of pirates in Northeast Africa, which was putting an obstacle to the trade income of Japanese government. On the other side, China has constructed another military base in Djibouti with the same purpose in 2017, since the massive trade project "One Belt, One Road" was announced by the government. This project had a direction which was passing directly through the Red Sea. These facilities, combined with the support of the UN (Combined Task Force 151) help the country a lot with overcoming through struggle against maritime crimes. With the maritime crime rates diminishing, Japan and China are still seeking ways to expand those facilities for bigger support. After taking these aspects into account, it is indisputable that Djibouti plays a key role to tackle the issue.

China's new trade project is offering huge support for countries near the Red Sea with its planned maritime roads.

Somalia

Piracy around Somalia began during the 1980s however quickened after the fall of the Somalian government in the mid-1990s. Initially, the pirated defended themselves by saying that they were expecting to stop the uncontrolled dumping of toxic waste and illegal fishing activities. After the fall of the Somali government, the

maritime crimes began to increase particularly as shipping organizations began paying ransoms, which could ascend to amounts like millions of dollars. The biggest participation in these illegal activities is from young and unemployed Somalis from regions of poor infrastructure like the Puntland. In 2004, the UN and USA supported the federal government started to take action since the jurisdictional system was the weakest leak of the state. Despite the support, the piracy enjoyed the gigantic opportunity of having the longest coastline in comparison to any and all African state. The most dangerous year was 2008 for the long coastline in which, 111 ships were attacked, 47 were hijacked and more than 300 crew members were taken, hostage. This was a huge turning point and after the year 2008, enormous support was given by governmental and intergovernmental organizations starting with the creation of the Combined Task Force 151. After 10 years of struggle, Somali could succeed to diminish the crime rates dramatically as The US Office of Naval Intelligence reported that only 9 vessels had been attacked during the year, with the total number of hijackings as 0, with the extra support, even if the state authority was not as strong as it was aimed. New worries emerged as it was reported that an Iranian fishing boat was hijacked in early 2018, which makes it clear that there is still a lot to be done before achieving the complete success against maritime crimes. Another important factor is that Somalia contains two autonomous states within its lands: Somaliland and Puntland. A strengthened employment sector and government support to its citizens are desperately needed to solve this problem in Somalia.

MOHAMMED DAHIR/AFP/GETTY IMAGES

Yemen

With the unceasing civil war, the public of Yemen is now in its worst days. The non-existence of a clear state authority brings out the largely restricted ways to have a regular income. Even if maritime crimes are not directly derived from the country, African piracy is showing its dramatic effects to damage the maritime roads and fishing incomes. Observing the fact that the country is the closest state outside of Africa to critical zones like Bab-el Mandeb, Yemen is one of the most suitable preferences of a criminal to flee. Yemeni police are trying to arrest fugitive pirates in its lands but the aforementioned lack in state authority is giving a clear opportunity for any suspect. Because of this geographical closeness, the country has the potential to be one of the biggest helpers to tackle the issue as a whole. International collaboration is strongly needed to benefit from countries like Yemen in such agendas.
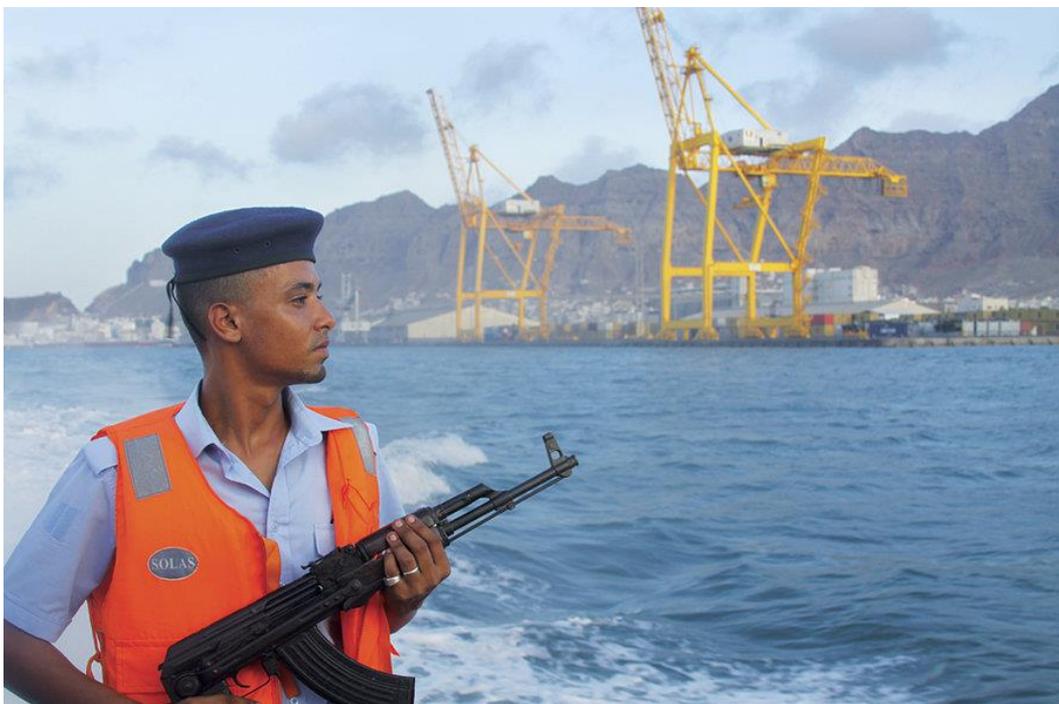
A sailor on patrol for the governmental organization "Yemen Coastal Guards".

Arab League

Besides from the Eastern African states, other Arab League members like Egypt, Sudan, and Saudi Arabia comprises a considerable portion of coastal lines through the Red Sea even if the maritime crimes and superior security violations are not commonly intended within those states. Every state in this region is a member of the Arab League which makes the entity a suitable possible collaboration path in order to combat with piracy.

International Maritime Organization (IMO)

IMO is one of the specialized agencies of the United Nations. It has to duty to set standards and create a regulatory framework for a fair and effective shipping industry, worldwide. Most importantly, IMO is currently working towards the 2030 Agenda for Sustainable Development and the associated SDGs (Sustainable Development Goals), which is unthinkable without making the international waters a safe maritime trade zone. It is a successful entity in order to confidence build confidence and mutual trust between UN Member states.

Timeline of Key Events

10 September 1982	The United Nations Convention on the Law of the Sea (UNCLOS) was held on the purpose of regulating the international legal issues on international waters.
19 August 1985	Jordan, Saudi Arabia, Sudan, Somalia. Palestine and Yemen assembled in order to sign the Jeddah Convention.
February 2004	Somalia's current Transitional Federal Government was established with the support of the UN and the USA.
12 January 2009	The Combined Task Force 151 was created under the authority of the UNSC as a deterrent measure for the ongoing pirate attacks in the Red Sea.
29 January 2009	Representatives of 17 regional governments met at an IMO- sponsored meeting 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.
January 2010	At a technical meeting on counter-piracy in Kampala, Uganda, the Transitional Federal Government, "Puntland" and "Somaliland" (autonomous states in Somalia) agreed to establish a three-member technical committee, Somali contact group on counter-piracy, to coordinate the activities of their respective counter-piracy offices and to start "The Kampala Process."
10 March 2010	$9,500,000 of ransom was paid for the Greek tanker Smyrni and her crew of 26 sailers.

18 November 2013	UNSC(United Nations Security Council) passed the resolution**(S/RES/2125)** to tighten Anti-Piracy Measures and to agree to consider the creation of Specialized Courts in Somalia.
December 2013	The US Office of Naval Intelligence reported that only 9 vessels had been attacked during the year, with the total number of hijackings as 0.

Region	Economic cost (in million U.S. dollars)	Human cost (in number of seafarers subjected to attacks)
East Africa	1,700	545

Graphic in the name of "Costs caused by maritime piracy in selected regions worldwide in 2016 (in billion U.S. dollars)" by Statista .

Previous Attempts to Resolve the Issue

Jeddah Convention – Regional Seas Program of UNEP

 Even if the Jeddah Convention did not have any articles related to the solution of all maritime crimes, it was the first time, the countries on coast of the Red Sea and the Gulf of Aden were collaborating to heal and take advantage of their geography by signing a regional treaty. The convention was getting pledges from governments of Jordan, Saudi Arabia, Sudan, Somalia. Palestine and Yemen to work together with environmental issues such as illegal fishing, pollution, et cetera, some of which were also counted as maritime crimes. After the first signing, the convention got ratified by the governments of Djibouti, Egypt. Tightens Anti-Piracy Measures, Agrees to Consider Creation of Specialized Courts in Somalia, Broader Region

UNSC (United Nations Security Council) Resolutions

 After the huge increase of maritime crimes in 2008, the UNSC decided to take direct action in order to help the countries of the near the Red Sea, which were incapable of coming up with a direct solution due to causes like border disputes or inner conflicts. After all, more than 20 resolutions were passed and this agenda is still discussed regularly. The UNSC became a key problem-saver, this can be seen from the dramatic decrease of success in piracy after 2008. This was possible with a new task force which was assisted by the military and navy of UN member states, whose name is "Combined Task Force 151(CTF 151)".

Combined Task Force 151(CTF 151)

 In the first actions taken by the UNSC, Combined Task Force 150 (CTF 150) was given the order to make the necessary maneuvers of a military force. The CTF 150 mainly dealt with terrorism and maritime security but a direct and focused force was needed since piracy was also a mission of law enforcement. The CTF 151 was created with the compact mission of ending piracy in the Red Sea. Just like stated below, it was a successful approach implemented by the UNSC because of the decreasing maritime crime rates. The CTF 151 comprises navy and army forces from Australia, Bulgaria, Canada, China, Colombia, Denmark, Finland, France, Germany, Greece, India, Iran, Italy, Japan, South Korea, Malaysia, Netherlands, Pakistan, Portugal, Romania, Russia, Singapore, Saudi Arabia, Spain, Sweden, Thailand, Turkey, United Kingdom, Ukraine, USA.

 In 2000, the Somalia National Peace Conference (SNPC) held in Djibouti it had the purpose of creating a consistent government and putting an end to the time of clans and warlords in Somalia. Even if it could partially succeed to hold a government, the strong intentions of Somali politicians went on with different attempts. This resulted in interim governments and various resignations of presidents in an 8-year period. The inconsistency affected the ethics of jurisdiction in Somalia, a country with a massive maritime criminal rate and number of pirates. Thus, weakened jurisdiction and law organs made many criminals remain unjudged. After the help of the UN, the Somali government is still trying to strengthen its central authority and enhance the

jurisdiction, which can be named as Somali Prison Development Programme. There are many maneuvers to be made in order to make this programme reach its purposes but starting from a point is a substantial movement.

The soldiers of Pakistan Navy in the Combined Task Force 151

Possible Solutions

It is safe to say that the UN overcome a significant obstacle in its 10 years-long struggle against maritime crimes in the Red Sea, but now a harder task waits to cut off the roots of these crimes completely. Without a doubt, the UN's contribution was the essential turning point and it led the criminals to hold off. On the other side, to prevent any more citizens being future criminals, a development programme, especially for countries with lacking state authority in the region is a crucial factor. It is crystal clear that the main reason for citizens turning into criminals is the unemployment, poverty, lack of infrastructure and non-existing tranquility. There must be a solution to generate regular incomes and quality living standards for the citizens of these aforementioned countries so that these citizens would not try to find illegal ways to have an income for themselves. Another key factor is the reconciliation between governments and citizens since the countries with coasts through the Red Sea, especially African states, are surrounded with many local forces like clans, etc. Stronger cooperation and strengthened intergovernmental bodies must be created between the aforementioned countries because of the fact

that they generally own the same domestic issues. These can be measured can be milestone factors to solve the issue with sustainability and development but nonetheless, these are clearly the longest, hardest ways which do not change the fact that they are unalterable.

The signatories of the Djibouti Code of Conduct, 29 January 2009.

Attacks by Somali pirates

NUMBER OF ACTUAL AND ATTEMPTED ATTACKS
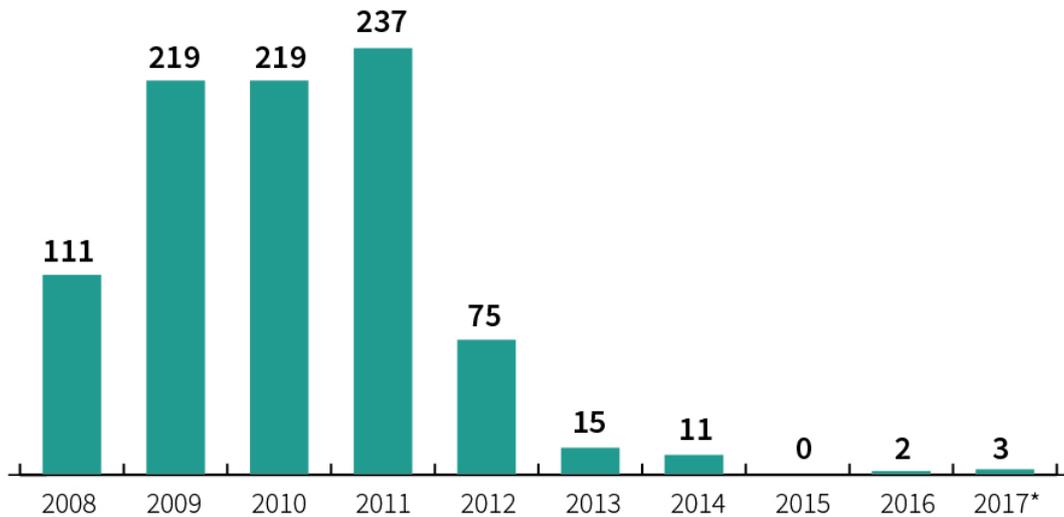
*Year to date

Note: Includes Gulf of Aden, Indian Ocean, Red Sea, Arabian Sea, Gulf of Oman, Somalia and Oman.
Source: ICC International Maritime Bureau.

Staff, 04/04/2017   REUTERS

The annual decrease in piracy in the region can be observed clearly.

Appendix/Appendices

A comprehensive political analysis on the issue:

https://journals.openedition.org/echogeo/11370#tocto1n1

The research portal for the study of maritime security and ocean governance. It publishes commentaries based on academic research(self-definition):

http://piracy-studies.org/

UN documents for piracy:

https://www.securitycouncilreport.org/un-documents/piracy/

Search engine for the United Nations Security Council Resolutions:

http://unscr.com/en

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